

**ICANN Transcription - Marrakech  
IPC Meeting  
Tuesday, 8 March 2016 1315 UTC**

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Also found on page: <http://gnso.icann.org/en/group-activities/calendar>

Greg Shatan: Good morning, good afternoon, and good evening and welcome to the Open Intellectual Property Constituency Meeting at ICANN 55 in Marrakech, Morocco. We will be visited first by Allen Grogan and Maguy Serad from compliance. But let's do a quick run around the room and announce who we are for the benefit of each other, those who only see each other on the phone.

I'm Greg Shatan, President of the Intellectual Property Constituency.

Steve Metalitz: Steve Metalitz, Vice President of the IPC.

Don Moody: Don Moody, new gTLD Disputes in the IP Technology Legal Group PC out of Los Angeles.

Clark Lackert: Clark Lackert, Reed-Smith, in New York. I'm a member of the IPC.

(Huthaifa Albustanji): (Huthaifa Albustanji) from Jordan, Next Generation Participant and graduate student in Intellectual Property Law.

Griffin Barnett: Griffin Barnett from Mayer-Brown in Washington, D.C., IPC member.

Marc Trachtenberg: Marc Trachtenberg from Greenberg-Traurig in Chicago, IPC member.

Brian Beckham: Brian Beckham with the World Intellectual Property Organization.

Alistair Payne: Alistair Payne, Matheson-Lister, Dublin, with the IPC.

Linda Valter: Linda Valter, Lakeshore Entertainment.

Gareth Dixon: Gareth Dixon, Cooley LP in London, IPC member.

(Barry Schwakel): (Barry Schwakel) (unintelligible), Vienna.

(Vinzene Heussler): (Vinzene Heussler), University of Vienna.

(Martin Leuchenthal): (Martin Leuchenthal), (unintelligible) non-IPC member.

(Marcus Jajer): (Marcus Jajer) Global Action Forum in Switzerland, and non-IPC member.

(Elin Sheby): (Elin) (unintelligible) IPC member.

Man: (Unintelligible) and we are IPC members.

Marie-Emmanuelle Haas: Marie-Emmanuelle Haas, IPC member representing ECTA.

(Michael Lewis): (Michael Lewis) from France and not an IPC member.

(Phil Reyes): (Phil Reyes), IP Twins, IPC member.

(Georges Nahitchevansky): (Georges Nahitchevansky), (Kilpatrick) Account in Stockholm.

Luca Barbero: Luca Barbero, Studio Barbero, IPC member.

Petter Rindforth: Petter Rindforth, FICPI, IPC member.

Torsten Bettinger: Torsten Bettinger, IPC member representing AIPPI.

Woman: (Eleeza Agopian) ICANN staff.

Jennifer Scott: Jennifer Scott, ICANN staff.

Yan Agranonik: Yan Agranonik, ICANN staff.

Selim Manzak: Selim Manzak, ICANN staff.

Owen Smigelski: Owen Smigelski, ICANN staff, former IPC member.

Allen Grogan: Allen Grogan, ICANN staff, Chief Contract Compliance Officer and I'll introduce Maguy Serad, who's our VP of Contractual Compliance and turn it over to her.

Greg Shatan: Let's just - anybody who is participating remotely or came in after. First, David.

David Hughes: Yes, David Hughes from the Recording Industry Association, IPC member.

Greg Shatan: And let's go to the phone, maybe in alphabetical order if that works.

Anne Aikman-Scalese: Anne Aikman-Scalese, IPC member, SCI Vice Chair.

Greg Shatan: I see a few other names in the chat, but if they're feeling shy - or their on mute...

Paul McGrady: This is Paul McGrady...

Greg Shatan: So why don't we begin with our first presentation?

Paul McGrady: Sorry, Greg. This is Paul McGrady, IPC GNSO Councilor participating remotely. We weren't shy so much as we don't really know what the alphabetical order would be I think. But anyways, hello to Maguy and to Allen. Thank you for coming and look forward to hearing from you.

Man: Hello?

Woman: Hello? Hello?

Maguy Serad: Good afternoon everyone. My name is Maguy Serad. Thank you for inviting the Contractual Compliance team to join this group for a brief update. I understand we have 15 minutes. We have provided a few slides but what I would like to do is just go at a high level through some of the slides and then leave it with you and if you have any questions, so we have more time for Q&A than us talking. I would like to hear from you and get any of your questions addressed.

So the next slide please. Let's go to Slide 4, please. Yes. So we've provided you a couple of slides split between the registrar update and a registry update. On this slide we just wanted to bring to your attention a couple of activities that the registrar side of contractual compliance is focused on since ICANN 54, you know, with the new rule on the UDRP, how we are receiving notices, and we've been working towards inspecting what's in our contractual obligation with a 24-hour notice period.

And the process is working and we're collaborating with the contracted parties to make sure it gets addressed in a timely fashion. And we wanted to highlight to this team that one notice of breach resulted from this one. Bulk Whois IPC update. I'm not sure how many of you in the audience or joining us remotely are aware of this, but there is an opportunity or a way to submit bulk Whois complaints to Compliance.

And we have several different groups who do that currently. Instead of submitting a complaint a time, we do have a process we follow and you submit a request to Compliance at ICANN. We review it, we work with you, we ask you to join us to assess platform, and then we give you access to the production area to submit a complaint.

On the Whois accuracy reporting system, this was an initiative driven by the Whois review that not Compliance but ICANN took on, and I don't know how many of you've been following through this update. It's basically a proactive framework to conduct repeatable assessments. This framework is done by ICANN, and any and all issues identified are sent to Contractual Compliance and then we follow through on those via the compliant processing system and process.

Next slide, please. Yes?

David Hughes: This is David Hughes. Is that for all TLDs across the board or is limited?

Maguy Serad: Yes, for all TLDs across the board, sampling size is made and it goes through the system and it processes it. You should - there are reports being published by the Whois ARS team.

Marc Trachtenberg: Marc Trachtenberg for the record. Just for clarity, it's all gTLDs, not all TLDs, right?

Maguy Serad: All gTLDs, not ccTLDs, sorry. Thank you for the clarification.

On this slide I just wanted to give you an idea of what kind of complaint parts we have received since ICANN 54. We also added ICANN 54's data to put it in relation, and it gives you, again, where are some of the areas that we're seeing volume of complaints in. And the column in the middle it says close before first notice, this is to give an appreciation to all of ICANN community.

Not all complaints that come our way necessarily make it to the registrar or the registry. Some do get closed before they are being sent out, whether an inquiry or a notice to the contracted party.

And some of the reasons behind that is sometimes a complaint is no longer valid or it's in the ccTLD world, which is out of scope for us. Or the issue's been addressed or the complaint it outdates. There are different reasons why a complaint can be closed before first notice. If you join us on the Wednesday update to the community, we go into more details about all of this.

Next slide, please. This one provides you a high level - the next two slides are to give you a high level update about what have we seen in the registry space. Monitoring compliance activities takes place in both registrars and registries, but we continue to monitor in this area. And the proactive work now underway is the annual certification of Compliance with a code of conduct.

And the Compliance team, as many of you know, is very actively involved with policy and working groups. We provide feedback, we provide input, we provide data and stats before and after policy implementations. So in this case here we're actively contributing to the public commitments working groups that's underway.

Next slide, please. The next slide gives you an idea of the complaint types received since ICANN 54, and pretty much the same approach as with registrars. With this, I conclude my very high level update to you because we want to make sure we put it in a Q&A session. In the appendix are a couple of slides. Again, take a look at them and if you have any questions, we're happy to answer.

Greg Shatan: Are there any questions either in the room or remotely, hand up? Brian, question from you?

Brian Beckham: Not so much a question but maybe an offer. Thank you, Maguy. And we've noticed with the new UDRP lock rules coming into effect what I suppose I would charitably call somewhat of a learning curve.

Greg Shatan: Brian, can you put the mic right in front of your mouth and maybe state your name for the record. Thank you.

Brian Beckham: Sorry. Brian Beckham with WIPO. We've noticed with the UDRP lock implementation a bit of a learning curve with some registrars in terms of understanding their obligations. And we of course have raised some instances for ICANN Compliance's attention. But I think it may be worthwhile thinking about -- and we're happy to participate in this -- some kind of outreach or, you know, information session for registrars so that they understand what it is that they're meant to do when the UDRP case comes in.

Owen Smigelski: Owen Smigelski for the record. There was a bunch of outreach that was done before those rules came into place, and I guess one of the concerns is how do you reach those who don't attend those outreaches. Have you seen the types of complaints that come in? They're normally of registrars that are unresponsive to those requests. They're ones that generally don't attend the ICANN meetings. So we are noticing though that as this is - the notices that are currently going out to the registrars that they are making changes to their system. So hopefully that should be something that will improve in time.

Greg Shatan: Thank you, Brian. Thank you, Owen, for that response. Any other questions or comments from the room or remotely? Seeing none, I will thank Allen and Maguy. Oh, Paul McGrady has raised his hand.

Maguy Serad: Where is he?

Greg Shatan: Paul McGrady is in London.

Paul McGrady: Hi there. This is Paul McGrady. I'm sorry I'm not able to join you in person for this meeting but I am participating remotely. And I just wanted to say thank you to the Compliance staff for your patience with us as we use the various systems. You may recall last time we were together I complained about the robot, and then this time I wrote - I left note I've used the complaint system since then and I wrote in asking where the robot was.

So you guys have sort of addressed that issue but with the change I sometimes feel very high maintenance for you guys and I wanted to say thank you for your patience and kindness will all of us as we use the systems you guys have put in place. And it is appreciated. Thank you.

Maguy Serad: This is Maguy for the record. Paul, I was looking for you around the meeting. Thank you for your feedback, I appreciate it. I also would like to thank each and every one of you for your patience, because I know also when you come to us nobody's just coming to say, "Hey how are you," you're coming with issues, it's like don't you know. And it's painful, whatever the issue may be.

We do our best to provide the support and the service but we do it trying to make also fact-based decisions. So sometimes we may ask lots of questions of you or of the contracted parties and that could cause a delay in responding you, but I want to thank you for that.

And the robot, yes, we're trying to make it a smiley, friendly robot, empathetic, you know, we're working on it. But please, your feedback is welcome. And I've said and offered my own personal e-mail address. I do check emails every day. That is every day of the week, every hour of the day. If you've put me to the test, you've received answers from me at weird hours of the day. So. And that's because we really mean it when we want to say we provide you this service, we're here for you.

Greg Shatan: Thank you, Maguy. Not seeing any further questions. Going once, going twice. I want to thank Allen and Maguy for the presentation, for taking our



questions, and for their efforts throughout the year and it seems like throughout the day and throughout the night.

Steve Metalitz: And thanks to the rest of the team for coming along.

Greg Shatan: Absolutely, yes. We've got so much ICANN staff support here, it's amazing.

Maguy Serad: Please join us on Wednesday's session. It's open to everyone. I know there are sometimes conflicts in schedule but that's the opportunity for everybody within the ICANN community and Contractual Compliance to get an appreciation and discuss and dialogue about our issues or opportunities of improvement. It's on the schedule. Look forward to seeing you. Thank you.

Greg Shatan: Thank you. In an interesting segue our very next guests will be discussing the Healthy Domains Initiatives, so I'll ask to come to the hot seat John Nevitt and Mason Cole.

Mason Cole: Hi thanks, Greg. Thanks very much. And thanks everyone for welcoming us to...

Greg Shatan: Mason's fine where he is.

Mason Cole: I'm okay here?

Greg Shatan: Yes.

Mason Cole: All right. Well once again, good afternoon everybody. I appreciate the opportunity to brief you all on the Healthy Domains Initiative. Before I start, I'd also like to invite you to a public session, which will be tomorrow in the Atlas room at 10:45 in the morning. It's scheduled to go for about an hour and fifteen minutes. I'll run through this presentation as well tomorrow in that meeting, and there'll be plenty of opportunity for interaction. So if you can

make that, then you're obviously more than welcome. It's for the entire community.

So I've got about 20 slides here. I'm going to run through them very quickly so there's time for interaction at the end if you'd like. So let me just get started. What do you do here? Oh okay. It's not working. There it goes. Okay.

So just as an introduction, the Healthy Domain Initiative, which is under the umbrella of the Domain Name Association, which is the Industry Trade Association, the idea here is that it brings together diverse members of the entire ecosystem, not just the ICANN community so that there's a focus on building extending and maintaining trust and security from consumers and businesses, governments and regulators. So we want very much a wide breadth of participation on this initiative.

I'm doing something wrong here. Okay.

Don Moody: Just tell me next.

Mason Cole: Okay. Okay why did we start the idea of the Healthy Domains Initiative? Well the Internet - the domain name industry is maturing and it's time for a broader participation in an initiative like this. There's an opportunity to build on the success and the positives in the industry.

There is global online growth of domain names and lots of important on raising the profile of the industry, especially to government and to regulators. So we wanted an opportunity to interact with that association. And then we want the opportunity for proactive self-regulation that's led and managed by our trade association. So we're ready for that kind of initiated.

Okay these are foundational principles of the Healthy Domains Initiative. First a network of industry partners that's focused on the health of the initiatives. The idea of self-governance so that we can demonstrate to the regulatory

community that we take a responsible approach to self-management. And then best practices. We're working right now to develop industry-focused best practices that come away with tangible ways of identifying and promote positive standards for healthy domains.

Again on breadth of participation, we have all kinds of folks that are interacting with us. I'll tell you more about a meeting that we had last month that was extremely well attended by a wide variety of people in the ecosystem. But you can see here where we're having participation so far.

