

**Transcription ICANN Dublin
Tuesday 20 October 2015
Non Commercial Stakeholder Group (NCSG)**

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Rafik Dammak: Okay. And it's time to start acting. Thank you everyone for coming to the noncommercial stakeholders group meeting today. Sorry for the delay. Our room was occupied by the board and we had to ask them to leave quickly. So I want to welcome those who are joining us today.

So we had the session and every ICANN meeting and we tried to go through several topics and on the agenda to businesses and also trying to do as well. And since we're doing and what other topics of interest we had. In terms of the agenda we will start first to get maybe some updates and reports from the two constituencies and to receive a handbook. And I made the small amendment.

I invited ICANN chief compliance officer but he will camp at 12:00 pm. So I think we'll start first to discussed about ICANN accountability to get some of the updates from those involved in the cost community working group. As far as I know we will do some reports about some work we're trying to do about that DIDP. And at 3:10 the co-chairs of the CCWG they are coming here and looking to listen from us and what we want and if we want to tell them something so I hope you are ready for that. Okay. So those other topics and

updates about human rights activities that will be done by (unintelligible) we can start with that have to be getting the report from the constituencies. Yes.

And we will handle any other business later. So our basic agenda I think we can start with the first ICANN which is an update from constituency about the morning session which is not take more than five or 10 minutes. I don't see (unintelligible) here so I'm not sure who do the report for instance. But we can start with (Inpuck) and I see Rudy.

Rudi Vansnick: Thank you Rafik. Rudi Vansnick for the transcript chair of (NPOC). We started a session at 9:30 like usually. And we started with welcoming new members to them talk. We discussed a little bit of the issues how they can get involved, be active in working groups and then we went over to the presentation by the co-chairs and the co-chair (unintelligible) from the course community working group accountability who gives them a very good view on what they are today.

What are the issues that are still not resolved and what can put we are going to eventually give to them. And was a very interesting session. And normally we would have (Fahd) joining us after that session but as you say we were not having the room on time because the board and the CEO had very intensive discussions and didn't allow him to come to our meeting. He came at the very end.

Meanwhile we're have been discussing the concerns that our community has related to the GTO the especially such a specific GOP's what we discovered and recently when we were trying to validate a new member. We discovered again that issue that quite often an organization not-for-profit has a list of gods or domain name. And after a few years there finding out that they are losing the domain name because first of all they didn't know that they had to renew. That's the first issue.

The second issue that we have seen and more and more is that the domain name is captured by the appropriation, commercial appropriation which goes against the idea of the trust factor of a dot are being dedicated to his specially to dot organizations and geodes so this is really a big issue. As they are losing all the investments they had been doing and even in our case it was a candidate come and advocate for them talk that we had to first look into why they mentioned there dot or domain name. Why it is in the hands of a corporation.

I was in an organization from Pakistan. So this is really something we need to go more in depth in it and look to how we could eventually look into enforcement of certain procedures to avoid certain registrars are catching are allowing to capture and not validating the real registrar behind it. So I think that is something that will be for Marrakesh the top of what we would try to concentrate on and divide all those that are needed to have an idea of how to address this is opposition.

Is what we see is that there is a lack of trust now and dot org and this is seeing us also in the number of registrations and renewals that are going down rather than being stable or increasing. So there is an issue. And by doing that we got a lot of input from the participants that were in the room identifying that indeed there are these issues but they are really related elements that most of them don't know that the domain name and most of the organizations think that they get it for life.

That once you get it you get it is for you have it and it's yours which is not true so there's a lot of awareness work that has to be addressed which fits into the discussions about that outreach to civil society in general. So that's a topic that we address. At the end we had to the visit of (Fahd) asking him what he perceives as being a mission, a task that and podcasts 6 dot with regard to the IANA transition. What can we do? Could the record to be helped? What are the elements that requires us to consult eventually still in our community?

In the last point we touched upon in the preparation for the Marrakesh meeting that we want to plan well in advance especially in the context of reaching out to the African region. For NGOs it's a very critical region. We need to work a lot on this at this is a lot of preparation. So that's where we have been focusing on at the end and with that I can conclude my report. I don't know if my colleagues have any other remarks or comments to add.

Man: Thanks Rudy. Any questions or comments? I think we're going to see maybe Milton can do the report.

Milton Mueller: I did it take the copy of the agenda with me so do you have that would be helpful. Dave would you bring that? The DMZ is the agenda? Yes. Thank you. Thanks.

So we had a very good turnout for our meeting - a lot of people. What if you need people? We began something by introducing these new people and we mainly ended up talking about the accountability, the transition issues, expressing some different views about that. Talking about strategy. Contrary to some of the other stakeholder groups I think people reason our constituency were feeling like that gravitation toward a designator model and away from the membership model is not a good thing.

And we wanted to know more about the implications of this for accountability and we decided that we really thought that they should be a public comment period for the new plan which looks like it is in fact going to happen. And we got to continue our discussion of the accountability issue when we were visited by Assistant Secretary of Commerce Larry Strickling and his assistant Fiona Alexander and got to ask them direct questions about the transition. In particular we asked them about the process of getting the transition through Congress that we tried to draw them out about his opinion about a different models. Of course, he was not too forthcoming on that.

He wants to make it up to us. I we asked them about the boot zone management modification where we learned I think somewhat new information namely that he thinks that the actual arrangements between ICANN and VeriSign will be after the transition. And will be designed after the transition rather than during the transition. And we made it clear to him that we think that should be something subject to public input and public approval to a comment process; anything to agree with that.

And then following on our sweet 16 birthday party on Sunday night we had a discussion about our history with me and Kathy Kleinman coming in from only talk about the very earliest formative days. And then that led into some of the discussions of the Westlake reports and our disagreement with the model that would break up the NCST 1115 into any number of constituencies. And some of the need for administrative matters such as the revision of our charter and bylaws going forward and possible incorporation. So that's - did I forget anything that was important? Does anybody who was there remember? Okay, thanks Jane.

Man: Okay, thanks Milton. Any questions or comments? So we can move to the next agenda item and we will go with the audience. I think we'll share the - we had some slides and we shared the and then we will connect. Marianne, can you do that? And now let's go to Neil.

Neil: Hello, thank you very much for the floor. I think I'll give you a very short update on the work, on the cross community working party on ICANN's corporate and social responsibility to respect human rights. The next slide please.

We've been continuing with a discussion and the work since ICANN 50 where they work on human rights with the converts to even though a lot of champions have been working on human rights and ICANN for quite a while. But was the report of the Council of Europe it really spurred a new discussion. But then continues that ICANN 51 in LA where we had a session about this

as well. The cross community working part of ICANN's corporate social responsibility to respect human rights was formed. We have sessions with the guts working group on human rights and international law that was formed there as well. And we published a report was published by Bart Clementine. And slide back please.

And Buenos Aires we also had a session and in the reporter right now we are and ICANN 54 in Dublin and we have a first report that is really a product of the cross community working party itself. I have printed copies. The US list was also available for presenting that and Lake Tamara at our session at nine o'clock. Next slide please.

So we're doing this work of course because ICANN policy and operations have the potential to impact human rights. Next slide please.

So we have a charter which tells us that we're doing awareness raising, doing mapping on possible cases and come up with plans on how these risks can be remediated. Next slide please.

It is good to know that different processes are ongoing. So there's the good working group on human rights and international law that the human rights of the discussed in the cross community working group on accountability. Especially in working party for will be seen to have a consensus on human rights language and, of course, in the cross community working party on human rights. Next slide please.

So you're all very much invited to join a follow the work. Even on the mailing list the documents can be found on the website and of course during the session tomorrow morning at nine. But at five and would also be great if you could join because that is where we're going to shape the work up to the meeting and Marrakesh. So you can really volunteer, tell us what we do, and I was should approach it so that it will be a real practical session. Rafik, I don't know if you want us to give a very short rundown of the report for the

people interested who cannot make the session tomorrow. Would that be okay?

Rafik Dammak: Yes. You know how I like to be brief so you can do it.

Man: Okay. So for that I will hand over to a new face here (Motokar Izella).

(Motokar Izella): Thank you very much. Argue able to call up the slides on your screen so that ICANN look at that at the same time. So good afternoon everybody. I would just quickly take you through the report but not in a great level of detail. And before I do that I just want to thank everybody for commenting on the report. It was made better because of the participation. So are you are familiar with the UN guiding principles on business and human rights? Yes? No? Okay. So we just take you through that very quickly. Next slide please.

So the guiding principles were unanimously endorsed by the human rights Council in 2011 and today there supported by governments, businesses and civil societies. So with something extremely influential and authoritative. And the guidelines of the name suggests apply to business enterprises in all sectors and regions. So it's really become a common reference point and particularly for the information communication technology center. Next slide please.

So basically what the guidelines say is a governments have the responsibility to protect human rights including protecting from business abuses of human rights. The companies have the responsibility to respect human rights and everybody has a responsibility to make sure that there are adequate remedies. So I often get asked what you mean by human rights pick in this context we been the international bill of human rights and the eight core ILO conventions on labor standards. We can come back to discuss exactly what that means for this community.

So the corporate responsibility to respect that means the corporate entity has to carry out some kind of a due diligence process in order to avoid, prevent or mitigate adverse human rights impacts. And that means you have to review your own activity to find out how they impact human rights as well as reviewing your business relationship with other entities in order to find out what other entities are doing. And that's going to be tricky vis-à-vis the registry and registrars in the ICANN context. But the guiding principles also say that the name of the level of severity you can prioritize so we don't have to do everything all at once. Next slide please.

So why are these guiding principles relevant? Well, on the one hand ICANN is a nonprofit organization. On the other hand it has a lot of characteristics of a business. ICANN's experience influential in a business relationship and can influence Internet content. Definitely influences businesses in many ways. And because the UNRP's are widely recognized as relevant also and the information communication technology sector. We think that this is an authoritative source particularly for dealing with issues like privacy and data protection issues. Next slide please.