Okay key benefits to the industry and to registrants. The Domain Name Association wants to position itself as the leader and spokesperson for the industry. And it takes very seriously the role of keeping a healthy domain name ecosystem. This idea also publicly drives home the point that domains are safe and secure and a good place to conduct online business. And then finally, for domain name registrants that are the good actors, we want to keep them more comfortable to engage and invest in the use of domain names.

Thank you.

So why do proactive self-regulation? So HDI is engaging all of the industry parties, you know, better set through thoroughly vetted practices. Again, it positively demonstrates that the industry can aspire to good self-governance. It demonstrates that we can self-regulate. And then the question become what if we didn't do this?

Well regulators like to regulate, so if we don't do anything, we face the risk of having additional impositions on us contractually and through the policy development process. So we looked at a couple of examples. One example in the content industry is in the entertainment for movie and recordings, they took steps to self-regulate and it worked.

For example, the movie industry self-rates its own content in a way that tells the public what to expect. A bad example would be obviously the tobacco industry that really did nothing and regulation was thrust on it. And we want to avoid that kind of situation.

Yes, go ahead.

Okay so what's the end game for us? In some sense, there's really no end to this. There's no end to promoting and maintaining a healthy domain name ecosystem. But what we do aim for is voluntary self-regulation, dissuasion of outside regulation, and then promotion of a good environment through positive industry pressure. So we want to increase trust in the domain name system. That's our product and we need that trust. And we're looking for a new level cooperation with outside parties as well.

Okay here are deliverables and progress to date. We kicked off the Healthy Domain Names Initiative back in July of 2015. We formed - we had a meeting in Washington, D.C. We formed a meeting inside the DNA. That committee met in Washington and Dublin at the ICANN meeting there, and then at the Names Con event in January.

We are in the middle now of developing drafts of best practices for contracted parties. That's a work in progress. I'll tell you more about that in a moment. We've been participating in spreading the word about HDI. There was a panel at Names Con, and we've been publishing regular DNA updates. And as I said, there's a session here tomorrow at - here in Morocco.

We started a comment on issues important in the ICANN community. We commented on the idea of the Healthy Marketplace Index, which I'm sure you've heard about by now. And then we had a summit in Seattle on February 10, and I'll tell you more about that in just a moment.

Here it is. Successful HDI summit was on February 10. Amazon hosted it in Seattle. We had 70 people in the room. We had seven on remote participation. You can see some of the attendees. We had - it was - we were very well represented across parties that are interested in the domain name system, and we had lots of positive feedback. We had an all-day agenda and we focused on all sorts of areas.

We publicized the idea of the Healthy Domains Initiative and the successful outcome of the summit. We got decent pickup with good, you know, good push from our PR group, and we've been communicating regularly with DNA members who were both in attendance and who weren't.

Okay so best practices concepts. This is right now our main deliverable. It's moving forward. It was discussed pretty in depth at the summit in Seattle. The game plan was that we were going to categorize and assess areas of online abuse and then set up ways to analyze what those are. We broke out into a group of six. We had a breakout session and six groups, each was assigned an area of best practice to focus on.

Our first deliverable is going to be a best practices document where we're synthesizing all that input and we'll have a best practices document we believe by the time that we meet for ICANN 56.

Here's how we examine best practices. We have several categories. Abuse of automation and categorization, the idea of third party validators. We're focusing on copyright infringement and then on the idea of capturing back actors or maintaining a reputational database of potential registrants.

So here's more about best practices. The first concept, online abuse areas, you can see, you know, we have a pretty wide swath of areas that we're trying to focus on, everything from phishing and malware to (unintelligible) all the way down to spam and fraud and wire transfer. So we're examining ways to implement best practices that'll address these issues.

Idea number two, third party validators, this concept is a validator that has the expertise, accountability and creditability to evaluate complaints and complainants, form up a trusted partnership between third party registrars and registries, and can be proactive and reactive. So we're looking for the DNA to play a role in setting standards and potentially certify and qualify the entities.

Idea number three, has to do with copyright and piracy. The idea here is to potentially establish a clearinghouse that could, you know, much like the trademark clearinghouse that could include copyright, piracy and counterfeiting violations along with other kinds of abusive behavior, and then potentially develop a new dispute resolution model similar to UDRP.

We have several that are still being analyzed right now. We don't have full feedback from the subgroups that were formed in Seattle, but we're looking at abuse automation and categorization, how to capture bad actors, what a reputational database might look like, what incentives we could put in place for good actors to continue their good behavior and the idea of trusted notifier program, which you may have heard about. There was an announcement of a trusted notifier program between our company, Donuts, and the MPAA.

So here's our first deliverable. Again, HDI best practice document. We plan to have all that ready by ICANN 56, and then by ICANN 57 have the idea that we've developed processes for whatever the DNA's role is in standard setting, certification, et cetera. So we're looking at ongoing new online abuse areas and potential best practices that'll constantly be evaluated and implemented.

Okay how can you participate? Everybody here is welcome in the HDI group. You can contact me to join. Share your ideas and your reactions, and we're always looking for constructive input on proactive steps that the HDI can take.

And that's it. So questions are welcome. And both John and I can help you address those.

Greg Shatan: Any questions here or remotely? Steve Metalitz.

Steve Metalitz: This is Steve Metalitz. Less of a question than a comment just to thank you guys for the work you've done in this area. And it sounds like an interesting start to - and you've got an ambitious agenda, let's put it that way, because you've made the decision to go after a lot of these issues, and I'm sure some will progress faster than others. But I can certainly say on behalf of our coalition, Coalition for Online Accountability, which represents a lot of the copyright interests, you know, we're ready, willing and able to work with you and look forward to doing so.

Mason Cole: Thanks very much, Steve. You know, we're looking for input constantly from the community, so yours in terms of your expertise in intellectual property we're welcome to have.

Greg Shatan: This is Greg Shatan. Just a question. Well, are you planning - when is the next summit you're planning to have or is that kind of a one off?

Mason Cole: No it's not a one off. We plan to have others. We don't have one calendared just yet. But no we do plan on having additional meetings.

Greg Shatan: We have a question from Lori Schulman remotely.

Lori Schulman: Hi. I had to take myself off mute. Mason, thank you. You know, I've already reached out on behalf of INTA as we're very keen to get involved not just in our role on the IPC but in our role as, you know, a major brand owners association.

But I'm just curious, you talked a bit about the content side of things, but how - who have you been consulting or what have you been doing on the trademark side to date?

Mason Cole: This is Mason again. We've had some decent input from the trademark community. We're looking for additional input. I mean we focused I think a bit more on content and copyright than we have on trademark, but Lori, I'm aware of your outreach to us in the HDI program on behalf of INTA and, you know, we're welcoming your input as well.

Greg Shatan: If there's a question in remote that relates to HDI, read it out from there.

Don Moody: I will do my best. The question is from Graham. And he says verbatim, "Dot-com abuse infringement dilution and blurring isn't a concern?"

Mason Cole: Well thank you for the question. I'm not sure how to address that. Yes, dot-com abuse is a problem. VeriSign is not a member of the HDI community as of yet but, you know, we would hope for their participation as well. But yes, we recognize that that's a problem and, you know, we would hope to have their cooperation in addressing it.

Man: They did attend the summit.

Mason Cole: Yes that's true. They did attend the summit.

Greg Shatan: Thank you. Any other questions? Any final statements from Mason or John, you've been so quiet?

Man: We hardly recognized you.

Mason Cole: Well thank you very much, Greg, and you, Steve, and everybody in the room. We appreciate the opportunity to brief you on this. And again, tomorrow at



10:45 in the Atlas room we'd love to have you participate in the public session as well.

Greg Shatan: Thank you both.

Steve Metalitz: Thank you.

Man: Okay see you soon.

Greg Shatan: We will now move on to the next - well actually Heather is not yet with us. We do have Paul. Paul, I hope we have you for the duration. The next thing on the agenda is GNSO Council update, but I would like to have both our councilors here for that, and the accountability discussion as well.

So we'll do a little re-jiggering of the agenda live. So we'll go to the next item after that. Well I'm going to skip IANA transition accountability since that's obviously a council issue as well. Next item on that is reports from the working groups, so we would like to get a brief report from any of the participants in the current working groups and other than the CCWG and CWG related to transition accountability.

I put in some suggested respondents. Heather is the first one and since she's out we'll skip that for the moment. I'm not sure if we have Mike Rodenbaugh able to comment on the GNSO Review Working Party. So we can move on to the next, which is the IGO-INGO Access to Curative Rights Protection Mechanisms Working Group, and we have Petter Rindforth in the room.

Petter Rindforth: Thanks. Yes this is unfortunately very slow development and we made some initial conclusions already in January last year and we're more or less still at that point. But what we now got is an outside expert comment that we will discuss tomorrow morning, his initial draft of it, and then it put it out for to be official.

And we have also tried to reach out to GAC because there is a group within GAC that's also dealing with this issue. And we had some months ago an informal meeting with the representatives on GAC who's dealing with this topic, and they promised to have us updated continuously so that we could discuss and clear out some unclear topics. But we haven't heard from them since then.

So we will now also send out the initial draft from the external expert and hope that we can get some feedback in order to come to some kind of conclusion that we'll have at least the majority of GAC even if it's not formal comments from them, but informal acceptance or conclusions.

And we are still hoping that we don't have to create a new dispute resolution or complete a new dispute resolution policy but if so, we'll try to use what we - the UDRP as far as possible and then to see also how we can solve the next phase when the parties will have to go to a local court to solve the case. If we can maybe have another type of panelist dealing with that part of the dispute instead.

But as I said, not so much has happened since last spring and we certainly hope now when we have the expert comments that we'll be able to proceed and - within the group and come out with some initial comments for you all to look at. Thanks.

Greg Shatan: Thanks, Petter. Any questions for Petter? Seeing none, I will move on to the next. We have the Next Generation RDF Working Group. We have a number of IPC members in that team. I've tagged Steve Metalitz, so I'll let Steve talk first. And if anybody else who's in the group wants to comment, feel free. Steve?

Steve Metalitz: Thank you, Greg. This is Steve. Yes, this is a very large group and as you mentioned, I think there are about 10 or 12 people with IPC affiliation who have signed up for it. It's just getting started. It's met several times and it had

a leadership group. Chuck Gomes from VeriSign is the chair and then there are three vice chairs, I think, Susan Kawaguchi from Facebook, Michele Neylon from the registrars, and David Cake from the non-commercials. So you can - you get a sense of the breadth of views that might be represented there.

It's getting itself organized. It's going to have a public session here in Marrakech tomorrow afternoon. I believe it's from 2 to 4, but I'm not - I'll have to check on that. But it's on the schedule. And actually I think it may be 4 to 6 because I think it overlaps with that CCT review update. And I certainly encourage you to attend that.

I think one of the big issues that the group is already starting to struggle with is how it relates to the recommendations that were made by the Expert Working Group on registration data services, which was, you know, established at the request of the board. And this by the way is a policy development process that was initiated by the board as well.

As you can see, there's a couple of people - Susan Kawaguchi was on both of those and so was Michele. So there is a lot - but on the other hand, Stephanie Perrin, who dissented from the report of the Expert Working Group is also a very active member of this group. So part of it has been a little bit of push and pull over how to - I think the charter calls for them to use the expert working group report as starting point, but obviously they're not bound by that.

I think the first thing that is going to happen, and I don't know exactly what form it's going to take, is to try do a compilation of the purposes or the uses to which Whois data is put. This has been done at least three or four times by ICANN over the last 12 years, but I think we're going to redo it in some way. You know, who needs access and for what do they need it.

So this is an area that I think IPC members hopefully will pay some close attention to. And let's make sure that every use that we make of Whois is represented there and is accounted for. And this is going to be a very long process. It's explicitly a three phase process, the first phase concluding as to, you know, here are the requirements that we have for a registration data service and let's decide whether we can accommodate those within the existing Whois system or whether we need a new system. And that is not a result or foregone conclusion and therefore that's the first question that has to be resolved. That's phase one. And there are two additional phases for defining the specific requirements and then number of implementation issues.

So it's going to be a long process. I think it's good that we have a lot of IPC participation and we're trying to do some coordinating amongst the IPC members who are participating, because I think no one is going to be able to see this whole thing through on every issue and retain, you know, their livelihoods.

Greg Shatan: Or their sanity.

Steve Metalitz: Yes. So we'll have to, you know, figure out a good division of labor. And I think as it comes into focus, hopefully we'll be able to do that. So that's at least a brief report. I'm happy to try to answer any questions.

Greg Shatan: Thanks, Steve. Any questions for Steve? Anyone else from the Next Gen RDS IPC squad with comments? I'll just note that the noncommercial group made a concerted effort and efforts outside of ICANN as well which I saw for instance on the Internet Society e-mail list to enlist people in the group. It didn't quite get the 10,000 that were mustered to comment on PPSAI but there was a vigorous recruiting, so.

So anything further on that? I don't think so. So we'll move on to next the New gTLD Subsequent Procedures Working Group, which is just newly formed and I don't know if any of the folks who have joined that would like to

very briefly comment on what is going on there. Seeing no one else, I will do so.

Steve Metalitz: Are you on it?

Greg Shatan: I am on it.

Steve Metalitz: Okay.

Greg Shatan: So at this point on the subsequent procedures, we're really just debating a work plan at this point and various different decisions about, you know, the order of things. So there's really not too much to report yet. I think there's only been a couple of meetings. John, are you there as well?

Jonathan Zuck: I'm not on it. I was on a panel with Jeff Neuman talking about it, and so there's some issues about trying to coordinate a review with the work that they're doing so that there's isn't a lot of redundancy. This is goes back to the fact that we went to council to try and delay the start of this and failed and now we're confronting exactly what we expected, which is an overlapping set of work. So instead of our work just feeding theirs, we run the risk of some redundancy, so we're trying to figure out the best solution for that.

Greg Shatan: Thanks. And John -- this is Greg Shatan again -- Jonathan is of course is speaking of the CCT review team. And this is, you know, an issue where a review inherently is intended to look backwards to inform on the future to improve practices and avoid mistakes. If we're going to put in a future planning team at the same time as the backwards reviewing team is going on, it's very hard to see how one could inform the other, but we'll see.

And that perhaps is a good segue to Jonathan to discuss the CCT review team.

Jonathan Zuck: Sure, thanks Greg. So the review team, the AOC mandated review on consumer trust, consumer choice and competition, and also has a component of the review about the application process and the safeguards. So there's a number of aspects of that that are obviously very interesting to this group, and that's where there's the greatest overlap with the working group that Greg is a part of that and that has just gotten started with something like 150 members, similar to the CWG. So that's going to be an interesting exercise of like cat herding as well.

But the - we're focused on the application process and we've created sub teams for the application process, competition and choice, and trust and safeguards. There's a number of questions to be answered that we've begun the brainstorming on and we've posted on the wiki for the CCT Review Team, and we'll be discussing in the public session, which is tomorrow at 5:15 pm. And so that's sort of the structure of the review.

I think the next stage will be to look at any supplemental research that needs to take place. You've probably heard me talking about this in the past but there's - the CCT review has actually been coming slowly for the past five years because there was a board resolution to look for metrics and two-year targets for those metrics for consumer trust, choice, and competition.

There was an implementation advisory group that sort of refined those a little bit and also convinced the board to commission two user surveys, one of registrants and one of end users, as well as an economic survey on competition and pricing in the gTLD space. And so those studies were divided into two halves that are a year apart in the hopes that the review team would have a year's worth of sort of delta information to look at to see what changes have taken place both in user perceptions and in the economic side of the gTLD space.

So we're just about to field the new survey of end users, and then in a couple of months the survey of registrants, and then we're in the process of trying to

finalize the specification for the new economic survey. So that'll go back out in the field as well. But so the initial piece of the review is to determine if there are any other research efforts that may take place in addition to the metrics we've been collecting and these studies so that we can make those requests for those research products sooner rather than later.

So that's sort of where the review is in brief. I'm happy to answer questions about it, and as I said, we have a full engagement session devoted to it at 5:15 tomorrow.

Greg Shatan: Thank you, Jon. Any questions on CCT review or on reviews generally?  
Steve Metalitz.

Steve Metalitz: Yes, I just had a question really it goes to both CCT review and the Subsequent Procedures Working Group. Last month the board had some correspondence with the GAC about public interest commitments, among other things.

And the board said it can recommend that community can recommend -- I don't know if it's did recommend -- that community reviews of the current round of the new gTLD program, that is Jonathan's group, and ongoing efforts to establish policies and implementation recommendations for the next round, subsequent procedures, consider whether and how to commend PICs and identify best practices.

So there - this is in response to something from the GAC that used that phrase, you know, basically can you say which PICs are good. And then - and it's referring to public interest commitments obviously that's in the registry agreement, and then the new gTLD registry agreement.

And then there was another question and the board said it will recommend, so that's more definite, that each of these groups consider whether and how

various elements of the community should devise appropriate PICs for the next round of the new gTLD program.

So I guess my question to Jonathan is has you guys gotten any communication from the board, directly or indirectly, that says they want you to look at this, or has this come up in the subsequent rounds? Because I'm not quite sure what to make of this, whether this is just, you know, kind of a statement of something they're going to do at some point in the future or whether the board is actually providing some direction here. Thanks.

Jonathan Zuck: So the answer to your question is no. We've received no communication from the board on this. That said, in the brainstorming around what topics should be addressed by the review team, the effectiveness and appropriateness of these PIC specs, the voluntary one versus the mandatory ones, et cetera, have already been identified as topics of conversation for the review team. But we have not received any communication from the board.

We've established a jar for all face-to-face meetings in the CCT Review Team that you have put a dollar into any time you say the word round, because there's no underlying assumption that there will be a subsequent round or if a round will be the shape that it takes. And I believe that Jeff's group is not making that assumption either.

I think at this juncture both groups are operating under the assumption that there will be new gTLDs, but I think the review team is also looking at what improvements can happen to the existing program, the existing TLDs and as opposed to his that are just looking just forward looking. So we're looking at both of things. But PIC specs are already a part of the discussion so if there's something specific that you want brought up or raised, then please let me or David Taylor is the other member of the IPC that's on the CCT review, to know those specifics. But in general, the question of PIC specs is already on the table.



Steve Metalitz: So you'll be asking Steve Crocker for \$2 for that jar at least just from this letter, and I know I've read it out a couple of times, so maybe it's more. Well thank you for that response. You know, this has come up several times over the last few months. I have to question it -- I think it was the Dublin meeting -- about the Rights Protection Mechanism Working Group.

And I said are the PICs viewed as a rights protection mechanism because they are to an extent a rights protection mechanism. And Kiran's response was kind of well what do you - you know, if you guys want that in there, let us know. And I'm not sure, you know - so we've been invited before to say what we want done, but it sounds as though the board is kind of putting this on the table, and I'm glad to know - it's helpful to know that it's already been part of your discussion within the review team.

So we should be thinking about what - I mean the problem with, as I see it, with the at least with all the PIC specs that I've studied is that we just don't have very much experience with them yet. I mean they're there, they're in the contract, the - you know, they're applicable, but we're just really at the very early stages of finding out - of identifying violations of those PIC specs. We have identified some.

And, you know, trying to bring those to the attention of Compliance. Compliance, if you noticed from their chart, they've had eight. There are 15 in total compliance complaints about the PIC specs, but I don't really know what that was. It could have been a lot of different things. So I think it's at a very early stage and I'm not quite sure what we want to do it, but thanks for letting us know that it's on the table there anyway.

Jonathan Zuck: It's definitely on the table. And as you know, it was on the table as part of the CCWG effort as well. So I mean there's sort of three categories of PIC specs and so part of the controversy surrounding them is that categorization itself. So there's this notion of I voluntarily submitted to a PIC spec in order to overcome a GAC objection or something like that, or I voluntarily submitted to

a PIC spec because I thought it would give me, you know, a better image on .bank or something like that, so I've submitted a PIC spec under those conditions.

And then there's this other notion of PIC specs that were sort of as result of GAC advice sort of imposed on the TLDs and so the enforceability of those was a big part of the question that we had in CCWG, and so there was a lot of work that Greg and I and Steve were involved in in trying to make sure that at the very least the PIC specs that were in place were grand-parented into the existing language. But going forward, there could be some problems associated with these kind of so-called mandatory PIC specs.

So there's sort of three categories and it's going to be a very open and evolved discussion. So I'd definitely welcome any guidance that you have as you experience the viability of these PIC specs.

Greg Shatan: Thank you, Jonathan. Anything else for Jonathan? Any other working groups that I missed? Actually I would also like to ask Anne Aikman-Scalese if she's still on the phone to give a brief report on what's in front of SCI. So, Anne, if you're able to do so, that would be great.

Anne Aikman-Scalese: Yes, Greg. Thanks. Just very briefly, the SCI has been working on two assignments from GNSO Council, the first in chronological order is the possibility of having procedures in the GNSO operating procedures for friendly amendments and voting on friendly amendments. Issues have come up with that a couple of times, I think in Argentina, for those of you were there. So we're trying to just clarify, make recommendations about solidifying operating procedures for friendly amendments.

The second in chronological order is the procedures for the selection of chair and vice chair. Problems have come up. One of the biggest ones is the situation where a chair is not definitively elected for GNSO Council but both

vice chairs are ending their terms on council and so there's no one to step in and make sure that that chair election comes to completion.

So SCL is working on procedures that would address that issue probably at this point by a mechanism for appointing an interim vice chair that would be neither - the interim vice chair appointees would be candidates running for chair, but they would just make sure in interim position that the chair election comes to fruition.

So we have a sub team A and a sub team B for that. The sub team A is working on friendly amendments, and my understanding is that Lori Schulman is representing IPC on that sub team. I am representing IPC on the sub team B for the GNSO Council chair and vice chair operating procedures. So that work continues and we hope to soon be able to reach a consensus, come back to the IPC with a recommendation for the operating procedures, take the consensus call. After that there will be public comments, and after that we make a recommendation to council. Thank you.

Greg Shatan: Thank you, Anne. Lori, would you like to add anything or are you not on mic?

Lori Schulman: No I'm on mute. Yes.

Greg Shatan: We hear you.

Lori Schulman: Yes, I'm on sub team A, that's true. We met last week and we're having another meeting on March 24. To be honest, I can't remember the specific report, but the bottom line is for the most part from the seconding motions, there wouldn't be any substantial changes to current practice but we may put in writing practices that aren't currently in writing, if I recall correctly. I can certainly forward the more formal report that was given at the meeting last week. I just don't have it on hand right now.

Greg Shatan: Thank you, Lori. Any other people participating in any other ICANN groups who would like to mention anything? I think that pretty much covers where people are active, but the floor is open. Hearing no one and seeing no one, we'll move on to the next topic, a discussion of IPC policy positions and responses to open comments, policy positions than of course accountability, which we'll get to shortly.

So Kiran, I'm going to kind of turn the - this over to you.

Kiran Malancharuvil: Kiran Malancharuvil from Mark Monitor, your friendly policy participation coordinator. So I'm sorry, how do you want me to do this? Do you want to run who's doing what or talk generally about where we're going with participation?

Greg Shatan: Yes, in the agenda we've got...

Kiran Malancharuvil: Right. Yes, I see what's on the agenda but - so let me start by saying this. We put out a call to the list about asking for everyone to identify their working group membership and which drafting teams they are affiliated with. If you're in this room, you're an IPC member and you are in a working group or you're participating on a draft - a public drafting team, please let me know. I've only received 17 responses, actually 18 I think, 18 responses.

And I think that if only 18 of our members are actually active in working groups then that's something that's going to need to be addressed from my position. So IPC members, please communicate what working group you're on so that we can ensure that we are properly communicating behind the scenes on IPC policy positions.

The way that we're going to be doing that is by coordinating the group of the IPC members who are on the working - individual working groups identifying a lead for each working group and discussing what's happening in the group so that we have a cohesive position when we speak and represent on the

call. That should make it a lot easier for us to participate in public comment drafting because we already have our positions well-formed and we're already sort of well-coordinated on those things.

So I know that there are more than 18 IPC members who are on some sort of a working group. So if you're on the call, if you're reading this transcript, or if you're in this room, please reply to that e-mail.

So that being said, the - we'll go on the agenda here and we have the privacy proxy services accreditation issues. PDP recommendations for ICANN board consideration. That is a public comment period that's currently open. Right? It's also an ongoing PDP as we await full recommendations. So I'll turn it over to Steve Metalitz.

Steve Metalitz: Thank you, Kiran. Yes, this is a step in the process that I hadn't really been aware of. After the council votes to adopt - to recommend a new consensus policy and that gets sent to the board, the - there's a period for the public to comment on the recommendations. It's I guess because there wasn't any comment on our final report, maybe this is the relevance of this.

I prepared a very brief draft comment and circulated it just a few - you know, just the end of last week. It was really, to be honest, kind of pro forma. The deadline is March 16, so I think we've asked for comments by Monday.

I just want to update people too though on one other development here which is that we learned on Sunday when we were - and it was stated at the GNSO meeting with the GAC that the GAC may be offering Advice -- with a capital A -- disapproving of the recommendations, or criticizing the recommendations because the views of the Public Safety Working Group of the GAC were not taken into account.

This was somewhat concerning. And this morning Graeme Bunton, who along with - who co-chaired with me this working group, met with several of

the members of the Public Safety Working Group to find out more about their concerns. They are concerned about two points, two positions that they advocated that were not reflected in the recommendations.

One is that privacy and proxy services would be restricted to domains not actively engaged in commercial transactions, defined as a collection of money for a good or service. And then they also were concerned that we did not recommend as an accreditation requirement that if a privacy proxy service refused a request from law enforcement agency in its country or that the agency asked to be kept confidential that the accreditation standard we proposed was that if the law requires them to keep it confidential, they do have to keep it confidential, and if they don't that's an accreditation issue.

And the Public Safety Working Group wanted that to be required or permitted so that if you were a privacy proxy service, you received a law enforcement request, you were asked to keep it confidential, there was no law against your keeping it confidential and you did not keep confidential, in other words disclosed it to the registrant, then you would be - your accreditation would be in peril.

So those were their two issues, and we had I thought a good conversation with them both on the process and the substance. So it remains to be seen. We encouraged them to think of - to explore other ways for the GAC to go on record rather than giving GAC advice on this topic -- formal GAC advice. Because if it's more formal GAC consensus advice then that obviously - the board has to respond to that.

And this is coming to board in a posture where there's a very strong presumption in the bylaws is that the board will approve it, because it was passed by more than a supermajority of the GNSO Council. In fact, it was unanimous.

So in order to - that confrontation would probably not be helpful for the pace of bringing this actually to fruition. So we'll see what happens. I mean it's up to the GAC. I'd be happy to talk with any of you who would maybe want to talk to your GAC members about - your GAC representatives from your countries about it. But we - I think we did find out more about the concern and I thought we had a good discussion, and we'll see what happens. Thanks.