So this sounds terribly overwhelming what I want to say is that there is a lot of energy within ICANN to tackle a lot of governance issues and human rights can definitely be understood as one of the governance issues that ICANN should be open to. And what we suggest is that we should build on the current momentum and to take this momentum into the next step and the next step in and measured but consistent approach.

So what this might mean in the immediate future is to figure out what the human rights issues are a connection with the policy development process within ICANN and also to potentially produce a report that publicly discloses what the application of a human rights lens might mean to a development process. There are a lot of other things ICANN can do suggest to look at the entire ICANN operations beyond policy development and to develop a human rights policy.

Also carry out a very comprehensive human rights and take assessment at the corporate level. Also think about corporate social responsibility strategy and report. But regardless of what happens our suggestion would be that this human rights conversation take place alongside ICANN's overall discussion on values and risk management so that human rights discussions doesn't take place aside from and separate from ICANN operations. And with that thank you. And we're happy to take some questions if there's any.

Rafik Dammak: Thank you very much for this presentation. So let's take some question or comments to this. Yes Rudy?

Rudy: Thank you for the presentation. It's quite interesting. Although this page - if we can stay on this page. There was a sentence mentioned that ICANN influences Internet content. I'm not sure how you see that as far as I know ICANN is not covering content. They are doing domain names but they are not covering content so I would like to know what you mean with influential Internet content?

(Marilyn Cade): Thank you very much for this presentation. This is Marilyn speaking for the record. There is a question that has been emerging over and over and we're discussing the change and the bylaws which is the limits of the responsibility that ICANN would have with regard to third-party registrants specifically regarding the CTGLD's. There is a policy development process that takes place inside the umbrella of your organization that develops policy for a country level called .leveldomain.

But many of these country codes are somehow subject to national jurisdictions. One of the questions that have been raised is that if there is a national the delegation of a CCTLD from one body to the other because the government somehow want to have access - the data of individuals that are registering domain names or because the government wants to put in place

some kind of censorship policy on the national level. Would ICANN somehow be responsible for that?

Would ICANN have the responsibility to deny this delegation are based on the commitments that we are introducing? Or just trying to understand in which stage ICANN is not responsible anymore and how we draw this line. I'm just asking because it's a question that may be relevant for us not exactly now but further down the road. Thanks.

Man: Thank you for these both excellent questions. So first to your question Rudy. We're definitely not propagating here that ICANN should get into the target business. What's meant here is the content as domain names itself can be expression that's meant but it's were not aiming to ICANN to please the content of websites whatsoever and we think that ICANN should strongly stay within the scope and mission. So I hope that's...

And Maria, to your answers so I don't think we had a ready-made answer yet. So this is definitely cases that we need to analyze. But if I would give an answer or reiterate on something that (Motokar) said earlier is that we do not need ICANN to protect human rights and countries. So if a company is held by that country's law that ICANN should not - that's not something that ICANN should be abdicating for the change of law and the specific country.

That's a commitment also that the responsibility of the international committee. That's not something that ICANN should be doing. So we need to see - and I think what is very important is that there is a transparency and understanding of what is going on in a different environment and I think that is a not application that ICANN can have are that we can work towards us to understanding what the impact of different policy and contracts and operations are. And I think we should first try to make that visible and the develop proper policies for that.

Rafik Dammak: Okay, thanks Neil.

Woman: Can I make just one comment?

Rafik Dammak: Yes you can make comment. Yes. But I want to say that you have some of his in the queue. So please go ahead.

Woman: Okay. Maria, again for the record. Just that they may be would be useful - and I understand that each organization will have to draw its own lines so I think you're absolutely correct in your answers. Maybe to be useful for us to look at other organizations on how they had been drawing the lines. I mean when the responsibility ceases and the third-party assume the responsibility for it just on a comparative analogies would be good.

(Motokar Izella): Thank you, this is (Motokar Izella). That analysis is normally carried out through the process of a comprehensive human rights impact assessment in which a business entity looks at its own causing of human rights impact, contributing to human rights impact in creating human rights impacts to business relationships. So there are 3 different tiers that are specified in the guiding principles.

And so here were talking about ICANN's contractual relationship with registrars. And we're going to have to look - analyze that contractual relationship to figure out what kind of human rights or responsibilities could be undertaken by the registrars which will be influenced by the country context among other things. And so it's a fairly complicated analysis. But also I want to stress that the guiding principles don't say if you have a problem with a business relationship you must ditch it tomorrow.

So you have to actually engage with that business relationship to see how you can improve it from a human rights point of view. And you also have to take the country context into account. You also have to figure out how severe the human rights impacts are and depending of that you can prioritize. So it's actually a very practical framework. And so I just want to assure everybody

that it is not so black and white, and that a lot of judgments will be required. But for something like this it would be very advisable for us to have a very comprehensive tool that lets us look at all these different scenarios and draw a proper line. Thank you.

Rafik Dammak: Okay, thanks. So we have Milton then Monica.

Milton Mueller: Thanks, Milton Mueller for the record. Thing I'm very supportive of this. But let me ask a couple of questions. I know many organizations, many corporations have not signed up to the working principles. Many of those organizations or corporations are in the fast-moving consumer goods and other spaces that have a very direct impact on consumers. So what is argument here that - and I'm asking the next question because it will be asked again.

What is argument here that ICANN should invest in looking at the working principles and taking those forward. It's the question that's going to come up again and again and I think they need to be a very good example. I'd like to come back to Maria's question which is I think the way that we need to look at this is to say here are some leading class corporations that have signed up. These of the reasons why. And here's some leading class organizations that have adopted an implemented CSR policies and hear the reasons why. And I think that needs to come first when explaining what we're doing and why we're trying to do it here. So I'm supportive just a note of caution. Thanks.

Rafik Dammak: Thanks Milton. Monica.

Monica: Hey Monica (unintelligible) for the record. I just came out of my NextJen session and we had a chance to talk with a lawyer in there with the ICANN legal staff and apPerrintly all of our NextJen people really wanted to know more people what I wanted to say was the cost estimate is about Niels was saying that yeah we only want to look at the domain names and we don't want to look into the content and all the time each time we talk on these issues each time it seems that many people think that we are saying that

ICANN should take the role of a champion of human rights or something. But I wanted to point out is that actually try to do the very opposite. Take for example the RIAA agreement.

I would say in that situation with the agreement was adopted despite all the concerns. In fact, ICANN I would say was used by several governments to create a substantial rule, let's say anti-human rights but whatever. But it was used. It was totally out of its remnant. So if we say that its remnant is only to do certain things but in fact the RAA agreement is the very opposite. It establishes the substantial rules that are illegal in Europe at least and perhaps in many places in the world.

So I would say we can even market our campaign is actually putting the limits back onto I'm cans limits because it was not the remnant to create new rules for law enforcement to have access to personal data. I would say that could be part of our strategy to say that we are doing the very opposite rather than extending that primitive were just trying to put that limits back. Thank you.

Rafik Dammak: Thanks Monica. So do you want to respond? Maybe I'm checking behind anyone, yes, Stephanie?

Stephanie Perrin: Stephanie Perrin for the record. I just want to fully endorse what Monica just said. The question is strategically how do we do that? I would suggest that the earlier we point out that part of this initiative is to draw that bright line between content and carriage the faster we will stop having our potential supporters being picked off on these grounds. Because I would say that some parties have legitimate fears that this will open up another way to intrude into content and I think it's a real risk that we should address early on. Thanks.

(Motokar Izella): So this is (Motokar Izella). Coming back to Matthew's question I would say for a profit companies what drives them to adopt the ruggy principles. First of all they are concerns about risk, reputational risks, nonfinancial risk and evil

commercial risks. And today is also the case that not only management is asking for risk management but also the board because of new corporate governance principles that require the board to take into account concerns of stakeholders and potential human rights impacts on stakeholders and therefore there is a pressure coming definitely from the corporate governance side just as much as the risk assessment side.

And I would say also that the companies that are listing the shares in stock markets that there are shareholders and investors who are asking for companies to demonstrate the human rights performance. Now, it's a little difficult to translate that directly to an entity like ICANN but the other analogy that I would bring would be organizations, professional organizations like the American Bar Association, the international Bar Association, some stock exchanges, it is the associations. Also, taking up rugby principles. Not because for themselves but also because of their business relationships and entities that they sponsor and promote because of entities should be aware of the consequences of not applying the guiding principles.

So I think a lot of it has to do with differences measures and somebody's we have to do with PR definitely. But I think what's useful for this discussion to happen - it will be useful ICANN to have this discussion to understand exactly what the level of risks are. I think that's really the beginning. Thank you.

Man: I think that's exactly what everyone needs to hear that what you just laid out. What are the risks? What's the public perception issue? What the impact on the external customers, etc. etc.? But that needs to come up front.

Man: Thank you Stephanie and Monica. I think that is actually a real great point and I would like to invite you but I'm not already stepping ahead of the session of tomorrow afternoon. It's why where we would discuss how we will continue but trying to do that. I think it would really help if we would document cases that have been happening in the past so that we not only talking about abstract things that could happen but that could really bring it back home.

Maria has already been working with a group on a great mapping. And if we do a bit more careful analysis so were now coming up with a bit of a framework do a drop of a few cases that we properly analyze and then we can also infer from that. So I would like to invite you cause you are ready have also great materials and great analysis that you have made. So I really like to build on that and take that works further there. So I really hope that we can have a discussion there. Nice. Thank you.

Monica: I'm sorry, I just wanted to make one point. Doesn't all these points that you just mentioned, doesn't it bring us to the fact that actually is the registry and that this does that are like our bargaining points because it's them who actually suffer and those contractual risk-adjusted they have to violate the law. They have to apply for those favors which is the biggest tragedy of law I would say. And they are the people that would have to deal with because they are the data of control is.

So this means that ICANN itself is in this loop because it says we are not the data controllers, we're not responsible. We don't do anything so that national data protection Authority cannot even sue it or do anything about it because it's only the national registries and registrars that are doing those things. So I would say our bargaining point and strategy would be them to actually use it as a main source of concern because of those contractual relationships with them to suffer most I think.

Rafik Dammak: Thanks Monica. But try to see if there are - okay Stephanie.

Stephanie Perrin: Pardon me for speaking again. It Stephanie Perrin for the record. I think the issue on privacy is pretty clear-cut. The less clear-cut examples I give you the illicit pharmacies. The registrars are again forced into being and forces for something that is arguably not in the remit of ICANN. It's really none of that this is what goes on the website. So that's an example of content enforcement through the contracts. So we should really have a chance with

the registrars and, with a few concrete examples. I'm in the privacy ones are dead easy. The other was on little more difficult. So we'll try to do that before your meeting. Thanks.

Man: Thank you very much for those comments. Great.

Rafik Dammak: And try to check if there are any new further questions or comments. So (unintelligible) if you want to you wrap up here or not sure. I mean maybe just to give some additional information about the decision tomorrow or your report if you want to.

Man: Yeah, so I got printed copy here available. I will be presenting in much more detail - I will be discussing the report in detail during the session tomorrow. So you very much invited to that. Please also join the mailing list. Your comments questions are more than welcome and I will be looking forward to working on this also at Marrakesh and also supporting the work in work stream one in the cross community working group on accountability. So I think that's pretty much it. And I'm also happy to take your questions off-line in real life after this meeting.

Rafik Dammak: Okay, thanks Neil. So now we will move to the accountability agenda item. We will have our guest coming maybe in 20 minutes so before that ICANN start discussing and maybe if Robin, our representative in CCWG can give of a short brief about the main issues and I think what happened lately in Dublin discussions.

Robin Gross: This is Robin Gross for the record. Thanks Rafik. So we've been working pretty fast and furiously on this accountability cross community working group for the last ten months or so and we've revolved our proposal quite a bit. As you may know we originally started out a few months ago with our first draft proposal which was for a ICANN to transform and train to a membership Corporation that will provide specific sense of powers to the members as in the people and then in our second draft proposal that was evolved into what

they were calling a sole member model where all the SO's and AC's together with comprise the sole member in the membership model.

And then we will put that off of public comment. And there wasn't a great deal of consensus around that. There were some complaints, some concerns and then the board said that they won't accept the membership model. And so as a result of that a lot of people in the community are sort of moving to a designator model whereby the SO's and AC's would be designators which is really what we are now except we're not - we don't have our board removal rights. So it's a much less of a shift but it doesn't provide the same level of power and enforcement to the community that the membership model would. So this is still something that is very much up in the air right now.

There's a lot of shifting, a lot of pressure unfortunately. The board in the staff has really been on sort of this full-court press to try to get the community to move back from the membership model and towards the designator model presumably because it has less power to the community. But we're working very hard to try to catch some of those holes and to see if we can to perhaps bylaws, provisions or other types of internal processes and operations try to create the kind of community empowerment that we need.

So this is an issue that we really going to be working on all week long here. And there also reforms coming into the independent review process, the IRP as it's called which is a process by which - if you've been materially harmed by decision of ICANN or inaction of ICANN's what they should've taken that you should file a basically an arbitration type of complaint and had that issue adjudicating it was sort of a sham of a process up until this point. And I think we really are putting some keys in that process and it will be a significant accountability tools for the community when we were finished here. We're moving toward ensuring that we have board recall rights.

This is something that particular the nominating committee appointed board members have been fighting pretty hard against the community is pretty

resolved that this is a right that we really want and were not going to back down from. With improved the reconsideration request process and made that were accessible and much more fair process were working on some of the transPerrincy issues. Ed Morris has any nice job of really pushing that issue particularly the inspection rights, corporate expression rights and the DIDP. Although the DI PD will probably be done work stream two of this accountability working group which means after the transition the - IANA transition.

So we've got a lot of balls in the air so to speak in moving parts. And despite all the pressure that we've had and the changes that we made us to feel like we're going to get there because I'm going to be under the timeline that the staff has is proposing but I don't believe it but I remember last year when they give us the time with that we would transition this past September 30, I called the fantasy, and I think we're still somewhat unrealistic about how much work is yet to be done. And I think coming in of this week were going to have to come up with a new proposal - not an entirely new proposal but a new proposal to go out for public comment.

I think that's something that is an entirely decided yet. It is just disposable go out for public comment but I think it must because there are important changes that are being made. And one of the issues the inclusion of the human rights language and the bylaws which is something that we forfeit pretty hard in the early part of this process and I were just working on getting some of the language refined that I forget anything else that everyone is in this process you want to try and man some of the issues are moving parts in the air.

I'd like folks to encourage during the public phone this week to make sure that we encourage the board to make sure this proposal goes out for another public comment. Because I think this is just so important of an issue that we really are going to need to hear from the community on the issues. There are

important changes that are being made. So I think that's important. A lot of people don't want to go out.

And I shouldn't say a lot of people. A couple, powerful people don't want it to go out for public comment again because it's a rush, it's a rush, rush, rush, rush, rush to get the transition done. But I think that's a mistake. So I think that it's important that we make sure that this goes out again we take our time, we do it right so we don't - the stakes are too high to just do sort of a restaurant at the last minute so we can rush to the IANA transition. Does anyone have any questions on that? I talked for longer than I thought I would. Sorry.

Rafik Dammak: Yes Robin. I think we got some questions. So we have first Klaus and we have a question from Brendon. Only connected gentlemen?

Klaus Stoll: Thank you Robin. Putting together I'm developing a little bit schizophrenic at a moment and I need a little bit... Okay, I'm getting a little bit schizophrenic because I'm hearing too many things from too many people. So let me bring things together on two points.

On the public comment period - some people say we needed some people we don't need it but what except most looks given a particular realities of the American states the Iowa caucus if we go into a public comment period we can forget the whole transition anyway. Is that right, is that wrong does that make any sense?

Robin Gross: This is Robin. I can give you my view. I don't think that's right. I think that sort of stuff fud, the fear uncertainty doubt that we hear from a lot of folks who want us to rush and oneness do it quickly. That's not to say there is a pressure. But of course this pressure but I don't think it is quite as dire as others do. I'm not as afraid of a Republican president or I'm not as afraid of the big bad IT coming in and taking this away. I think we can weather those storms. It's not to say there isn't going to be a storm but I think we can

weather it. That's my view. And I know others feel differently. So please chime in.

Rafik Dammak: Okay thanks Robin. So we will take questions and then you can answer. So first (Marilyn) can you read the question from Brendon?

(Marilyn Cade): Has ICANN produced a summary report of the comments received on a second proposal? In lieu of this has CCW to produce such an analysis. I'm concerned the public comments are not getting adequate weight in the process or revising the proposal? That's a question from Brendan.

Woman: Thank you. We have been working on this public comment analysis for the last month. I think the comment. Closed August 12 and then we sort of finished with the individual pieces of the public comment period October 12 a month later. So we worked on that. And in this week we just really been sort of trying to focus on coming up with some consensus. I do agree that unfortunately the board pressure is taking more predominance than the public comments have unfortunately.

But those of us in the working group I really try to pay attention to these comments and in the analysis that we did we would say these are the issues, these were the comment that we got back, these are the areas we need to fix it so we working on that now. I don't think that our analysis has been all put together in one pack and gone out yet. But it has been done. And that's something that I expect will go out in the next few days. Maria already knows a little more. Thanks.

Avri Doria: Part of what happens is - this is our Avri Doria speaking. Part of the first synthesis of all the comments and what's commonly called a common tool has indeed been done, listing all of them. We have been working through. But normally the actual thing that gets published is not only the comments and their synthesis how we treated them. And I think we're still in the process of finishing - on dealing with them.

So the analysis has been done and we have been working through the - for example the answers to some of the comments won't really be known until we've actually finish the discussions were in the middle of. But I totally agree that among the comments one set of comments have been more week will and all the other comments and that's the board's comments have been the most equal of the comments that we've had.

Rafik Dammak: Thanks Avri. Can you please state your name?

Shane Kerr: I'm Shane Kerr and I apologize. I have a lot of questions and is probably due to my complete ignorance of this topic. So I guess one question is - there has been a lot of references to resistance to the accountability to changes proposed by the board. Is that a universal or is it certain segments of the board or what's the story there?

Woman: When you say the proposal by the board are you talking about the (mem) model that they put out?

Shane Kerr: The rejection of the membership-based organization and the push for a faster deadline and things. I mean basically it sounds like the board has a lot of interest and meddling with this. In my question is and makes a solid support is of one mind - and my question is, are they?

Woman: I don't think they are quite as of one mind as may be the chair when he speaks on behalf of the board or the CEO speaks which would have you believe - I mean they claimed the board is unanimous against the membership model. But you know I bet they actually had - were forced to take that to a vote I don't know that they would be able to get the two thirds of the board required to reject that. I really don't know.

They would also say that concern is for the changing of the corporate structure from a currently designator model to a membership model. They

think that is more complicated. It's not lightweight. And I think there might be some arguments of that. I'm not sure it's really that much of a change but a little bit, sure. But I think most of the resistance were getting is -I mean, this has been a board that has been entirely without accountability. No checks and balances on what it does. And it's kind of a shocking wake-up call for these folks that they are actually going to have to be responsive to the community and follow the wishes of the community who appoints them to this position of power. So I think we're going to come out of it a much better ICANN. But that's a pretty low bar.

Shane Kerr: Oh, ouch. I guess another question I have is you also mentioned resistance to these changes from the ICANN staff as well. In my question is what role do they have in this decision or discussion at all?

Woman: Well it's an open working group innocence that anyone can show up and anyone can participate. And so we've gotten a lot of participation from the border from the staff, the staff legal department in particular has been very active in participating in this. And (Fahd), the CEO has been made a few performances on this issue. And our working groups have come up with some suggestions for the group to consider. So the staff has been very active as well. They both have.

Shane Kerr: Okay. And is the time or do we...

Rusty: Yes, you can ask a short question.