And I guess if it - in fact there is GAC advice then we may want to revise our comments to reflect that, but we'll have to wait and see.

Greg Shatan: Paul McGrady?

Paul McGrady: Yes, Paul McGrady for the record. Steve, thank you for that update and being a member of that team, I - obviously you'd hate to see months of work go down the drain because of intervening GAC advice. I don't have a question so much as a comment, which is one of the concerns that we expressed in the accountability excitement in recent months is when the appropriate timing for GAC advice is.

And there were, you know, public comment periods related to this. There's been months and months of opportunity for this kind of advice to come down, you know, well before a GNSO Council vote in... Again when people ask why are we concerned about the timing on GAC advice, this is exhibit A because if this had been something that the GAC had spoken up about earlier in the process, then maybe there would have been an opportunity to address those concerns at the time.

But now, I mean we're, you know, we're trying to get this train out of the station and a lot of work's already been done. It just seems unfortunate that, you know, in the 13th hour, now it's time for GAC advice. It feels more like GAC criticism than advice. Thanks.

Steve Metalitz: Yes, thank you, Paul. This is Steve. Actually I'm not sure that scenario applies here because the Public Safety Working Group of the GAC and they in fact it's been said that anything comes out from that working group has been approved by the GAC, I don't know if that's true. But in fact we have the GAC - we have the Public Safety Working Group coming here in an hour, not on this topic necessarily, I hasten to add.

The - they did submit comments to the working group. They submitted them two months after the public comment period closed and there was, as you recall Paul, some back and forth about how should we treat this. But they did put in their view. And if they do give advice here in Marrakech, I presume it will be based on what was in their submission. So this is not quite the same situation where they were silent until the last second.

The interesting part of this is that they got a letter from Steve Crocker, you know, generated by the staff, a very pro forma letter that referred to a provision in the bylaws and said, "We're just telling you that there's this, you know, this proposed consensus policy has been approved by the councilors coming up before the board, and so pursuant to the bylaws, we're just letting you know. And if you want to say anything, you can say it."

And I'm not sure. There are varying interpretations of whether that letter was strictly pro forma or actually was, you know, the board soliciting them to jump in on this. And it does appear that letters like that have not gone out in the past. So I'm not sure what quite - what led to that but, again viewing this from the perspective of the GAC, they may - they're thinking, "Well the board asked us what we thought and so now we're going to tell them what we think."

And I have no problem and I don't think we should have any problem with the GAC going on record of what its views are. The problem is if they take it - if they decide to do that in the form of consensus advice then we've got a big mess.



Greg Shatan: Thank you Steve.

Man: Thanks Steve.

Steve Metalitz: Should we move onto the next one Kiran?

Kiran Malancharuvil: Okay, so the next one is the final report recommendations on the Geographic Regions Review Working Group. I hear Geos..., Heather....

Steven Metalitz: Heather is actually out of the room.

Kiran Malancharuvil: Never mind.

Steve Metalitz: And sending it...

Greg Shatan: ...to some other geographic region.

Greg Shatan: Yes, she's in another geographic - she's actually in another meeting on geographical region from...

Kiran Malancharuvil: We could probably just - so we'll go back to the list quickly, but she actually provides fairly comprehensive reports into the list -- the FC list -- so I'm not sure that we need to waste our time on this here. So onto, I guess, other public comments. The draft report on CWGM on framework and operating principles for the CWG. We have not put out that call out yet.

Greg Shatan: Wait, for...

Kiran Malancharuvil: ...for...

Greg Shatan: Right, this...

Kiran Malancharuvil: Go ahead.

Greg Shatan ...is an open public comment period. We'll put out a call, but, I guess, we don't suspect people to really get started until after Marrakech. Do you know what the - let's see what the expiration date on that is.

Kiran Malancharuvil: Can you keep talking?

Greg Shatan: Yes, so I think the basic issue or one of the basic issues that we will want to comment on is treatment of the intellectual property constituency as a participant in a cross community working groups as anybody who has observed the CWG and CCWG will note those two groups were constructed with a limited number of appointed members and the GNSO was assigned for members seats to appoint one for each stakeholder group which meant that as a member IPC did not automatically, you know, get a seat in any of those.

What we did as kind of a workaround in that regard was that there was basically three groups all opening up on the transition with the ICG -- which is the coordinating group -- and the two - the CWG -- CCWG -- so from the ISP's, Wolf-Ulrich Knochen for the ISPs in the Commercial Stakeholder Group.

I joined the CWG as in the CSGC and in the Accountability Working Group Steve DelBianco from the Business Constituency took the CSGC and each of us have tried to keep the entire stakeholder group informed and where, you know, a representative - there were very few votes in any of these and we, you know, tried to where we could, the three of us, make some kind of representative statement where there was a consistent statement to be made but, of course, on, you know, various issues we have very different points of view.

I don't think our view of intermediary liability exactly aligns with the ISP's, for instance and therefore, we're left either to say nothing at all or to make - to try to make inconsistent statements and/or to, you know, in terms to a vote or

a straw poll or a sense of the room, you know, kind of us puts in a bind so we'd like to avoid this being the model for the future and I think this is the - an important place to stay that and try to stop that from being in the model.

I will note that in at least the two CWG's or CCWG that there are participants allowed as well as members and by and large the members and participants participate on an equal footing except if it were to come to a consensus call and there were no formal consensus calls in the CWG and there was only one in the CCWG and in that case there wasn't an internal conflict in the CSG so, you know, that bullet was dodged.

But clearly this is - you're not a working or workable model and if there - if a framework is going to be laid down for all future CCWG's and we can expect them to proliferate and in the, you know, as we just get to talking about how we want the GAC in the room as opposed to at the end of the track when we're just about to - when we think something is finished, there'll be, you know, many more CCWG's or the like on things, obviously, you know, GNSO working groups and anything on gTLD policy will still be a GNSO working group.

But regardless, CCWG's and issues that cross the stakeholder's community lines are going to be proliferating and we want to make a statement here so I hope that there will be volunteers for this working group when the community call goes out especially from the 80-90 members or so who are not participating in working groups.

Kiran Malancharuvil: It's going to be an easy one too. This is Kiran, for the record. We have a lot of guidance from Greg about how CCWG's work? Is there a distinction between a CCWG and a CWG?

Steve Metalitz: There is no difference between them. They were just called that so people could distinguish them one from the other.

Kiran Malancharuvil: But what's that - what do you need to distinguish from though?

Greg Shatan: So we can refer to CWG and CCWG because we're referring to CCWG and CWG would be confusing.

Kiran Malancharuvil: Oh, yes, because that's what's confusing...

Greg Shatan: Yes.

Kiran Malancharuvil: ...okay.

Greg Shatan: Well, so...

Kiran Malancharuvil: That's just C...

Greg Shatan: Well, no, no, what I'm saying is there were two different groups.

Kiran Malancharuvil: So one is CWG and one was the CCWG...

Greg Shatan: They're both cross community working groups, so instead of saying, "Stewardship and Accountability" we're always having to say, "CCWG Accountability, CCWG Stewardship," it just kind of evolved at the CW - the stewardship group got called, "CWG" and then the Accountability Group got called, "CCWG."

The general nomenclature is "CCWG," so all future CCWG's are going to be called, "CCWG". The only CCWG that we call "CWG" is the "CWG" which is the "CCWG on Stewardship." I hope that's clear.

Kiran Malancharuvil: So we noted under, "Barriers of Entry" to IPC participation. So even though all futures will be called, "CCWG," this public comment is "CWG" if you're looking for it, so that's confusing, however, we're going to - okay, so here's the deal. We have a lot of guidance. We also have already commented

extensively on this sort of marginalization of the IPC within the context of the CPH and - other the contract of party house and other such organizations, so if you are looking to put your name down for some participation because you know I'm going to get on your case if you don't. This is actually a pretty good one, so please watch out for the comment.

It's soon, April 2, so we will need to turn it around pretty quickly. Public comments will need to go to the full IPC list with - is it nine business days Steve?

Steve Metalitz: Seven calendar days.

Kiran Malancharuvil: Seven calendar days for in order for the IPC to appropriately comment and turn it back around for finalization. So with that timing in mind, we will put out a call for the list hopefully today for participation on this one. The latest is the draft ICANN FY17 -- Fiscal Year 17 -- operating plan and budget and five-year operating plan updates.

That was pretty new so we'll put out a call for participation in that - on that one. We have some sort of budget warriors that have been sort of handling budget comments. I think probably Lori as a treasurer will want to be on that one. Petter Rindforth who I saw here in Morocco. I don't know if he's in the room. Petter, hey what's up?

Petter Rindforth: Hello.

Kiran Malancharuvil: You are being voluntold for budget, okay? You're going to be thrown into that one. Probably will seek (Stephen Dell)'s guidance on this one, so if anybody wants to work with that crack team of budgeteers, you will be welcome on this comment so please watch for that call for volunteers as well. Does anybody have any preliminary comments on the fiscal year operating budget?

Greg Shatan: This is Greg Shatan, for the record. I'll just mention that I attended a - an ad hoc dinner meeting with Xavier and a number of other apparently randomly selected people to go over the budget and they gave us a bag dinner and they basically went over a number of questions in the budget -- you know, revenue issues, line items.

There is a audiotape that - it was recorded so I can give the drafting team links to the audio recording for that meeting which I think will be useful because a number of questions were asked and, you know, some deep explanations were given. This was also where I saw for the first time their plan for PTI which those of us in the CWG or the CCWG found to be kind of SOL.

You know, in other words, it was not appropriately matched to our plans, but that was revealed in the budget which, of course, is an interesting place to reveal an operating plan for implementation of a working group.

Greg Shatan: Not - all right, odd but not unusual, to define so much at ICANN. In any case, anything else on budget? Any other comment periods that we may have missed other than we missed the one where Heather is not in the room.

Man: (Unintelligible) the transition.

Greg Shatan: Yes. Hearing none, I think we've reached inevitably the time where we need to discuss the IANA Transition and Accountability process as hopefully you've been - you've been hearing a little bit about it during this course of these meetings and prior, but as you know the chartering organizations including GNSO have been asked to approve the supplemental final proposal from the CCWG on accountability.

We have -- and I've circulated -- a scorecard basically showing the comments that we made on the third draft and the extent to which those comments were applied in the upcoming - in the final proposal. We have - we had a

discussion yesterday with regard to the proposal and how to vote on a proposal and to make a very long story very short the, you know, current position is that we will be voting in favor, but with a statement.

Lori Shulman has sent a statement to the list which we will need to work on quickly because the statements will be basically made part of the board of the package that goes to the board. They will be packaged along with the proposal itself as - and will accompany the package as it goes to the board and it will accompany the package as it goes to NTIA.

So in terms of, you know, outstanding issues that we have it's a - so this is the time we need to make statements about that. So, I don't know if we have any questions at the moment. Lori's statements a couple of pages. I'm not sure we can go over it, but Don, I don't know if you can turn it into a PDF and upload it? I know you can't do it in two seconds, but...

Don Moody: (Unintelligible)?

Greg Shatan: Yes, in the last hour or two.

Don Moody: (Unintelligible).

Greg Shatan: So, I think it is important to make a statement about some of the recommendations where we did have continuing issues, you know, particularly Item 5 -- Recommendation 5 -- with regard to the mission and core values where there are a lot of competing interest looking to state claims and kind of pull the balance of ICANN's mission more or less in the direction of their favorite claim and Recommendation 11 with regard to the GAC voting rights and carve out and like so I think there are - I think both of those progressed to the point where they are, you know, acceptable to IPC, but none of the less, fall short of where we would like to see them and while, of course, that is inevitable in a consensus driven process, there is - it's still - there are still times when it's important to note that even if you are voting,

“Yes,” that doesn’t mean you think the whole thing is great so, you know, we will be preparing a statement and I would like to open the floor to any comments, questions, or the like on this point.

Anybody in the room or on the phone? And I’m happy to answer any questions about accountability or the transition generally since I participated in both the CWG as a member and the CCWG as a participant and, of course, we have (Jonathon Cualso) participated and Steve Metalitz and a couple of others on the phone who were involved in the accountability as well so any thoughts any questions?

This is a good time to put them on the table about this, so - especially as we are waiting to see the draft in front of us from Lori and I encourage you - anybody’s who’s on the IPC email list, it should be in your inbox, so if you want to open it up individually that would be probably useful as well. Just in terms of next steps, the GNSO Council has an informal meeting on Tuesday evening where with the help of some wine the - any rough edges are kind of revealed with regard to anything that’s going to be discussed in the Wednesday council meeting.

As anybody attended the Wednesday council meeting knows it’s not a show meeting, it’s an active meeting and, you know, if you already debated but it’s also just a couple of hours long and there are - if there are - if there needs to be a little bit of preplanning to make sure that it doesn’t look like a train wreck, that’s all to the good and that gives an opportunity to see if there are going to be any big issues.

Right now with the exception of the NCSG it appears that fairly clear that votes will be in favor of the recommendation to approve the proposal from the Accountability Group as I noted earlier, if, you know, assuming that it’s true that will go to the board on Friday after kind of the whole thing is written up and any statement are added in.



But the statements really are - need to be at the GNSO Council kind of at the time of the vote -- so really by the time of the end of the GNSO meeting on Wednesday -- so it already being Tuesday at 3:47 pm, or sorry, 2:47 pm -- 1447 for you UTC types -- that, we know there's not a lot of time. But, you know, this is important. I think Lori's given us a very good start on that. I see a hand from Paul McGrady

Paul McGrady: Thanks Greg. Two comments. One has to do with when the statement needs to be in. I don't think it's at the end of this - of the GNSO council meeting. I think it has to be at the beginning because we have, you know, the standard roll call remarks and consent agenda and then we move immediately into the recommendation from the CROPP community working group on accountability and there was some discussion about perhaps moving the RPM built forward.