Shane Kerr: Okay hopefully short question. I guess you may have already answered part of this. But you mentioned that there was concern about the timeline because it was viewed as someone coupled to the transition; right? The NTIA transition? And I guess the concern about that is that I guess I don't understand the concern.

Woman: Well when it was announced that the NTIA would be stepping back that essentially meant that there wasn't going to be any sort of backstop. The small sliver of the accountability if you will that we had with the NTIA and so when they said they were stepping back that created quite a scare and a concern in the community that we were going to let this organization sort of go off without any sort of checks and balances.

So the thought was we needed to reform ICANN's accountability problems before there can be a transition. So you know a lot of people who wanted the transition to happen really fast said that we, the accountability group, we have to hurry up in order to meet their deadline when they want to have a transition. That simply isn't true. The transition does not happen until ICANN's accountability problems have been fixed. And it can't work any other way.
Thanks.

Shane Kerr: So there is indeed a very strong link.

Woman: Very strong connection. It doesn't happen until we're done.

Shane Kerr: Okay, okay.

Rafik Dammak: Okay thanks. So we have in the queue Milton and then Aaron. And if someone they are the one to ask questions? Yes Milton.

Milton Mueller: Okay so it's almost so long ago that he probably have forgotten what Klaus asked. But essentially the primaries have really little to do with the transition. The point here is that the current US president is not running for reelection so he can proceed with the transition until and unless - as long as he's in power; and until and unless it becomes such a huge liability that whoever his successor is in the Democratic Party would plead with him to call it off. And I don't think it's going to be that big of an issue. It's just not comparable to something like the economy or the Syrian situation. So we really do have until September 2016 which is when the contract expires. Now that goes beyond

the US election and we have a new president do we have trouble. Even if the US president is sympathetic there will be a hiatus and people responsible and being shuffled around. So things have to be a motion before the election is over.

I also wanted to respond to change question about the board. Just before we had a meeting here there was a secret closed meeting of the board which I stumbled into because I thought I could just come here and sit and wait for our meeting to start before I was chased out I heard them essentially going through how afraid they were of certain provisions. I heard was talking, complaining about the IRP and how they did know who the judges were.

And essentially I think that the people who really are in control of the board are the dominant faction of the board are in a very strong position to essentially I guess brainwash - it's not a fair word but certainly to really get the board whipped up about all the threats to the organization. So I would just say it's the most convenient and not terribly inaccurate thing to say if the board and the staff are really pushing against the membership plan and various other forms of accountability.

And again it's perfectly normal because if any group that power is going to be limited it's going to resist that. And they will think of all kinds of reasons why. Some of which may be valid - why they should continue to enjoy the latitude that they have. So we shouldn't be surprised about that but we certainly should not let that - I think it was tragic the way the CCWG process was hijacked essentially. Instead of saying the board was just one more public comment and they go into a full public comment analysis and seeing how many people agreed with them. You guys stopped everything, started negotiating directly with the board and they did ridiculous (mem) counterproposal on a par with the models that you have been talking with. It was really quite a sight to see.

Rafik Dammak: Okay, thanks Milton. I thought that maybe Aron wanted to make comment before we go to... Okay thanks. So we have our guests coming in before time. That's nice for them. So we have Kay, we have Maxim and Thomas here. So they want to come to our session. They had several CCW sessions with the last days and they wanted to hear from us may be. And maybe if they have some questions to (unintelligible). So who wants to start? Thomas?

Thomas: This is just to say thank you for the invitation. I think that after the engagement session and all the previous communication that we issued might not be necessary for us to do a presentation on where we are. I think you very much know where we are. But this is more to solicit your feedback on where we are. How we will best proceed and whether you have questions for us. I was asked to be brief. I think that was brief.

Rafik Dammak: That was surprisingly too brief. Thanks Thomas. Okay, questions.

James Gannon: When can I have my life back? No thanks for coming. And for those of us who have spent a long time on this and I think it's important to note that we've made a lot of progress in the last two days, in the last few weeks. And what do you see for those people in the room because you have a number of people here are new. What do you see the next few weeks, and the next few months looking like? And what's going to be the process and now to try and come to a consensus and what do you think we could do with regards to a second public comment period? Do you feel that we might need that, and generally what are our goals to the endgame now?

Rafik Dammak: I think that you might wish to add to the timeline because he is the master of figures. I try to avoid figures by focusing on words. This is why I studied law. I guess my horizon doesn't go far beyond the next few days.

Thomas: I think the meeting tomorrow is going to be the next important step after hearing from the constituent part of the community today. I'm not sure what did the agenda has been has been circulated as of yet. But it is our plan to

have a first reading on a decision on the enforcement model confirmed the group's views on the enforcement model on the meeting after that in order to ensure that we can focus on ironing out the last wrinkles and really flushing out the details.

As you know I hate this phrase but actually something is in the detail what some called the devil. And we need to make sure that everyone gets on paper what our group has developed. So we need to push certain things over to our lawyers to write it up so that everybody can do a consistency check and see where all the concerns are addressed. So we need to really wrap up and confirm consensus on as many areas as we possibly can. And once we know how much change we had we need to discuss whether we need an additional comment.

Whether we think it's just refinement of what we have. That we can go without another public comment period. But I think that we really need to listen to the group after we know the level of change. What we best do in order to maintain the legitimacy of the process.

(Matthew Harris): Thank you Thomas and thank you everyone for the invitation. Thank you Rafik. I think Mike Thomas, my horizon is basically two days going home after this meeting and that will be it. That will be already good. But if you look slightly further I mean does one seem certain. There's a stretch coming for drafting so volunteers will be once again very much put to some hard work and that's going to be challenging because obviously (unintelligible) is starting to step in - has stepped in for many. And it is the question that will have to be addressed before we leave Dublin about what the overall timeframe looks like for the report.

And our key priority has always been how to process that legitimately. That is building consensus across a very white community and at the same time we don't want to stretch it out for the benefit of stretching that out. So that's going

to be one of the key discussions and the next to working sessions that we have while we're here in Dublin.

Rafik Dammak: Thanks Matthew. We have and then Milton.

Milton an: Thank you Rafik. Matthew, Thomas, Leon and (unintelligible). Thank you for all the hours that you put in on the... I'm sure there are others see that appreciate your efforts. My personal assessment of the situation right now given that we have to somewhat competing models is that is there is now a sense of urgency in getting to the finish line. So I wanted to put this open and a question to both of you.

What is your biggest concern as of now as we debate, as we discussed the two models and the specific properties? Because we so yesterday in the opening meeting that the board also the statement, started in the meeting with a statement saying they support the designator model or whatever. And the details of the designator model came much later. You know, we sat down and started comparing the designator models key features only much later. So it was not really clear what the board agreed to in the first place. So given there is some sense of urgency that is driving the meeting possibly because of some body building so I just wanted to ask what could be your big concerns of the states? Thanks.

Matthew Harris: I think Thomas and I reset from the start the key concern is to get to a proposal that is a consensus proposal and that is simple enough to explain so it stands a chance. That's really the overarching concerns. And as you said there's some model discussion which is currently in discussion which we each closed. There are other aspects that we need to make sure we refine correctly so that we fit into this definition of a successful outcome of this group.

Rafik Dammak: Okay thanks Matthew. I think we have now in the queue Milton. And then Matthew, the (Meas) and then Carlos. Milton?

Milton Mueller: So you guys have a lot of work to do. It's a tough job and I understand your interest in getting it concluded. One point would like to make is I want to know what you agree with me that any move away from a membership model would absolutely require a public comment period. You've essentially shifted the model for the last public comment. And will is very consequential.

All kinds of site deals essentially would have to be made with accountability advocates to make designator acceptable to them. And so we need to think about those site deals. So do you agree with me that there simply not an option to fail to have public comment period. And oh, by the way we talk to Strickling about this this morning. He doesn't see any time constraints. I mean there are time constraints but he doesn't think whatever it is a two-month additional. Required to actually digest what has been worked out here would be necessary. So do you agree with that?

Man: Despite the language issue can you enlighten me on what the site deals are that you are including two?

Man: Well, for example I for somebody say well if we're not going to get enforcement to the court the week have to have more transPerrincy requirements because then we can know what the board is doing better so that we can arbitrate these issues. It some kind of trade-offs like that where it wasn't originally part of the designator model but it would become - you've essentially you're trying to stretch designators as far as you possibly can and that requires some creative arrangements. So we need to - yeah, that's one example of a trade-off that I've heard.

Man: Understood. Let me just go on the record saying that we talk about you it's not the co-chairs have changed the model. Is the group that has come to the conclusion only see a lot of traction for looking into an SO designator model or at least in analyzing further what can be done to make it acceptable for everyone, i.e., to meet criteria. I think the most important thing for us is to

really ensure that we meet (unintelligible) criteria that we meet, that we meet NTIA criteria, that we meet the criteria established by our group and then match that against both models and see what works and what doesn't work.

So I think that you can look at the requirements for public comment and different ways. I think if you look at let's say the notion of weighted voting versus consensus that something that became very evident from the public comment that we need to look into that. And I guess that's the main topic. A major improvement of the proposal that we currently have on the table which is not inherent in either of the options.

So I think this is an example to say that once we have come to a conclusion on the legal enforceability model we need to decide how much of a change - and I think that when it comes to public comment we can think of ways to structure our work plan to maybe have public comment period and in peril submit things to the charter organization to make some time. But I think this is something for the group to discuss and I think it's premature to discuss this or to settle on this today. But I think let me...

(Thomas): That we have broad as possible by in. And if our group thinks that we need another public consultation then we should have it right? So we are certainly not intending to cut that short.

Man: Thanks (Thomas). We have Matthew in the queue. Yes.

Matthew Shears: Yes Matthew Shears. Just going back to a point I think it was raised earlier on by (Aaron) is that we've spent yesterday we spent a very productive session going looking at the enforcement the comparison between the two models. And we spent a lot of time on power seven on the separation issue.

I'm hoping that we will be able to go through the same exercise for the other ones because I think that is an enlightening approach. And it allows

everybody to understand exactly what the differences are. And that's essential to knowing where we stand on this proposal going forward.

I just wanted to say that I also agree with others who have said that depending on the degree of change then we will need to go out for public comment.

I think that's - we've come into this on - with Version 2 with all organizations and communities endorsing the single member model and now we've got depending again on how it - much it changes very distinctly kind of different model coming out possibly and I think that's again going to determine whether we go for public comment.

We've I mean I would be I'm sure the rest of us would be very interested in hearing what you're hearing from the other communities you've been talking to as well. Thanks.

Man: I think on your first point Matthew it's something we should definitely talk about maybe not in detail right now.

Our impression in the discussion yesterday was that the separation issue is being one of the most crucial and also most complex of the powers.

It was giving us a very, very good flavor of any difference and issues between the two models because we need to bear in mind a key - the core of this discussion is about comparing the two models.

So I'm not sure we'll do exactly the same exercise for all of these powers because that would be probably a little bit duplicating some of the discussions we've had so far.

But certainly if there's any specifics that you think should outline some differences between the models then let's discuss that so we make sure we

take that into account in the way we are managing the follow-up discussions that will take place tomorrow.

And then for what we're hearing from the other groups I think (Thomas) probably will be pleased to say what's taking place in the GNSO and whether it's in the GAC or in the ccNSO so far there's a lot of interest from - for the progress we've been making the last few days.

People are encouraged. And I can tell from ccTLD perspective although the full event hasn't taken place and as well as from the addressing and neighboring communities there is a lot of impatience.

So there is an expectation in the community and we're working on the basis of consensus so we need to hear everyone's concerns here not about cutting it short but about moving swiftly.

And if - and efficiently because there is currently an expectation that what the last missing piece of the puzzle as we are starting to say quite often.

So that's part of the message that we're getting on a lot these last few days. (Thomas) do you want to add something about?

(Thomas): I can't claim to have a full picture but I think for the GNSO I was in a joint meeting from the registries and the registrars. They want to look at this more. There doesn't seem to be a decision in those groups as of yet.

We met RSAC. They asked a couple questions about where we stand. But I think they're relatively easy on which of these options we're going to pursue.

GAC is still pending as you know but they're working on there communiqué I guess and more groups and (Leon) was with NPOC. I haven't attended that meeting but we have (Rudy) here and others were best placed to speak to that.

So I think the groups are forming their views at the moment but what we sense is a sort of what you call side views (Milton) is that there is a huge willingness in the community to make models work right?

And if that is - if the model starts with a D with some with some patches that, you know, that's what we think people are discussing at the moment.

And my personal view is that we should just look at it from requirements basis and to see whether we meet requirements.

And I think that the discussions that we had and I think in that sense the discussion we had yesterday was very useful is we're going to tease out that the differences are relatively minute between the two options.

Man: Okay thanks (Thomas). So we have now in queue just doing that so (Niels), (Carlos), (Brett) and (Tatyana). Don't worry yes, yes.

(Niels): So also thanks (unintelligible) for the great work you've been doing in chairing this not always easy process and you've been doing great. So that's -thank you much for that.

But this morning me and some other people we already noticed some withdrawal symptoms that we didn't have an accountability session today. So I'm very happy you're here.

So - but that is also making me very worried about the future because I would like to sustain my habits, you know, so to not only to sustain my habit but also to deliver the work we agreed on.

I would like to ask you to zoom out and look a bit in the future and maybe philosophize a bit with us about whether there will be a Work Stream 2. And if so what will it look like and we can it start?

Yes. We've don't worry we can manage this expectation. We have some ideas about it. And actually it's not only about Work Stream 2 there's going to be a Work Stream 1 implementation oversight exercise.

It is clear in our group that implementing the recommendations of Work Stream 1 is going to be an activity in itself and will require close supervision and interaction with our lawyers who will do a big a part of the drafting as well obviously with ICANN staff in terms of program management, in terms of ICANN legal obviously since there will be advising the ICANN Board for the valuable process and so on.

So there's plenty of work ahead for implementation of Work Stream 1. And there's also plenty of work ahead on Work Stream 2 where we'll have to decide how to organize Work Stream 2.

My personal thoughts are that it's probably not going to be - we're not going to be able to adopt the same pace and have 60, 70 people working every week in large two hour conference calls.

So we'll need to define the right approach for that. I'm actually more inclined to think that the CWG approach with the design teams and is something that would be interesting for Work Stream 2.

So we can find certainly find some areas where volunteers such as you can follow-up and I mean yes we'll need some fresh blood to move that forward.

If I may add if your question was also relating to the question of is there Work Stream 2 or is it just continuous improvement I sense that our group wants a Work Stream 2 right not to put things on the back burner and put them to some sort of reviews.

At the same time I think when we do the project management for everything beyond Work Stream 1 we need to ensure that we can avoid duplication of efforts and inconsistencies between the reviews and the Work Stream 2 work.

But I think that at least I have not heard any pushback on us proceeding with a distinct Work Stream 2 all the important points that are in that.

Man: Thank you (Niels). My question was basically in the same direction about your vision. So I'm going to limit to two very specific questions in the same direction.

(Thomas) after - of after the words of (unintelligible) you mention it should be easy, understandable. And you started an initiative to present the rationale of the whole exercise which I thought it was wonderful.

But then probably it got lost and we went back to the instruments and not to the vision. I hope at some point we will get back to that jointly.

And in the same sense I also have the Work Stream 2 this morning. I heard to my big surprise we're not going to make any change to the structure, you know, like an apology.

Would you foresee I mean Work Stream 2 we could go into details of how the organization work and talk about checks and balances internally or it has been another passive agreement not to call it side negotiation as (Milton) said.

I would be interested to know when we will have insight into Work Stream 2 and internal check and balances and possible reviews of the organizational structure. Thank you.

(Niels): Are you alluding to what's been called plan B in our group have a no? I guess...

Man: Who has the other co-chair who is not present here I mean was actually in they in the NPOC session.

(Niels): Okay. The...

Man: He didn't mention Plan B but he said we're not going to touch the structure in this round.

(Niels): I guess that we would be well advised to come up with a proposal that everybody thinks delivers on the requirements that we have and operationalize that.

That is not to say that there doesn't need to be improvement and revision over time but I think it's important for us to have something that we think is sufficiently solid so that we can lean on it.

This is what basically what Work Stream 1 is about. We need to get to the accountability enhancements that we need sorry that we deem required for a post transition era.

And I think that nobody has concrete governance changes on the radar after Work Stream 1 but certainly the organization needs to continue improving and developing.

So we will have regular reviews but I haven't seen anything in our Work Stream 2 work that would require us to do a governance overhaul.

Man: So the topics that are being constituted for Work Stream 2 are transPerrincy with the review of the IDP, the transPerrincy of ICANN interactions with governments as well as the whistleblower policy.

Furthering work on SO, AC accountability, that's probably the most structural reaching on, enhancing diversity which might be it's significant as well.

And the issue of jurisdiction which is a multilayered issue but where probably the focus is going to be about jurisdiction for settlement of disputes.

And those of the key areas that are currently considered for Work Stream 2 so it's Work Stream 2 is not going to be a new - okay where do we start and what are the issues that have to be solved in ICANN accountability?

It's a set of topics that our group has already identified based on the two rounds of public comments that we've had.

So - and then the rest I mean ICANN is not ICANN structure is not certainly cast in stone. It's certainly going to change just probably let the dust settle for a couple of years before considering the new changes.

But it's important that it keeps changing and the GRT reviews are here for that. Nothing would have prevented and ATRT review to come up with the same proposal that we did it would just wasn't the leverage to create that as a realistic option. So that's maybe that will change in the future, we'll see.

Man: Okay. I'm thinking that we can go with the queue bringing all the questions and you can respond maybe can be more efficient. So we have (Brett), and (Tatyana), and then James, (Milton) and (Fazani) so (Brett).

(Brett): Thank you. One brief comment, one clarification and then a question the comment is I agree that there should be a public comment period after this just speaking as someone who has not spent their life in the ICANN world.

A number of people who would be very interested in the next draft of the CCWG Accountability Report may not be paying attention to the details

during the negotiations and would like to react to the final product in a whole construct. And I think that's very important.

I think we got a lot of comments back from the previous draft from people who were not immersed in the process itself. And I think that, that is something that should be taken into account.

The clarification is on the bylaws drafting. Do you have certainty that it's going to be our lawyers who are doing the first draft on the bylaws or is it going to be Jones Day, or is it going to be the ICANN in house legal staff? Who is going to be writing the first draft of the bylaw changes?

Man: So what I can say on this question - oh do you want to take all the questions (Rafiq)...

(Brett): That's not my question that's my clarification.

Man: A brief one...

(Thomas): A brief one...

(Brett): Yes.

(Thomas): ...on this? The CCWGs position on this is that it's the CCWG lawyers who do the first draft.

Man: Okay.

(Brett): And finally my question it relates to the sole designator model. Am I correct in under that model that the GAC would have all the authorities and privileges of every other SO and AC in terms of petitions that spill the board, in terms of petitions to block the budget in terms of all these other powers that we're giving the other SOs and ACs?

And if so I think that, that would have to be regarded as a plus up in the GAC's authority within ICANN which I think may raise some concerns in terms of NTIA criteria, in terms of congressional consideration of the proposal. It certainly raise concern with me.

I asked this question of Larry Strickland earlier and he said that if GAC does indeed have enhanced authority which it would under this proposal I understand it's a process but not - nonetheless it would have powers that it does not currently have that that could indeed pose problems going forward with the transition.

So I wanted that to bring to your attention. I wanted to clarify that that is indeed the case and seek your comments to that. Thank you.

(Thomas): So very briefly as you know our current interim work product gives all SO, ACs the same role in the consensus based decision making.

When it comes to petitioning for discussing certain community powers the GAC can today ask the community to discuss certain things as can everyone else. They would need to find allies in the ecosystem.