I think Phil in the BC suggested that. But the agenda as it's written now indicates that the CCWG vote the accountability, but will be essentially the first substantive thing so we should aim for the beginning of the meeting and not the end of the meeting, you know, and miss our opportunity to do that. And second thing, it's more of a request that maybe one of you on the ground can handle.

Steve DelBianco in the earlier discussion of the stakeholder group seemed to have a fairly well-developed at least in his head -- I don't know if it's on paper anywhere -- (unintelligible) development timeframe of what happens next, right? The board does this, NTIA does this, the bylaws are drafted at this time, and this and this and this, right, essentially are like between now and October 1.

I think if we could get Steve to give us that or if we can find them or if we could draft a timeframe that could be circulated to the ITC. I know it's constituent organizations, but they're volunteer basis so that we have a good

chance of -- A. Following what's going on; and B: Marshalling the volunteers to handle the various work stream that would be terrific.

And so normally I would just corner him myself in the hallway and ask him for it, but I'm not there so if somebody could corner him in the hallway, that'd be terrific, thanks.

Steve Metalitz: Yes. Thank you Paul for clarifying the timing of the statement. That makes sense, and thank you as a counselor, obviously, closer to the action there even if you're not in Marrakech. Second with regard to Steve's timeline, Steve and I both attended a bylaws drafting team kickoff dinner last night which is why I was a very fleeting presence at the - at dinner of the IPC which was taking place thankfully in the same restaurant just in different rooms, so when you get an invitation that says, "This is the Bylaws Drafting Team kickoff and you've kind of promised your constituency that you're going to stay as close to the bylaws drafting process as possible," you go to the dinner.

Also when it says, "On behalf of Steve Crocker," and it's got (Yarran Marvey's) name and (Ocrym) and a whole bunch of other people and the CWG's and CCWG co-chairs you figure something's going to happen there that's going to be, you know, worthwhile plus free food. So I did take a picture of the whiteboard so right now we're looking at March 10 as basically as the end of Marrakech.

The idea is to have the first basically a first draft kind of completeness -- and this is really a first draft that is - or a draft of the bylaws done by April 10th -- out for public comment so we only have a month basically for the legal teams and the CCWG and the CWG as these are also high transition bylaws and PTI bylaws as well as all the other bylaws be done by April 10 so it's going to be a - there's already - this has already been started in both groups and - but even still it will be a slog to get done by April 10 -- kind of a slog and a sprint all at the same time.

That'll open a 30-day comment period. Apologies for the 30-day comment period, but we may be looking at some rolling releases of this to try to allow for some earlier comments, if that's possible. I'll make - going to do as much as we can to give as much time to people but also look at the overall timing.

May 10th the public comment period would end. The idea would then be that the bylaws would be voted on by the board and the board meeting to be scheduled in the May 13 - May 15 timeframe. At June 10 is when our report needs to be prepared by NTIA on the progress of the INIA transition as report to Congress. The - and really all of this needs to be kind of and fairly good shape.

Before this, July 15 is when Congress goes on recess, so the report is going to promise a further update and the idea is to actually get between June 10 and July 15 to have the - have Congress potentially approve this because they will go after July 15 they go on their summer recess and don't come back until mid-September so if the - if Congress -- and it's not even clear whether Congress will exercise it's, well, right to approve and it's not clear that Congress actually has a right or responsibility to our obligation to approve this, but I'm not going to get into Congressional politics.

August 15 -- ICANN has to prepare its report that basically will say that, "This is ready for- implementation is ready and this is a go," and then the idea is to have this - everything that's called - that's needed to be in place before the IANA Transition done by September 30 so that the transition here actually take place just after that and, you know, keeping in mind the November 8 is U.S. elections so at that time - oh, you know, and a lot of stuff comes to a halt although it's hard to think that things haven't already come to a halt in some ways in Congress, but that's a different story and then January 20, of course, is Inauguration Day for the next President whoever who he or she may be -- so that is basically the timeline.

Steve probably explained it more distinctly and with very interesting and his very unique speaking style. But that is basically it. I can - I believe that a - this is going to be turned into a timeline document as opposed to a photograph of a whiteboard and I'll circulate that as soon as possible. Also circulate at that meeting was basically a framework which showed for each article and sub article of the current ICANN bylaws which ones would need to be changed and the recommendation that would drive that change -- so that is that.

I don't know if anybody has - had a chance while simultaneously listening to my timeline exogenous to look at what Lori has prepared. I'll note that you should have scroll control? I don't - or maybe I only have scroll control because I'm a host, but Don will unsync. You can scroll through this. And again, if you're on the IPC list it'll be in your inbox.

Basically there's, you know, a couple of different sections here. There's a comment on the overall process, you know, representing, you know, the issues that we've had with how, you know, the rushed process -- not maybe rushed overall, although I will tell you having worked in the CCWG that it was a 14 month sprint -- but certain truncated periods and time made it difficult to have any, you know, truly a full idea of what was going on here and then with regard to Recommendation 5, as I indicated the mission statement issues, and then Recommendation 11 -- the GAC consensus issues.

And I think that, you know, with regard to the bullet points that are here have to look back - I'm not sure if these are the ones that we had in our IPC comment, but that on the first bullet point on Page 2 that was resolved that the meaning of GAC consensus advice be defined based on existing operating procedures rather than open to change as we have - with the draft bylaw says that, "The GAC advice - that only GAC advice that is - has been decided by consensus has, you know, understood to me and consensus as currently defined in the GAC procedures will be given the appropriate difference." George?

(George Jervonski): (Unintelligible).

Greg Shatan: Don, could you scroll to Page 2 or to the Rec 11 or the four bullets are?

Don Moody: Yes.

Greg Shatan: Thank you. So I think the first bullet point is one that I believe has been satisfied. The second bullet point -- the GAC must certify that it is not aware of any national or international lower treaty which the consensus advice have contravened and the board should not be required to follow any GAC advice that would lead to the boards breach of its fiduciary duties.

About, you know, this was one that was not taken. You know, the issue of getting, you know, having the GAC, you know, certify to it that it's not aware which would mean that each government essentially was certifying with they're not aware of any law in their country that it's being contravened by that was, you know, not one that was - that made it through the discussion. I've got a hand from Steve and then a hand from Paul McGrady. Steve first?

Steve Metalitz: Thank you Greg, this is Steve. Overall, the stock, I mean, looks to fine to me. I do have some questions about this Recommendation 11 because it's not clear, you know, after the first paragraph these are the, I think, what we're trying to do here is list the things that we ask for that we didn't get and that's fine, but let's - it should be made clear that that's what this is.

It just jumps in, so, I guess, I would suggest that we add a phrase to the beginning, you know, that says, "The main changes that we recommended that were not adopted include," or something like that because otherwise it's a little unclear what this is that we have. And I agree with you if the first bullet was adopted and we should drop that, but then let's make sure this tracks what we ask for and does not include anything that was actually adopted.

I don't, you know, I'm not sure that we need to put in great detail this much detail into this document, but if that's how people would like to do it I'm okay with it. What I tried to do on Number 5 was just to summarize in a phrase what we didn't get and that we, you know, that we felt - think is still important, but if people rather just list it that's fine too. But let's just make sure that we're saying, "These are the things that we didn't get," and then make sure that we accurately list them. Thanks.

Lori Schulman: Hey Steve? I'm sorry, I'm cutting the line, but we can certainly take out specific bullets if we feel general comment and a general reservation to oppose is okay. I didn't - I don't feel wedded to this, but I did check the charts last night and although I did do it fast so somebody second checking the scorecard against me would be much appreciated if we do decide to go this way.

Greg Shatan: Thanks Lori. I'll take Paul, and then we have Anne afterwards.

Paul McGrady: Thanks. I think that adding the sentence of what we're talking about is - is, you know, is a good thing to do. I do think putting out in some detail specifically what is what that we ask for that we didn't get is important information as it this passes along and so I support keeping the bullets and making any clarifications that we need to make.

With regard to Greg's comment about the first bullet, I don't think it has been resolved and I think we can make our bullet point more clear. The bullet point we're saying was that GAC consensus advice should be defined based upon existing operating procedures rather than open to change by what's happened is that we've pointed back to GAC and said, "GAC advice meaning whatever's in the current operating procedures," which, of course, operating procedures could change so that's the definition of "GAC consensus advice" does not actually been final, you know, formalized forever as far as I know and so what I think this bullet point is asking for is that the current definition of "GAC consensus advice" meaning, you know, everybody says, "Yes" with no

significant opposition is what “GAC consensus advice” is to find forever and we didn’t get that and that’s what that bullet point is trying to get to so instead of scratching it I think maybe if we can refine the bullet point that would be better because if we convey the meeting unless, of course, that’s what we got, but I don’t think that’s what we got so Greg if that’s what we got can you tell us that and if not, to meet - work on that bullet point, thanks.

Greg Shatan: Thanks Paul, this is Greg. That is what we got. It’s the current - it’s not the then current of the GAC operating procedures, it’s the now current GAC operating procedures and that’s explained in more detail elsewhere in Annex 11 so the point is that the procedures as they exist now for consensus are the only procedures that will allow the GAC to submit consensus advice and get the difference.

Any advice that’s given under any other definition of consensus or any other voting threshold will just be advice that the board can take or leave and not have to go through the whole GAC advice rigmarole in the bylaw.

Paul McGrady: Perfect, thanks Greg. And (unintelligible) quickly (unintelligible).

Greg Shatan: No problem. I see Anne Aikman-Scalese is in line?

Anne Aikman-Scalese: Yes, thank you Greg. It’s Anne for the recording. Question about the introductory paragraph, it seems as though when we express our vote we are making reservations within respect to what we consider implementation questions only.

But what we might further, what we are saying at ICT, is that we agree and approve substantively with what was done first as, “Hey, we have some substantive agreement with this.” It’s not clear to me whether our disagreement is, you know, in the realm of implementation only and drafting only or whether we have substantive of disagreement so it would be helpful to know where we really are on that especially with respect to Recommendation

11 and maybe to, you know, that first paragraph to be a little clearer on, "What are our implementation questions and drafting questions only," versus any, you know, substance of disagreements that we have or reservations that we have as our summary.

Greg Shatan: Thank you Anne, and looking at the first paragraph -- this is Greg Shatan for the record -- you know, I do see what you're saying. I think I have, you know, similar concerns. You know, we are voting in favor of the recommendation and of the proposal just as we or would vote in favor of any proposal where we're making certain reservations, but we're not voting merely to continue the process and insure the drafting instructions are implemented and to participate in the process.

I mean, we do that anyway even if we voted, "No," but - so I think that the last sentence of the first paragraph I don't think accurately reflects, you know, that our vote is in favor of the proposal so, you know, that is, I think, needs to kind of, I mean, I don't - I have trouble with that whole last sentence to be honest with regard to that. Paul, is that a new hand?

Paul McGrady: No, sorry.

Greg Shatan: Thank you Paul. So I think what we might do with this is to turn this into a Google doc so that we can try to, you know, have this up and draft on it collaboratively and then I'll circulate the link on the IPC list. I think that's given the time period we have which is less than 24 hours to get this done -- probably the best way to deal with this. One other comment that I have on this -- and I have to go back and look at the IPC's comments on the third draft --the third and fourth bullet points which are still on the screen...

Paul McGrady: Under Rec 11.

Greg Shatan: Under Rec 11 are - I don't believe those were in our comments? So, you know, mentioning that they are here now is something that we - I'm not sure



what we - I would not keep them in if they're not our comments. I understand they may, you know, if they are comments of a member, that's fine, but that's - I think not where I would go with this comment that we're making now and I think we need to figure out, you know, really what are - the point is, "What are our continuing concerns with what was adopted?", and, you know, I don't think these third and fourth points were ever really considered with regard to, you know, they were considered but they were never really kind of in the mix of things that were about to get in or not into this -- and so that is the point.

And then the very last thing that we reserve the right to oppose the recommendations or any recommendation to determine the fear of the letter of the drafting instructions have not been followed during implementation. I think, you know, I need to take that back and think about that a little bit because, you know, clearly the implementation is very important and we will need to figure out how to do that and I'm not sure what our opposition to anything is worth kind of on its own, but nevertheless, Steve?

Steve Metalitz: Could I just on that last sentence, yes, this is referring to bylaws changes. We're saying we're going to watch them and if we don't think that they provide a clear path for this kind of independent review, we may oppose it so it's just kind of - obviously, we could always opposed them even if we don't say that, but I think the message we want to send is, "We're serious about this, and if the bylaws don't do this, we're going to - we may oppose them."

Greg Shatan: But then I think we may want to make that a little separate subsection and, you know just to...

Steve Metalitz: Yes.

Greg Shatan: ...further the bylaws drafting process or bylaws implementation process and make that as a more general point.

Steve Metalitz: That would be fine.

Greg Shatan: Any other comments on this now while it's kind of live in front of us? And, you know, I will by the end of this meeting have this is a Google doc with a link sent out to all of you and then we can, you know, have a Sandbox exercise for 20 hours or so and bring this together. I'd like to welcome into the room our wandering counselor and vice-chair of the GNSO, Ms. Heather Forrest.