(Brett): But they would be counted as one of the SOs and ACs in terms of whether it could have the threshold necessary to move forward correct? And that's not the case today?

(Thomas): The GAC as I understand it today can ask for certain topics to be discussed in the community. When it goes to this first objection they can ask for a pre-call but in order for the community power to be further considered they would need an additional group to move that forward.

So if there were only the GAC asking for a certain issue to be discussed then it would get stopped after the pre-call.

I think it's the call for the core CCWG to take a look at whether that is an issue. And I think that so far the CCWG has chosen not to give special rights, or limit rights, or the possibility to chime in for respective groups because we truly wanted to move away from what's been called by some a concentration of power in some voting organizations to a full community process.

But I would encourage you if you see specific issues with this let's spell that out and then bring it forward and try to discuss it.

Man: Thanks (Thomas). So (Tatyana) please.

(Tatyana): Thanks (unintelligible) and I want (unintelligible) for the record right? So I want to have this on the record that I'm backing up those comments for support another period of public comments because I mean I have several reasons to make this point.

First of all I do think that if we are changing the models whatever calls they are to each other it's serious consequences in terms of enforcement and some other mechanisms.

And then in addition I believe there are some other requirements maybe lots of small requirements but still they lose not only the change of the model.

Then I think that how to say that since the public comments may cause much more damage than the delay which will be caused by another public comment period because even if we have if you will have the proposal which will meet all of the substantial requirements of the NTIA and so on there might be some procedural flaws that the process flaws they're legitimately issues.

And sadly I want to be clear about this just from my perspective and I know that from perspective of other people.

From the beginning of September it looked a bit that this process was hijacked by the comments made by ICANN Board so everything especially in LA at face to face meeting.

It looked like many comments were overlooked and the discussion was revolving mostly about changes proposed by board.

And it also kind of deprives the legitimacy but this is just my opinion. So I believe that there should be another public comment period. Thanks.

Man: Can I just say that all comments have been thoroughly analyzed. There's been tremendous volunteer work on that. And I want - I think I - we need to give credit to these volunteers for really looking at all of this. And as for the board I think we've had our differences and we've explained them.

(Tatyana): Sorry I was one of the volunteers participating in the analysis. So I know that all the comments are analyzed. I'm just talking about general impression, you know, I mean not even my impression just how it looks on the outside...

Man: Before we move further with the queue if there are more comments speaking to the requirement of an additional public comment period I think we've understood the message loud and clearly that I just want to be - I just wanted to confirm that NCSG would request a public comment period.

I think so far NCUC individuals have gone on the record requesting that but I understand that it's also NPOC right?

So I think that's understood. We take that back to the group and just say that you feel very strongly about the public comment requirement.

Man: Because the reason people are repeating that it's pretty clear that you didn't want to hear that message.

Man: Next time ask for it to be on the queue. Avri you can make request.

Avri Doria: I wanted to ask a clarifying question. This is Avri Doria on the comment. I believe with everyone else that a comment period needs to come after this.

But I'm wondering does the board intend to have yet another comment period after its delivered to them? And so what I'm trying to figure out is in a sense there's kind of like two comment periods.

If one comment period comes if we do one in the CCWG we get the comments back and then we have to go back into the comment processing mode.

And then there's the kind of comment period where you get a comment and that helps a board determine whether it's going to attach notes to something or not.

So are we planning on both of these comment periods? And that's one of the things I haven't been clear about.

Man: So I encourage you to - I mean that's something for the board to clarify. But I would - my understanding from this question being raised this morning between the ccNSO and the board was that the board indicated that they were planning to consider all the comments and the SO, AC endorsements themselves as sufficient to approve.

But then there would be obviously a thirty at least a 30 day I don't know - one public comment period on the bylaws before they're - when they're finalized before they're approved. That's my understanding of where the process is at this point.

Man: Okay. So now we have James, then (Milton) and then (Fazani).

Man: Public comment.

Man: Okay so (Milton).

(Milton): Yes. You've probably already heard me complain about the unit of voting in any of these designator membership structures.

And I just wanted to know that after my comments in the public forum yesterday a former board member came up to me and said you know (Milton) you were absolutely right the board can create an advisory committee anytime it wants okay?

And yes and you're making this one of the fundamental units of accountability and talking about the equality or the inclusiveness of having more of these units in equal status.

And I think you need to think about the fact that the voting structure could be manipulated by a multiplication of advisory committees in a strategic way.

The other interesting detail that (Matt) actually pointed out to me was that the working - under the CWG plan the working group to initiate a separation process to - in order to be created requires the approval of the board.

So in terms of actually having enforceable separability this is more of a CWG problem than a CCWG problem. But it's an example of how tenuous the accountability relationship is with respect to the IANA functions operator.

So I think that's the main point that needs to be taken into consideration. If we don't have a legal enforceability for IANA separation we're still concerned about whether we have IANA separability at all.

And I did raise that question yesterday about whether a membership structure could be confined to IANA and not all those other things? I just wondered if there's any follow-up on them?

(Thomas): (Milton) two points, with respect to new SOs or new ACs being created by the board so obviously there's a concern that the power balance if you wish could be manipulated by the board.

So I think if we have this specific concern that's tried to address it by either having this first stress test on it to ensure that we - that we're not getting other results then we've planned for or fix the bylaw language on that. So I think we're going to take that point back. It's a good point.

With respect to the limiting the members rights the provisional feedback we got from our lawyers said it might be difficult.

As you know when it comes to statutory powers that was one of the major concerns that we heard in response to the second report that we could not 100% be sure that membership rights can be limited sufficiently to avoid destabilization or dissolving of the organization.

And so I think if that doesn't work with the current with the membership rights on - under consideration then I think it will - even there will be even less chance if we want to further limit those. You know at least we won't remove the uncertainty.

Our legal counsel says we can limit them by pooling them right lower the risk of the unwanted statutory powers ever being executed. Jones Day says there is that risk. And the ambiguity or the risk will remain the uncertainty will remain.

And lastly (Milton) you said that this is not an answer that you wanted to hear in response to the question about public comment. I think we've clarified

earlier asked you just specify whom you're addressing when saying you and you said it's the CCWG.

Whether the CCWG doesn't want to hear that we don't need another public comment period I'm not so sure.

I think there are many who want that. And it's not a matter of our personal wishes. We are just trying to navigate the group as per the groups wishes. So we're perfectly okay with trying to trying to find ways to move forward on the basis of having that.

And I think Avri your idea has been an excellent one to carefully look at what public comment periods are to come and to ensure that we are synchronizing those in a fashion that we avoid duplication not only throwing out in terms of losing time but also not encumbering the community with the burden of being forced to respond to different partially duplicating efforts.

Man: So maybe you can get some question and follow-up? And so we have first (Fazani) and (Klaus). Yes finally.

(Fazani Begi): Thank you (Fazani Begi). So I have a long question to clarify. There was a challenging the use of the phrase private sector led that the GAC not the whole GAC I think Spain was opposed to it.

And did we decide that we are not going to use private sector led - I mean was there any decision that I'm not sure?

And then there is another question I have. And I don't want to spread the rumors or anything but I have heard that the board in their comments said that Work Stream 2 well there should be no Work Stream 2. Is that something that has been emphasized or have you discussed this?

(Thomas): Okay according to (Becky) there's been conducting further work on that private sector led will stay in the language as we currently see it.

Man: And regarding Work Stream 2 is true there was a comment of the board that was - could be interpreted as no Work Stream 2.

The group has considered how to proceed based on all the comments received. We're moving forward with Work Stream 2.

(Klaus): Just a very quick question, is do you have any plans to have another review period? I think one of the most important one is of the lawyers incoming (unintelligible) I think we should go through these with a fine toothed comb.

(Thomas): There have been several requests to get more clarity and transparency on the costs involved. So we're working on that. I mean there are I think the whole question goes beyond the costs that we are producing with the CCWG but ICANN cost for their own legal counsel and associated costs so we plan to obtain more information on that and publish that.

(Klaus): What I'm trying to say is some of my legal friends consider what has been presented loose and over the top. So maybe it would be a good idea to get some independent review just on that bill, nothing else?

(Thomas): We'll take one...

(Klaus): If you need 10 million spend 10 million that's for me it's not the amount. I think it's just that we also have a look at that.

Matthew Shears: I can say on the record that the quality is extremely high number one.

And number two that we need to be aware the part of the bureau is because we have very, very bad clients.

I mean we are - I mean consensus building on the questions for the lawyers not exactly the best way to use your money with lawyers.

And number three a big part is also related to the difficulty of the difficult communication between the different legal teams involved. And I'm not speaking of our two legal teams.

All right there are good lawyers, there co-chairs there are also (unintelligible).

Man: Okay just to check if there was any question from those besides me? Okay no so again that's it. So thanks (Thomas), thanks Matthew for coming and to have this interaction.

Matthew Shears: Thank you all.

(Thomas): Thanks for having us.

Man: So we can maybe just go for five minutes (Fazani).

Man: Yes five minutes for you. Just to give this kind of brief update about what's happening for the DIDP work with the different volunteers from NCSG.

(Fazani Begi): Hi (Fazani Begi). So well let me first say what the IDP is for the ones that don't know and it's the documentary information disclosure policy of ICANN.

And according to this policy you can request ICANN to provide you with documents that are not publicly available then ICANN considers your request within 30 days.

And then there are some conditions based on which ICANN can reject your request and not make the document public.

And this (unintelligible) are quite broad. And so once we have been - we have an ad hoc group on DIDP I'm discussing the short comings of and coming up with a plan on how to study this. And then we will share the result and we can work together.

So one of the problems is that there are 12 conditions that are quite broad based on which ICANN can reject providing the document.

The other problem is that there is a cause there that says based on public interest in disclosure outweighs the likely harm the information is supposed to be disclosed.

And this is like in our favor because well if they face the public interest in disclosure outweighs the likely harm.