Heather Forrest: Thanks everyone, and my tremendous apologies. I sent a message to Greg. I managed to get a hold of some information about the GAC Working Group on geographic names that was meeting in secret and Nick and I managed to "crash", if perhaps the right word, Nick, that meeting and so my huge apologies.

What would be very helpful to me, this document, I think, as I said and I realize it's a bit - it's quite nerdy -- not a bit nerdy. I'm very proud of what we've achieved in the last 24 hours. And generally, I think the IPC has held itself quite respectfully in this process. Well, it would be very helpful for me -- I don't know if you're familiar -- but council holds a session on Tuesday evening which is very much an informal session and it involves a glass of wine or beer and it's the time when counselors can speak fairly freely. It would be helpful to me and particularly with Paul not there not present at this meeting just to have an understanding of what you would like me to say tonight and what you would like me to not say.

We'll be doing a bit of the round of the table to say, you know, "Here's where our position is," so it'd be good for me to know your thoughts on that. Thank you.

Greg Shatan: Thanks Heather. And while I try to hold the line on the agenda as far as I could we did, obviously, as you tell "jump in with both feet" but knowing that you're a quick study and also having Paul on the phone we were not - we were - at least with council if not with both council, so, you know, that's all for the good.

I think we have not seen anything further on the list that would change the proposal or heard anything in this room that would change the overall proposal that our vote is, "Yes," by vote (unintelligible) and that we will be submitting a statement -- so it's a, "Yes and," or "Yes, but," or "Yes, but not," statement and we will not be the only group submitting something like that.

What is, of course, not necessarily known is whether everyone will be voting, "Yes," or, "Yes, but," and whether there will be any, "No," votes by the end of this evening's informal session may have a - council may have a better idea of whether our housemates in the (unintelligible) parties house are going to "throw the furniture around" and "break windows" and stuff in the house or not, so interesting time. Steve?

Steve Metalitz: Thank you Greg. The only thing I would add to that is that we're also not going to ask for a roll call vote on any - for any of these recommendations to be pulled out and subjected. No, again, some other groups might do that, but I think that's also the message.

Greg Shatan: Heather?

Heather Forrest: Thanks Greg, thanks Steve. Heather Forrest. Can I just clarify then are we happy for me to communicate that this evening? Yes?

Greg Shatan: I think so. I mean, I will mention that I think the NCSG might look for support in their ability to pull out items in a roll call vote as opposed to having an ominous vote. I know that -- and I'm not sure where James and every - and leadership are on what the vote will be. I thought that when last discussed there was capacity for any council or it to say, you know, "I want to pull this out and have a vote on it." Is - where do we currently stand? I also see Paul's hand up as well, so, Paul, do you want to go ahead?

Paul McGrady: Yes, just to say that I (unintelligible) I think (unintelligible) can convey this tonight. I think that during the various (unintelligible) council calls, we've already expressed a lot of crabbiness with the process and other comments that would've given some of the other - some of the folks from the NCSG, you know, enough runway if they were going to be persuasive on some of these things and I don't think they have "carried the water" on making the argument that they needed to make to get whatever it is that they want out, out and so I don't see any benefit in not, you know, keeping the expense in place, so to speak.

There's not going to be a, "Gotcha," or "Aha Moment," from the ICB tomorrow so there's - from my point of view there's no reason not to put James out of his misery and let him know that, you know, "We're going to be voting, 'Yes, yes,' with Thomas." Thanks.

Greg Shatan: Heather?

Heather Forrest: Thanks, Greg. If you want to follow-up on the process point, so as things stand there's really nothing that's changed. I think we were approached by the chair of -- that James and I -- were approached by the chair of the NCSG Policy Committee -- is NPAC or NCSC? Anyway the Policy Committee Chair to say, "I suspect you've heard rumors, I suspect you've heard rumors of walk out, I suspect you've heard rumors of all sorts of dramatic behavior and I just wanted to let you know those are not true."

I think it'd be helpful if -- and I appreciate Paul's comment in particular. It's not just putting James out of his misery. I imagine we're going to take some "petrol off the fire" if we come out and say, "Given the concerns that we've expressed along the way," if we come out with a clear, "Yes but," or "Yes with comments" tonight, that might well take some heat out of the room and it might well be that the NCSG changes its tunes. But I think we all understand -- and I'm the "poster child" for this -- that the NCSG will decide on a day so I wouldn't walk away with tonight thinking we have the answer. Thanks.

Greg Shatan: Thanks, and this is Greg and just to add a little flavor. I had the understanding perhaps that there were non-counselors who were encouraging a more radical approach and, of course, there may be good times - maybe good sometimes with the counselors about their conscience in the NCSG although I think that the overall conscience of the NCSG still seem to be just a little bit more reserved than, you know, standing on their chairs or walking out or doing whatever they might do to express displeasure.

There may be one recommendation at least where they'll be strongly hoping to make more of the minority statement, but one never knows until the vote occurs, you know, and that's too generally but that's too specifically as well. Steve?

Steve Metalitz: Yes, we've - since you've had a lot of discussion this point, I'm wondering since we are expecting our next guests any minute are there any other counsel items that now that we have both our counselors present that we need to update folks on -- and I see that our guess have - or one of our guests has...

Lori Schulman: (Unintelligible).

Steve Metalitz: ...has arrived; all of our guests have arrived -- so maybe that has become a mood point.

Greg Shatan: Lori, is there anything else our counselors would like to quickly mention? We may have another moment to do it later, but...

Lori Schulman: Not while our guests are here. I don't want to hold them up and have that be my fault. We can come back to it, please.

Greg Shatan: Thanks. Okay, Steve's up. Sorry.

Steve Metalitz: So thank you. We've been joined by Laureen Kapin, of the U.S. Federal Trade Commission and Bobby Flaim from the U.S. Federal Bureau of Investigation as well as our friend, Susan Anthony from the U.S Patent and Trademark Office. Welcome to all of you -- and so we're going to hear from them about the activities of the Public Safety Working Group so let me just turn it over to Laureen.

Laureen Kapin: Sure, and you'll be hearing from both Bobby and I. First of all, thank you for inviting us to give you updates. We very much appreciate the support of this community regarding many of our issues. It's always great to be able to reach out to people, to be able to bounce ideas off of them, and gather intelligence, and I want you to know that it doesn't go unnoticed and we know that you and the Public Safety Working Group are natural allies on many issues -- so I wanted to start off with that.

So we'll be giving you a brief update of our activities -- it's just an overview -- and then we're open to any questions you may have both here in this form and separately if you want to catch us that's fine too. So we'll be talking briefly about a recent workshop with the Internet registries -- the NRO.

I'll be talking about my review team work -- the newly launched Competition Consumer Trust and Consumer Choice Review Team. We're also going to be briefly mention our focus on the activities surrounding the next generation, RDAP and also the work that's going on currently with the registry agreement and Specification 11 which is intended to kind of put some "bones" on the general admin addition to screen for security threats and take appropriate action.

So with that, I'm going to turn it over to Bobby to talk about the workshop which has placed just an hour or so ago.

Bobby Flaim: Yes, thank you Laureen. We just had a workshop -- it was a public workshop -- the Public Safety Working Group -- with the Regional Internet Registries --

so Aaron, Riy, Latnick, so on and so forth. One of the big issues for us which we know is near and dear to IBC as well as, "Who is accuracy for attribution?"

So I know at ICANN we focused a lot on the DNS, who is accuracy, but just as important actually more important the Public Safety Working Group and I'm showing your investigations as well as the IP Whols accuracy. So we are working with the regional Internet registries. We have been working with them for quite some time -- about ten years.

We have government working groups within each of the regional Internet registries. But one of the things that we had found like we found with the domain name Whols there's a lot of inaccuracy in the IP Whols. I mean, IP Whols obviously is maintained by the regional Internet registries and Internet service providers, local Internet registry, so on and so forth.

So what we are trying to do is incentive their membership -- their RIR membership -- to insure that they are putting in the proper Whols Information so we know who to subpoena and when I say who I'm talking about the Internet service providers, you know, in the United States -- Comcast, Verizon, so on and so forth -- so that when we see an IP address arrive in an investigation, we know who exactly our subpoena has to go to.

There's none of the "hunting and pecking" which may some of - which you, yourself, have made - have experienced when some of these IP are still assigned so you may have to go three or four, excuse me, Internet service providers before you get the actual service providers that will have the information that you need -- so that is what we are working on.

We have just started. It'll probably take a couple of years, but we're trying to have policies within each of the IRI's that are globally coordinated which will lead us to very public and accurate Whols. So that is what we had discussed at the NRO. And I think Laureen, did you want to go into your CCT?

Laureen Kapin: I can.

Bobby Flaim: Okay...

Laureen Kapin: I...

Bobby Flaim: ...great.

Laureen Kapin: ...phone messages. I just wanted to get my source documented to discuss this. So I, not surprisingly, am going to be focused on the consumer protection issues regarding this review. But just to give some of the more of the basic overview before I get down into “nitty gritty” issues, this review team as you probably already aware was launched consistent with the affirmation of commitments which mandates that this review take place a year after the new gTLD’s were launched to specifically ask the questions, “Have the new gTLD’s promoted the competition, consumer trust, and consumer choice?”, and so we’ve just gotten started with our review team work.  
It’s 17 of us.

I am the GAC chair’s representative and Jamie Hedlund is ICANN CEO representative and then the rest of us represent all different consistencies. But I can tell you at least my first impressions are it’s a really good group of people who are very dedicated to grappling with these issues who don’t have preconceived views and really want to see what the data supports and it seems like a very enthusiastic group so I’m very optimistic.

And I think we’re very fortunate regarding our chair, Jonathon Zuck, who really seems focused both on making sure things get done efficiently and also on making sure that we have practical recommendations rather than things that are high solutant, but not much use in the real world -- so that’s all to the good.



In terms of - (Unintelligible), I didn't see you there that's so funny. Yes, and I solicited testimonial from me, but you don't know how long it took us to rehearse that in my note of surprise. It was very hard to get that done just right for you. So that said, the other thing I wanted to let you know in case you don't know it already -- now I feel like my cheeks are red -- in terms of transparency, it's not just us on the review team that can contribute.

There's also the opportunity for folks to observe so all of our conversations, our accessible via Adobe Connect, and all of the our attached - the servers can join the chat. They won't be the same as the member of the group, only the members of the group are actually going to be making those recommendations, but folks have all these vehicles to both here and see what's going on and then also contribute, you know, a comment in writing so there's that.

Now I will tell you a little bit about - an - from a consumer protection perspective some of the big issues that we're looking at. Can the public safely navigate and use new gTLD's? The impact of the public interest commitments and the safeguards. These are the safeguards that were recommended by the GAC, the risk of confusion, and DNS abuse, developing countries.

There's a lot of interest in asking questions about whether developing countries have - really had access in a meaningful way to the new gTLD's and how the new gTLD's process may have impacted developing countries and particularly whether this is a support for developing countries and assistance for them in this process and then something that's probably near and dear to your heart's -- trademark issues pricing models and write protection mechanisms.

So at a high-level those are some of the consumer trust issues that we're going to be dealing with and that's what I wanted to tell you about the review

process, but if you have other questions please come and ask me or Johnathan.

Bobby Flaim: The next thing we wanted to discuss...

Greg Shatan: Bobby, if I could just interrupt for...

Bobby Flaim: Sure.

Greg Shatan: ...one second - Greg Shatan for the record. I want to note that the IPC has the great good fortune to have not one but two members of our constituency serving on the consumer - on the CCT Review Team. David Taylor as well, you know, is also servicing with distinction and supporting Johnathan in any way possible and supporting the IPC.

David Taylor: Yes, thanks Greg. And I was just going to say we didn't mention anything earlier nor change any financial amounts. I did see a change in my bank account. It's been cleaned out.

Bobby Flaim: Oh, we just wanted to continue. There was just two other items that we wanted to mention. For our benefit is as I'm sure you're aware the next generation, I guess, working group has undertaken its work and we have a few of our CSWG members on.

We have Greg from Europol, we have John Vay from the European Commission, and I think we have Nick Shorey from the UK government so we do have a few people on that and we are monitoring it. I think it just started. Greg has continued to keep us update. I'm sure some of you are on there.

One of the issues that we're looking at is the RDAP which is the alternative to the WhoIs. Basically the bootstrapping of WhoIs information for those -- the DNS and the IP. One of the big issues there that we're keeping an eye on is

authentication. Authentication and also tiered access which you probably already saw in the Expert Working Group the report that came out a couple of years prior -- so we are looking that.

The concern, of course, is with access and authentication who would have that is, "Who would be defined as public safety or law enforcement and exactly how that would work?" The other issue that Laureen had mentioned was Spec 11 which is part of the new gTLD registry agreements. We have Jonathan Flourty, who unfortunately is not here, but he is our representative. He works for the National Crime Agency and he's been working very effectively with that.

The only issue is that Jon just resigned his position from the National Crime Agency so we are in desperate need for another Public Safety Working Group member to take over that work. One of the issues that we're having with that is that we have -- and I think this is a - I hope not a replay of our law enforcement recommendations -- but we have worked with the registries, proposed some language.

We know that PIR -- the Public Internet Registry.org -- has a very good and robust registry agreement. We're trying to use some of what they have as a good example best practices to implement that and to Spec 11. The registries, I think, literally just yesterday had come back with a counterproposal so we are going to meet at 5:00 pm to talk about that.

So those are really the two latest things with Next Generation -- also the Spec 11.

Laureen Kapin: And I also wanted to acknowledge some of my other Public Safety Working Group colleagues in the room. We have Kemo from Interpol, Javay from the EU, and Jim Emerson, -- and I'm sorry I always - whisper in my ear the exact association?

Bobby Flaim: Oh, International Association Chief of Police.

Laureen Kapin: I didn't want to mangle it. And the GEA folks also -- Tom Walden. Am I missing anyone? Am I not seeing someone? Who'd you point to? Oh, I'm sorry.

(Derrick): (Derrick.)

Laureen Kapin: (Derrick). (Derrick). And I think that's it. So does folks have any questions?

Steve Metalitz: Steve Matalitz. Yes, thank you. Thank you for that very thorough briefing and welcome to the other members. I'm glad we found enough chairs for you, because it was a little bit touching.

Laureen Kapin: Right, right, and actually I'm sorry, I mispronounced (Derrick)'s name since I'm most so sensitive about my name. It's (Derrick), (Derrick Belu) from the DEA.

Steve Metalitz: Okay, thank you. I just have one question and we - and this has to do with your work on the (tic spec). Are you - when you say it's (tic spec), this is the paragraph that's dealing with conducting a technical analysis on farm and fishing, malware and botnet and maintaining statistical reports on that. Is that what that's referring to? Or is it more the other because there are other things in that?

Laureen Kapin: It's broad as in that.

Steve Metalitz: Okay.

Laureen Kapin: That is one public interest commitment...

Steve Metalitz: Okay.

Laureen Kapin: ...but there are actually - there's actually - there's more than one.

Steve Metalitz: Yes.

Laureen Kapin: ...that - the public interest commitments are basically the vehicle that has been selected to be the way that the GAC safeguarded device is put into the contracts, so it's not just one public interest...

Steve Metalitz: Okay.

Laureen Kapin: ...commitment.

Steve Metalitz: Okay, thank you. That's helpful, and we'll pursue this with you offline. Thanks.

Laureen Kapin: Okay.

Greg Shatan: Thank you. Any other questions from the floor for our guests? I guess it was a pretty thorough presentation at least to those in the room. Either that or I can shell shock us that's setting in. Do we have any questions from the phone from remote participants?

Don Moody: Not at this time.

Greg Shatan: Any questions in the chat?

Don Moody: Yes, there is another question from Graham just came in. "Don, will you have FBI FDC answer above question?" Sorry, it's not formatted properly, unfortunately, Graham, sorry.

Greg Shatan: I see a hand up from Graham -- or actually, it seems to have disappeared. Okay, so we do not have a hand from Graham. I will thank our presenters. And I believe our next presenters are on their way, so thank you Bobby,

thank you Laureen, and thank you to the team that you brought in with you.  
I've never felt safer in my life.

Now we'll move onto the counsel. Questions and Mark Carvell, our next guest is on his way, but not present so Heather why don't you take the bike?

Heather Forrest: Thanks very much, Greg. Will do. I think the other outstanding issue that would be very helpful just to have a final discussion in the room or at least announce here for any final discussion to the extent of that is necessary is the motion that's on the table for not the initiation of but the charter for the RTM PDP.  
If anyone - there's been quite a bit of discussion on the list. Quite a bit of discussion that Paul and I have both been involved in given that we were both of us on representing the IPC on a small volunteer -- group of volunteers -- that looked at the charter, considered the issues that came out of the public commentary that was largely provoked by requests from the NCSG to treat it that way.

The NCSG is interested to push the working method of the working group down to the working group itself -- IE -- to allow the working group to decide whether or not it wants to put the UDRP first in the two phase analysis and Paul and I were quite determined that that's not - that that not occur based on the instructions that we have on the list that was not preferable.

If there are any concerns about the motion, you know, the charter we discussed as well representing IPC support for the charter through the vote to prevent any action by the NCSG that might somehow risk a change in priorities for that working group. And with that, I seconded the motion so if there are any concerns now's a super-time to raise them because we can always - if something is not clear or if the instructions now is a good time.  
Thank you.

Greg Shatan: Thank you. I will open the floor to any questions that we have. I think to sum - first to summarize the current state of play, it is to vote in favor of the motion as is and to repel any amendments that are sought as there are amendments that are bubbling around that would be detrimental to our interests and our view and in order to be in the best position to control the amendments and to control which amendments are deemed friendly and we heard earlier from Anne that that's something that needs to be refined by the SCI about the current - under the current rules.

Being the maker or seconder of the motion puts you in place to reject motions as not friendly and when a motion is deemed friendly, I believe what that means is that you then vote on the motion as amended only and it becomes, you know, part of the - it becomes part of the motion and you don't vote on it separately or debate it separately as a normal amendment would.

So basically a friendly amendment kind of swamps the original motion so not a - it's a process that can be gained by some and it can also be anti-gained by others so our position is that we should second the motion and thus have our hands on the motion and be able to keep motions from being deemed friendly. And if indeed an amendment can be deemed friendly and if indeed there is somehow any moves that seems to be a foot to have that amended - the motion amended - as maybe proposed by NCSD then we would swing in with a flank attack and bring in the - a WIPO INTA motion to scrub the UDRP out of the review entirely.

So then we might have competing and friendly motions or competing non-friendly motions or our motions might well be deemed friendly but maybe not since the maker of the motion is (unintelligible) but if we at least second the motion, we can at least provide balance where we feel, you know, view might be different. So that might keep any motion from being considered friendly and that's just fine from the point of view of all the possible outcomes that are out there.

So and also all the outcomes that frankly don't seem to be possible. So to recap, it is to make and second the motion and to - to do so, you know, in part to keep the motion from being amended in ways that we would not want it to be amended.

I see a hand from Paul McGrady. He probably can say that better than me. And from - yes thank you. And then we will - our next guest is here so as soon as we hear from Paul we will hear from Mark Carvell. Paul.

Paul McGrady: You know, I think we should just take this up after - after our guest is done so that we're not delaying him. Thanks.

Greg Shatan: Thanks Paul. Good idea and I will use that as a segue to introduce Mark Carvell speaking on behalf of the GAC Human Rights working group. Thank you for joining us Mark.

Mark Carvell: Well thank you. It's a pleasure to be here. It's important for representatives from the GAC to engage with other constituencies and we should do a lot more of that and I've readily made that objective. I haven't realized it yet. We'll see how it goes with the new meeting structures and so on which allows I hope the GAC to be more, you know, out of its room in engaging with other constituencies.

And thanks for inviting me in my capacity as one of the co-chairs of the GAC's Working Groups On Human Rights And International Law. There are three co-chairs. My colleagues are Jorge Cancio, who is the Swiss GAC representative and Maria Milagros Castanon, who is the Peruvian GAC representative. So the three of us are working to get this working group off the ground.

We've had earlier meetings primarily to try and agree our terms of reference and I'm happy to report we've actually achieved that. It was quite a long process.



We undertook to do it after the WN meeting and in the intercessional period we're going to take consultation through the whole of GAC group in that we now have terms of reference which were endorsed at our meeting held earlier today at eleven o'clock. Originally it was scheduled for a lunchtime meeting again. It's great to move that to a morning slot because it freed up time at the lunch to meet with other stakeholders.

So anyway so the terms of reference are agreed. You'll be able to see them on the GAC website. It sets out three key objectives. Although we may add as experience informs us to these objectives in the future but for the purposes of the current work, we have three objectives which is to consider any - first of all to consider any steps that ICANN should take to help insure that its technical coordination of the DNS respects human rights and relevant international law.

Secondly to cooperate with ICANN's advisory committee, supporting organizations and communities - for example yourselves. But of course in particular at this time this - the cross community working party on ICANN's corporate and social responsibility to respect human rights - the CCWP human rights.

So, you know, that recognizes vicinities and the mutual complimentary working which will cover a lot of similar areas that the GAC will do as well as the CCWP.

The third objective is to participate in applicable ICANN work streams, policies and studies in order to prepare - to promote the shared understanding of human rights and irrelevant international law.

So the membership that - we had our first meeting earlier this morning and there was a large attendance by the GAC constituency. We have done a further invite to the core who in the GAC is going to be most active in our

work and who has the expertise and also the access to outside expertise who can act as observers.

We've also covered off in the terms of reference the working methods which will be first of all to promote awareness of the work we're doing and our objectives to other parts of the ICANN community to undertake research and submit to the GAC proposals for further consideration on subjects relating to ICANN.

So it would be the working group feeding up to the GAC (unintelligible) proposals and issues that are relevant to the work of the - specifically on this area. And we'll also consult with human rights experts - people involved in corporate social responsibility, civil society and so on - in order to inform our consideration of issues directly relevant to the domain name system.

And then generally provide expert advice if you like up to the community as well as to the colleagues in the GAC. So and we will act on a consensus basis in all our work as a subgroup of the GAC and we're going to set up a webpage and all that kind of thing so to help us undertake the work and to maximize the transparency of it.

Deliverables - well we were certain - we certainly introduce emerging best practice in terms of proposals or statements. We may undertake a review of some sort and analysis of the topics that is relevant to our work. So there's going to be quite a lot of writing and collating of material with the intent of providing focus on rights issues.

We may put up some kind of position paper or draft statements for the GAC to issue. What are we going to consider? Well we've already identified and agreed that our sort of areas of interest in the foreseeable future are going to be the new GTLD's program. We will secondly engage in the implementation phase of the IANA transition accountability proposals - in particular recommendation six - and we'll also - we've also agreed to consider and

determine how the UN's guiding principles on business and human rights could serve as a framework for examining ICANN's respect for human rights.

And we're mindful that (John Ruggie) is producing a review - I think it's due for publication next month - I'm not sure of the exact date - on the guiding principles of the UN GP. And we will look at that and set out an initial paper for consideration of the working group and then we'll make that more widely available.

And I'll come onto that - onto the media wordplay in a minute but those are the three areas of interest we had already identified in Dublin. We've also put before the GAC possible topics in addition to that Whois reform related issues and internationalized domain names, module lingualism and the promotion of cultural diversity is a key aspect of that of course and issues relating to intellectual property rights.

So we haven't agreed those three topics at our meeting this morning. Australia for example said they needed more time to consider these as proposals. So which brings me to our sort of work plan. What we agreed at our meeting this morning was to invite members of the working group to submit their thoughts and proposals for the work plan covering what we set out in terms of reference as already agreed back in Dublin and also inviting comments of these - on these proposed topics and indeed other topics as well.

So we've set five weeks for that. 18th of April is a deadline for us. We will then as co-chairs develop a draft proposal then share that with the GAC. That will be available for others to see as well but with the aim - we will post it on the GAC website with the aim of finalizing the draft and finalizing the work plan.

So that's the kind of immediate timeline. At our meeting Leo Sanchez very kindly joined us to talk in particular about recommendation six with regard to

reaffirming ICANN's commitment to respect internationally recognized human rights as it carries out its mission and there's a clear - we wanted to do that to make - to get everybody in the GAC basically up to speed with what's happening with the accountability proposal in respect of human rights and to prepare the ground for contributing to work stream two on implementing that recommendation where we see the GAC having an important role - an important input to make into that - into work stream two.

And of course we will work closely with the CCWP. We have a joint session today actually at six o'clock for us in the GAC - on the GAC side to catch up with what the CCWP is doing. I don't care about what we agreed today - basically what I've told you at this meeting. And I'm hoping that will formalize if you like the platform for interaction and future consultations between the GAC working group and the wider cross community working party.

So that's basically where we are. I think I've covered everything that's agreed or is to be considered in the immediate follow-up to Marrakech. I hope that's been helpful. Thanks so much.

Greg Shatan: Thank you Mark. I'll now take questions. I have a question from Steve Metalitz.

Steve Metalitz: Mark thank you very much for that overview of this new group or newly chartered group and we certainly do look forward to working with you on a number of these topics that you've talked about.

I was interested that in your listing of objectives you talked about cooperating with the supporting organizations and the advisory committees and then you mentioned the cross community working party on human rights. It strikes me as an odd company because the supporting organizations and advisory committees are constitutional bodies of ICANN that are in the bylaws. They have set charters and so forth and the cross community working party to my knowledge is not in that category. It's a group of volunteers who have been

conducting this discussion and don't - are not representative of the - or don't have requirement to represent any particular constituency or group within ICANN.

So I wonder if you could talk a little bit more about why the human rights working group seems to be focused on that working party as your interlocutor as you pursue this because although it has a title that might suggest that it's an official ICANN group with some formal standing, to my knowledge it isn't.

Greg Shatan: This is Greg. Just to jump in and clarify - it's a group that has been created by the noncommercial stakeholder group. If you go to their webpage, it's a subpage of the NCSG wiki and it seems to be chaired by (unintelligible) over the article 19 working group. So it's basically an NCSG committee. We could have an IPC committee and call it a cross community working party and it would have the same legitimacy.

Steve Metalitz: And I know I would say we've met with them and we invited - (Neilson)'s briefed us and we've been in dialogue with them but I am just wondering how that became, you know, the interlockature for this group.

Mark Carvell: Well thanks Steve. Well it's an interlockature. It's not the primary one and we wouldn't expect it to be interpreted as a way of endorsing a particular initiative - voluntary initiative in any way. It's just that there is a commonality of the substance if you like of the work and it seemed to make sense to link up.

And as I say, you know, we're working with our terms of reference made clear to engage as widely as possible in the community and we - another sort of - a focus along with others is going to be the work stream two and the CCWG's work on that.

So I, you know, it's a matter of first of all communicating what we're doing from the governmental side to any initiative that's ongoing in the community and, you know, we'll see where it goes. I don't know - we may hear tonight,

you know, what the CCWP's plans are with regard to possibly formalizing it - their constitution in some way. I'm not sure if they're intending to do that but I think that's - we'll see how it goes.