But the problem is that they sometimes invoke this as a reason not to give. So they just say that well the public interest in disclosure does not outweigh the likely harm so they just don't provide the information.

So the ad hoc group -- so much time do I have --okay so the ad hoc group we have been discussing this at the ad hoc group and some stated that we might want to compare this policy to other organizations or information act for the states.

However some also criticized and said that because ICANN is a private corporation it might not make sense to compare it - this policy to the state information act.

And also so what we are going to do is to look at the appeal process. So what will happen if you're - the rate of request for documents is rejected what is the appeal process?

And then we are going to also look at the history of DIDP and how they came up with this policy. So if anyone has information on that I would be grateful if you can provide us with that.

And then Ed Morris was the pioneer of this I should of said this in the beginning sorry. So Ed Morris is the pioneer of this study of DIDP. And we are carrying research with Sarah Clayton I mean Ed Morris about like how many kind of like an analysis of the request for documents in ICANN.

And well the DIDP is good because just as last sentence the DIDP is good because then if we have - then we can hold ICANN accountable whether if we have the information.

And for example - for example if we can have information about board meetings or other stuff thank you.

Man: Thanks (Fazani). Maybe if we can get one or two questions? And then because we have to move to our next - our guest is here already but if we can get one or two questions quick one?

(Jody Bundy): Hi. (Jody Bundy) for the record, just what is the timeline that we're looking for, for the DIDP work especially with the Work Stream 2 context?

(Fazani Begi): So we are doing a study. And we are going to come out with the results within two weeks. And then also in the working group we can well in the ad hoc group we can talk about the timelines and what you can do and set the objectives for to feed into the Work Stream 2.

Man: Okay yes...

Shane Kerr: I have a quick question. This is Shane Kerr. Is the expectation for changes to this process to apply retroactively to existing documents or is it to be applied for new documents that are created? What's the goal?

(Fazani Begi): You mean the goal of the study? You mean how do we want to change thing?
I think we want to feed into Work Stream 2 right?

So we will talk about it there. And also hopefully we will make some changes through talking about like giving out the results. What do you mean?

Shane Kerr: I wrote a document today for example with the expectation that there is an existing document disclosure policy and I would have certain protections about where this document would be published or not. If we revise the policy do we expect that to apply to current documents? That's just the question.

((Crosstalk))

Shane Kerr: It sounds like we don't know, that's fine.

Man: Okay. So okay let's move to the next item and think you can keep give a discussion of this group of volunteers within NCG they want to discuss more about the topics and then to feed what is happening in the CCWG hopefully in the Work Stream 2.

So we have with us Allen Grogan to be sure about your title...

Allen Grogan: Chief Contract Compliance Officer.

Man: Chief Compliance Officer. So welcome Allen. And please can you start maybe to make some give us some of this - what's happening because there are several session like tomorrow and so on so?

Allen Grogan: Yes so thank you. Thank you for having me. I'll start with some introductory remarks sort of describing some of the things I've been doing and then open to taking any questions you have.

So since I took on this position about a year ago one of the things that I've been wrestling with is what we can do contractually what's within the scope of our contractual enforcement powers, and also what's within the scope of our mission and remit, and what's outside of the scope of our mission, and remit and outside of the scope of our contractual enforcement powers and what role if any can we play in areas that are outside that.

So as all of you know, you know, our mission and remit at ICANN is fairly limited and fairly technical. I mean it's really about coordinating the naming and numbering systems that enable an open interoperable Internet.

There's nothing in our mission statement or remit that says we're the Internet police. There's nothing that says we're responsible for policing content.

And as Fadi showed in the slide that he put up during the opening ceremony if you look at this in terms of layers our role is largely limited to that logical layer that's part of the infrastructure that enables the Internet.

There are people who would like us to take on the role of policing content, policing illegal activity and policing abuse.

I think most of that is outside the scope of our remit. And I don't think we're equipped, knowledgeable nor do I think we've been delegated the authority to undertake those kinds of activities.

So if someone is engaged in illegal activity through a Web site whether that Web site is in the United States, or China, or Nigeria, or India a determination of whether they're involved in illegal activity and if so what the appropriate remedy is for that illegal activity is really an activity that's properly undertaken by the courts because they're the ones who know the law, they're the ones who have procedural and substantive due process to access those issues.

ICANN is not knowledgeable about all laws and regulations in every country in the world nor could we ever be nor are we set up with procedural and substantive due process to assess facts and make determinations as to what's legal or illegal.

So I think if the appropriate institutions in society that do have the responsibilities for undertaking those kinds of activities make a factual and legal determination that somebody is engaged in the illegal activity then our contracts with contracted parties give us remedies that would allow us to potentially require them to terminate registrants.

But we don't even have direct contractual relationship with the registrants. So leaving aside the question of whether we're a competent authority to make those kinds of determinations the party that is usually being complained about is not really the registrar or the registry it's the registrant with whom we have no relationship and no contract.

Having said that I think there are some serious problems on the Internet that need to be addressed, you know, ranging from child abuse images, to unlawful activity, to copyright infringement to a variety of crimes that are perpetrated through Web sites.

And I don't think we can completely absolve ourselves of all final responsibility for trying to cooperate with other parties in the ecosystem that are trying to address those problems.

And it's with that thought in mind that I can - am convening a session tomorrow. It's said 10:00 AM in (Liffy) B I think to talk about how voluntary practices have been adopted in this industry and in other industries to address problems.

And voluntary practices really means voluntary practices. So they're not mandated or - and wouldn't be mandated by ICANN. And typically they come about broadly speaking I think in two ways.

Some of them are surely voluntary. And the most common one that people in this room are probably familiar with are things like malware blacklists right?

People ISPs decide to adopt and use malware blacklists not because they're legally obligated to and not because anybody has a contract requiring them to but because they feel it's in their interest and in the interest of their customers to do so.

There are other examples that are not truly voluntary or not truly voluntary in the sense that there isn't any underlying agreement.

So for example payment processors got together with intellectual property owners both copyright owners and owners of brands and trademarks and people who are trying to combat counterfeit goods.

And they had extensive negotiations and reached an agreement of some kind. The details of those kinds of agreements often are not made public.

But they reached an agreement that results in a number of payment processes agreeing that if complaints are brought by a copyright owner, or the owner of a trademark, or the owner of goods that are being counterfeited and the payment processor decides that that's a valid complaint the payment processor may elect to cease processing payments for that Web site.

As I say most of the agreements that fall into that category are not made public. And I think part of the reason for that is that the payment processors or advertisers is another example of people who have agreed to do that or in the case of pharmaceutical sites that sell pharmaceutical products across borders delivery services like UPS have been part of those agreements.

I think the agreements are from what I can tell relatively loose memoranda of understanding kind of handshake deals that if you submit these kinds of complaints and convince me that they're valid I will voluntarily take action.

But at the end of the day it's my decision as the payment processor to take that action or not take that action. It's on something that an enforceable contractual obligation that would require me to do that.

So I will have examples from a number of different parties who have been involved in efforts like that the International Chamber of Commerce has been involved in an effort to combat counterfeiting.

All the representatives of a couple of different malware spam list kind of providers a couple of different voluntary (unintelligible) that have tried to combat sales of pharmaceuticals by rogue pharmacies.

But the common thread through all of them is voluntary efforts to address these practices. And my intention in this session is to keep the discussion at the voluntary level not to talk about mandating or imposing those requirements but to facilitate that dialogue and talk about how we might encourage people to participate in that dialogue or constructively engage with them if there's a role for us to play short of mandating those kinds of solutions.

Man: Okay so thanks Allen. We need it's now time to get some comments or questions. I think James Bladel first.

James Bladel: Thanks Allen for coming. So I don't think you'll find any group in ICANN more happy to hear to you say that ICANN is not the content list in this group.

And I think we really need to express our genuine thanks for making such clear statements on this now because many people around this table who

have been here a hell of a lot longer than me have been asking this for so long, so extremely happy to hear that.

However there is one question that I have. So this has been a gray area for a number of years. And I think there are people on both sides of the argument who may need to be educated on the fact that this is now the official ICANN position.

And I'd be interested to know in what ways you plan to communicate this to people who may have been pushing to do content regulation however you plan to educate those parties to the reality of the situation as clearly defined now?

Allen Grogan: Thank you. So obviously the blogs were part of an effort to do that to try to get something out there in writing and stimulate discussion and debate.

I've also been messaging that in conversations that I've had with some of the parties that are submitting complaints and will continue to do that at this meeting and in the future and probably will do some follow-up blogs or other communications from time to time.

Man: Yes like James I was happy to hear most of your comments. It was just I knew at some point you were going to be - say that being said and then you were going to tell us all the reasons why your position has to be moderated.

And yes there are these agreements a payment is a good payment process is a good example. And that in fact is how the intermediary responsibility gets established through this kind of informal pressure.

Another example would be the copyright agreement with the ISPs the five major ISPs in the US. So ICANN is under similar kinds of pressure.

And I think to me the worst example of this was the so called safeguards that GAC came up with regarding certain kinds of domains.

So in effect what they were really specifically trying to do was saying if you've adopted -- and it was 200 TLDs -- if you've adopted one of these TLDs that we consider to be somehow sensitive which includes things like eat we are going to regulate your content.

And instead of telling them to go fly a kite ICANN was pressured into creating what was it public interest commitments those kinds of things?

And so it seems to me that we can back your way into all kinds of content relations through these relationships.

And another example would be the pressure on you from the IP constituencies to put something in the registrar accreditation agreement that requires the registrar's to effectively monitor for illegal activity arguably not content regulation but definitely intermediary regulation.

And the problem with that was that the registrars are not being given a choice to sign this new RAA or not. It was either sign it or go out of business.

And, you know, I just I want to know what do you think? If you agree with the sort of the general value of trying to keep ICANN above this stuff which is actually good for ICANN and good for healthy regulation of the things we want to regulate how do we go about it in this in this environment?

Allen Grogan: So I think you're right. I think ICANN's under a lot of pressure now. And I think that pressure probably only will increase in the future post transition with various interest groups trying to get us to do more than is really within the scope of our authority or remit.

My view very clearly -- and I think the view of Fadi and management -- is that we should stay out of anything that smacks of regulating content or making factual or legal determinations as to what constitutes legal or illegal activity or abuse?

We're really about maintaining the security and stability of this logical layer that allows everybody to communicate with one another over the Internet.

And the question of what content is communicated or conveyed on Web sites is not within the scope of our authority.

I think in terms of what I will be saying tomorrow at the session on voluntary practices is the way that most of these voluntary practices have been successfully negotiated has been either in direct negotiations between the impacted parties so again payment processors in a room and the intellectual property constituents or trademark constituents and they've negotiated that between themselves or sometimes it's been convened those discussions have been convened or facilitated by a trusted third party.

But what I'm going to say in those sessions is I don't even think ICANN should be the trusted third party to convene those discussions.

I think if those - if the parties that are impacted feel they need to have a third party intermediary play some role in facilitating the dialogue or act with a mediator that's great but it's somebody outside of ICANN.

Stephanie Perrin: Thanks very much, Stephanie Perrin for the record. And I'm really pleased to hear what you just said that you don't think ICANN should be the mediator because my question is about really what amounts to anticompetitive behavior.

It's good that ICANN is backing away from content regulation almost necessary I would say from a point of view of liability.

But if they have any role at all in encouraging what I might be tempted to call collusion between the parties there's still sanctioning a breach of process and systems that really it shouldn't be in the business of and it's a slippery slope.

So how would you propose to proceed on that basis of disengaging ICANN even from the brokering of these relationships? And can we recall the 2013 RAA by any chance? How would we do that?

Allen Grogan: So I'll take those one at a time. So I mean my simple answer is yes I think we need to be very careful to stay out of putting ourselves in the position of brokering mediating those kinds of discussions. I really do think they need to be voluntary in the true sense of the word.

If the impacted parties feel that for valid business or other reasons it's useful for them to do that and I think the motivations for companies to enter into those kinds of voluntary arrangements range all over the map.

I mean frankly in the case of payment processors one of the reasons that I think they were brought to the table is that it hurt them economically to be processing payments for Web sites that were engaged in (illegal) activity because often they didn't really get paid right?

There were the kinds of people who also would stiff you on the credit cards right so they had a clear economic incentive.

I think they're, you know, I think there are other incentives. Most people in the industry registries and registrars respond instantly to take down requests relating to child abuse images.

And it's - and part of that is because of the threat of legal liability but part of that is just there's I think almost uniform revulsion and the feeling that they're you just need to do the right thing right?

And so if registrars and registries that I know of if they get a complaint from a legitimate law enforcement source that's credible and it relates to child abuse imagery it goes down instantly. We don't even get those kinds of complaints.

Spam and malware again I think there's a self-interest in doing that because it helps your relationship with the customer to do that. And so there are reasons to voluntarily agree to take those kinds of actions.

So yes I mean I think the impacted parties should go off and if they decide to negotiate voluntary agreements they should do so but I don't think that ICANN should be in the middle of that. They really should be voluntary agreements.

In terms of revoking the 2013 RAA at this point I'm guessing that was mostly a rhetorical question but if not it would be very difficult to do.

You know we obviously have multiple agreements signed. I can't give you the exact number but it's in the four digit threat.

And that agreement was the process of a long community discussion and was put out for public comment multiple times.

And so if you were to try to amend that agreement there are very complex provisions in the agreement to amend it. To try to revoke that agreement I think would require another policy process with participation by the community to decide to do that.

Man: Thanks Allen, wait I'm trying first to see if anyone no okay. Okay we have Wendy and then (David). Yes Wendy.

Wendy Seltzer: Thank you very much, Wendy Seltzer. And echoing the - what we've - what you've been hearing from us.

We strongly support keeping ICANN's remit limited to the domain string itself. And so I just wanted to add that a feature of many of the spam and malware takedowns is that they are functioning on the activity specifically using the domain name and not requiring investigation into content hosted at a Web site or an ISP.

And so they are more directly tied to that name and so even for the voluntary agreements there is a more direct connection to the registration.

Allen Grogan: Yes. I think that's a good point. I think there is an argument that some of the issues relating to pure security stability of the Internet may be closer to being within our remit but security, stability of the Internet meaning does that logical layer work not are there bad things happening in the content later layer?

Man: I just a sure thing are you - I mean this is a question about intermediary liability issues. Are you aware of the manila principles I mean (unintelligible) reliability because if not I'd like to bring that to your attention which is a declaration about an intermediary reliability issues of all kinds that is - was produced at - just before the rights conference earlier this year that is a joint statement from a very a large number of civil society organizations in this area of about setting out what we believe the principles for intermediary liability should be.

And I think it's a very interesting - it's a very useful high level sort of policy guidance document that I would be great to see ICANN consider in when it deals with intermediary reliability issues and perhaps could be a useful thing that you could reference and say that, you know, if you want a civil society position on intermediary liability without having to, you know, hunt us down and extract one from us we have a set of principles right there that has a very broad civil society sign on. And I think it's a very solid bit of work.

Allen Grogan: Yes. So briefly I am familiar with the document. I think that's a good suggestion. Yes.

Stephanie Perrin: Stephanie Perrin for the record. One additional point that we don't very often hear about with respect to ICANN and not so much the takedown but the release of personal information in these things is that ICANN is a data controller.

So that's my point about the 2013 RAA. We have not sufficiently investigated the liability of ICANN as a data controller and having its hands anywhere near the release of the personal information here without due process. So I just want to throw that out there.

Allen Grogan: Appreciate the observation. We're - we have looked at and we're continued to look at developments in the EU and other countries relating to data privacy and the broad cross functional team but ICANN is spending a lot of time on that right now so...

Man: Okay. Let's see if there is any further comment or question? Okay so Allen did you want to add something maybe (unintelligible)?

Allen Grogan: No. I appreciate hearing your support and hopefully can - hopefully we'll be able to keep ICANN within the scope of its remit and not allow pressure from other people to expand beyond that so...

Man: Okay thanks. I see that most of the people started to leave so maybe we'll try to finish more earlier. But I think before that where is Adam? Adam Peak yes I think Adam Peak wants to say one or two sentence and then going to start the counting.

Adam Peak: Good afternoon, Adam Peak ICANN staff of the record. We were going to have a brief discussion about the civil society engagement plan for strategy for with all of you and I don't think there's going to be time to today.

What I do want to say is that there is a session on Wednesday afternoon at three what 15:00 3:00 PM? And - for about one hour. And we'd very much like to have a discussion with the whole community there.

And I think the issues going forward are really how do we move some of the content - some content after this particular meeting?

One of the things we're talking about is the newsletter to report on your views of how you feel this Dublin meeting - how the issues for civil society have been reflected in the Dublin meeting? What has been important?

And we'll see if we can start rolling out some content that will be useful for other organizations and for your own outreach. But please come along on Wednesday afternoon at 3 o'clock. Thank you.

Man: Thanks Adam. And Allen you want to add something here?

Allen Grogan: I was just going to say if I think I mentioned it before but please join the session tomorrow on voluntary practices too. It's that 10:00 AM in (Liffy) B. It goes from 10:00 to 11:15.

Man: Okay. Thanks Allen. Okay (Maria) you want to say something and any other business? Yes. Okay no so...

(Maria): Yes.

Man: Yes so...

(Maria): Sorry I was waiting for - I thought if you weren't coming back to Adam. So I'm sorry.

Just a point on any other business we have an upcoming share election for the GNSO. And well I know that I have the chance to talk informally with the colleagues from NQC.

But we did not have the chance to interact as MCSG and to hear from the colleagues from NPOC what they feel about the upcoming elections.

I know that we are without time to discuss it. So I just wanted to say that if colleagues from NPOC want to approach me as one of the GNSO counselors and talk about the elections I'll be more than happy to hear the concerns in the comments that colleagues may have on the subject. Thanks.

Man: Okay thanks (Maria). I think we need to about the election to have also to continue discussion within the CC mailing list.

Yes okay I'm getting too many requests in Sametime. Pranesh want to as something and then (Fazani) and I will try to close this meeting. Yes Pranesh?

Pranesh Prakash: Yes. This is Pranesh Prakash from CIS for the record. And CIS recently did some research on mailing list traffic in the run from the main mailing list where IANA transition has been discussed.

Well what we found was that four out of five people who sent more than 20 mails over the course of the year were actually from the Commercial Stakeholder Group.

So on that issue does the Noncommercial Stakeholder Group have any views or any strategy because I think that's an important part that it's mostly been people from the Commercial Stakeholder Group?

Man: And sorry...

Man: Okay yes

Adam Peak: In my opinion we may talk less or I find we often talk with more substance.

Man: Okay very good. Yes (Fazani).

(Fazani Begi): Yes I forgot to mention that (Padnini) had done (unintelligible) sitting there substantial research on DIDP. And I wanted to say that I overlooked my notes and I wanted to thank her and we will work on that later. Yes okay.

Man: Okay thank you just checking. Any other business requests? Okay yes Wendy.

Wendy Seltzer: Wendy Seltzer briefly, so I noted that the question of content regulation came up in the IPC meeting with the board this morning and with the registries and registrars this afternoon.

I wondered if we wanted to say something as MCSG in our meeting with the board tomorrow to echo the concerns we raised here or rather to echo the support for ICANN expressed position that it is not a content regulator to remind them that three of the four stakeholder groups in the GNSO Council support that position that has been strongly articulated.

Man: Yes I think we can do that. And to move from your - I mean comment for tomorrow the meeting with the board will be at 11:15. And it's at (Lissy Hall) 1. So see you tomorrow then.

Okay. Thank you everyone for joining this meeting. I'm sorry that this two hour and a half but we had a lot of interaction and many discussion. Thanks.

Man: Folks this is also (Rafiq)'s last session as NCSG Chair so a big round of applause for him.

Man: Freedom.

Man: Slavery.

END