I think it's still timely for us to explain at least what we're doing and to learn about what that group's doing. Thanks.

Greg Shatan: Thank you Mark. I have two hands. First Susan Payne and then Anne Aikman-Scalese.

Susan Payne: Thank you. Hi Mark. Thanks so much for coming. Forgive me. I mean I'm not an expert in human rights at all but you mentioned as one of the possible additional future topics intellectual property rights and can you just explain to us what aspect of IP it is that has a kind of human rights element because as I said, I'm not an expert and I don't really understand what the issue is that you're seeking potentially to address.

Mark Carvell: Well to be frank, I can't really say to be honest. It was certainly tabled as highly relevant to the work on rights. If a certain rights creates a kind of conditionality or whatever then that might be relevant to cultural issues, opportunities more widely. I don't know.

I think it makes sense to include it in the rough issues. We'll see how it goes. We don't have specific proposal tabled at the moment. It may be just a marker for the time being. I'm not a rights - IP rights expert myself either. So we will need to - if it gravitates to some concrete piece of work, we'd reach out widely within the community to engage on that. I mean that's our open and interactive approach to insure that we have the right kind of expertise and we don't put our foot wrong.

Greg Shatan: Thanks.

Greg Shatan: Mark, I have a couple of direct follow-ups to this. I'm asking them to be patient. First there are at least a couple of the universal declaration of human rights sections which are protectant of human rights or the rights of creators to enjoy the fruits of their property and the rights of those with property not to have that property confiscated or otherwise mitigated. Is the focus on IP and human rights focus on that or is it a focus on some possible idea that IP and human rights are incompatible?

Mark Carvell: I think the former. I certainly wouldn't think we would be wanting to confront the rights community or the - or the creators of content or those who are wanting to use the domain system to advance media content or whatever. That is not - that would not be our intention.

So I think our approach is really to, you know, if this does become a key stream of work, to see what the balance of rights and issues would be and to help with that process but it's useful to - for you to mention what's in the declaration as being specific to that area. Maybe we'll pick that up. I don't know. We'll see what goes with the GAC-wide consultation. Thank you.

Greg Shatan: Thank you Mark. I'll turn to Clark Lackert, then David Hughes, then Anne.

Clark Lackert: Hello, Clark Lackert. Yes, just to follow up on Greg's point certainly - not only in the universal definition of human rights but in other forms such as the EU Court of Human Rights and other venues and flora, it's been clearly considered that the ownership and protection of both on trademark and also copyright are human rights both for individual human beings but also extended to corporations. So certainly they're not - in my view they're not in any way incompatible. In fact they should be working together. Thank you.

Greg Shatan: David.

David Hughes: No, you covered what I was...

Greg Shatan: Covered the area? Let's go to Anne.

Anne Aikman-Scalese: Yes, thanks Greg. It's Anne for the transcript and hello America. I'm participating remotely unfortunately this time but I do appreciate your coming before the IPC on this.

I wanted to kind of add to the comments of those who within IPC and hopefully elsewhere regarding the human rights - I guess to protect creation - individual creation in authorship and the concern, you know, that we raise within the IPC is that as new - I think you correctly pointed out that there is a balance to be struck.

I think often times we think well oh, the IPC - they're against privacy rights and this initiative is all about privacy rights. I don't honestly think that individual members of the IPC are against privacy rights. I mean you saw a lot of good participation from our group in connection with the directory (unintelligible) services, etcetera.

There is some concern that in the dialogue or the vocabulary of the human rights groups and especially I guess within the article 19 initiative that privacy is the only important aspect of human rights and that there's a response that well this isn't about authors. This is about users of the Internet. And what really concerns me there is that especially in today's publishing world authors are users of the Internet and by important users of the Internet. And so the author's rights, you know, are memorialized in the universal declaration should be equally important and there's a balance to be struck.

And, you know, authors and those of us who represent authors and artists want to make sure that that doesn't, you know, get pushed into the background and especially vies-a-vies the recommendation six coming out of the transition work, you know. We just - we would I think object - I don't think it's going too far to say that the IPC would object if authors' rights were not - human rights of authors were not included in this focus. Thank you.



I'm sorry that's a comment and not a question. I certainly appreciate you're being willing to hear these comments Mark.

Mark Carvell: Well thank you very much and yes, it's very helpful to have that perspective. I mean all - if it's any reassurance, you know, back in London I'm with the Department of Culture, Media and Sport. So I'm in the UK ministry that deals with media content - film industry.

I work very closely and have done in respect of ICANN with our intellectual Property Office. I also work very closely with my colleagues in the Foreign Commerce Office on human rights and democracy in their department because I always say one of my other hats is I go to Strasberg to council Europe.

So I'm an example of certainly a multitasked but also one who intersects with, you know, various key elements of policy making within the UK administration and that's how we actually devise a very sort of considered approach to some of these issues which are very - can be very complex - can mean the balance is not always easily determined and of course we reach out to stakeholders to insure, you know, for them as a sounding board, for them to advise us and so on.

So you'll find and I think I'm fairly typical of certainly in Europe of policy makers who come here to ICANN meetings who actually do engage and have a fully rounded approach to things and who can approach some of these issues within this community with some openness and a sense of wanting to achieve the kind of balance that may be very difficult to do so in many cases but we'll have a goal and we'll keep the approach of the GAC working group pretty much along those lines. I hope that's some helpful reassurance.

Anne Aikman-Scalese: Yes, thank you Mark. That is very helpful and I just also want to underline - this is Anne again for the transcript - how important the rights of authors are to free speech throughout the world. They're very important and especially, you know, not to have this speech for example modified or changed or used in ways that the author did not originally intend and that's enough that the copyright - again it's very important in terms of authors' rights and we do appreciate the working group's attention to that. Thank you so much.

Greg Shatan: Thanks. We have a couple of questions down the table and then we'll have to close the queue because our - we're off of schedule and our next visitor has arrived.

Gareth Dixon: Gareth Dixon. More of a comment and an offer of assistance Mark. I'm on a committee at the Law Society of England and we also focus on intellectual property. We do a lot of work that intersects with other areas of law, competition, human rights and so on so if there's anything that we can offer from a specific English law perspective in addition to what's offered here at the IPC, please do let us know and we'll be happy to help.

Mark Carvell: I appreciate it. I'll leave my card. I'll have to dash fairly soon so I can't have a chat now but I'll leave my cards.

Gareth Dixons: Thank you.

Greg Shatan: I'd like to thank Mark for coming and visiting with us and sharing the work of the GAC human rights working group with us. I think it's given us a lot of food for thought and I'd like to offer generally that the IPC would like to work closely. We won't perform any sub teams necessarily although we might and what their names might - is up for grabs but in any case we are all interested and you can tell some particularly in working with you on these issues and we would like to offer that help to you figure out how we can do that more specifically.

Mark Carvell: Okay, thanks very much. I'll certainly take that away. I have to dash now but we're trying to sign off something called CCWG supplemental report.

Greg Shatan: Thank you and last but far from least, I'd like to invite Karen Lentz and Antonietta Mangiacotti which I probably mangled to come to the front and visit with us. They'll be talking about the - as Karen comes up, you might wonder what she's going to come talk about. It's the new GTLD program. We also the - in something new - the TMCH independent review.

For those on the phone, the slides are loading. The guests are getting seated. The air is pregnant with anticipation.

Karen Lentz: Okay, good afternoon everyone. Thank you for the invitation to join you here at the IPC. I'm Karen Lentz for those who don't know me - director of operations and policy research at ICANN. Also to my left is Antonietta Mangiacotti who is working with Analysis Group on the trademark clearinghouse independent review.

So they are - they haven't exactly gone according to plan. We had anticipated spending this time - that you would spend this time with Greg Rapertt, who is our contact at Analysis Group who's doing the Clearinghouse Review. He unfortunately had a family emergency and can't join the meeting so what I thought I would do is have Antonietta talk a little bit about the goals and the aims of this review and the status and then I'll pose a couple of questions as to kind of the data and which that you might - you all might want to be involved going forward.

Antonietta Mangiacotti: Thank you Karen. So this review was based on a GAC recommendation in 2011 which asked us to examine the operations of the trademark clearinghouse and whether they would benefit from incorporating the GAC proposals.

So the purpose of this review - it's intended to assess the effectiveness of the clearinghouse processes such as the identification process, the sunrise period, trademark claims in combination with the deck specified areas for review which specifically ask us to look at the issue of non-exact matches for instance where the sunrise and claims service would benefit from the inclusion of the main names that include a mark at the beginning or the end of a second level name.

And as well as the issue of extending the 90 day claims notification service beyond the required 90 days by consulting with the community on the benefits and resource requirements associated with extending the notification service to potential registrants.

So some of the data sources that we'll be using to assess these processes include the trademark clearinghouse database, interviews with key groups and our service providers - Deloitte and IBM - records of (unintelligible) proceedings - who is (unintelligible) the staff reports on the (unintelligible) protection mechanisms review.

And, you know, we see this overview as being an informational study to help support the discussion on related (unintelligible) protection mechanism activities - for instance informing the work of the CCT review team which was charged with assessing the effectiveness of safeguards or and the (unintelligible) DP on the review of all reg protection mechanisms.

And, you know, we expect that this review may help identify other operational issues associated with the clearinghouse that could be improved, other issues that we may want to include in the analysis of the trademark clearinghouse or issues that are better suited in policy development's work.

In terms of timeline - so the review kicked off in January of this year. Since then we've been working with - we've been providing assistance in the data collection process to Analysis Group which - as Karen mentioned - we've

conditioned to conduct this review. Next steps - we expect that a drafting of the report will begin after market. Once that's completed it will be posted for comments and then updated based on the feedback received. We anticipate that the revised report will be published and provided to the GAC for their review some time in Q3 of this year.

In terms of ways that you may want to participate, you know, if you can join us tomorrow morning, we're having a (unintelligible) clearinghouse workshop session at 10:45 in Atlas where Greg from Analysis Group will be presenting his methodology on the various spaces of the study and then by, you know, feedback from the users, the clearinghouse or other interested groups to help inform this review.

We - one other thing is we also - Analysis Group also plans to have a web form questionnaire. They plan to host it where they will include the generic open ended questions for stakeholders who may wish to provide feedback for this review. So that's all that I have Karen and I'm open to any suggestions that you may have relating to data or data sources or issues that you would like to see incorporated to help enhance and improve this review and I will make - I will make a note of those. Thank you.

Karen Lentz: Thank you Antonietta and I'll build on a couple of things that Antonietta mentioned. You know, we're at a - the review kicks off in January so we're at a relatively early stage here. There are a couple of components to this. One is the data collection and so as Antonietta described, there's a lot of data undergoing analysis right now which includes the clearinghouse records themselves and they're, you know, taking other data sets to try to cross reference with that including who is records, dispute resolution data and other types of reporting.

And then there also is the kind of non-statistical component which is the stakeholder opinions and views and feedback on these various questions

about the clearinghouse and I'm sorry that Greg isn't here to sort of review that.

As Antonietta mentioned, there is sort of a questionnaire that will be generally available to anybody who wishes to provide feedback into this review. We also sent out an invitation to anybody to any of the SO's and AC's or workgroups this week who wanted to setup one on one interviews so a couple of those have already - have already happened.

But I guess we have, you know, I'll open it up for questions in general but along two lines of questions I would ask are - one is are there, you know, are there sort of data sources that we might not have thought of or mentioned that we should appoint analysis group to be aware of. That's one.

And then the second is in regards to this sort of outreach and communication on some of the feedback that we've gotten so far is on trying to identify and locate the different types of stakeholders that are relevant. For example if you have - you can identify who the trademark clearinghouse users are, you know, agents and people who, you know, have their market in the clearinghouse. It's harder to identify people who aren't using who might use the clearinghouse but have not chosen to or don't know about it.

So any suggestions as to, you know, how to go about capturing that kind of diversity among, you know, the trademark community will also be helpful.  
Thanks.

Greg Shatan: Thank you Karen. I'll take questions. We have a hand from Susan Payne.

Susan Payne: Thank you. I've got a whole host of questions but I won't do them all. I'll just - I'll do a couple and then we'll see what other people (unintelligible). In terms - just a quick comment though. In terms of reaching out to maybe people who didn't use a trademark clearing house - I mean you might want to - and I'm sort of volunteering her in her absence but I mean Lori Schulman at INTA - I

mean obviously they have members who are large and small and I would imagine that some use the clearinghouse and some didn't and some will have used the clearinghouse less than they planned on using because of things like cost.

So I would say - I would say INTA or similar organizations would be a data source for you. Just a sort of few practical questions about - you said that after this meeting that the Analysis Group will start drafting their report and I don't know how many people they've interviewed during the course of this meeting but I don't know whether they (unintelligible) for people - if they want to have one on ones and they haven't organized something already, can they do that by phone afterwards? I think, you know, in the run up to the meeting it's always quite difficult for people to make plans.

Yes and the questionnaire - I mean is that going to be distributed by you to people or will we need to be kind of keeping an eye on Analysis Group's website in order to determine that they're seeking input. So those are my kinds of practical questions at the moment and then I'll (unintelligible).

Karen Lentz: Thank you Susan. In terms of can you still participate after this meeting, yes absolutely. And as Antonietta said, they will start drafting their report after this meeting and not, you know, immediately after. I mean that will be, you know, coming up fairly soon that they're start to draft based on the data they've collected but by all means there's certainly additional time for other stakeholders who want to have one on one conversations and interviews with them.

The second question - it was about the questionnaire and how it would be distributed. So it would be - the way I understand it is it's, you know, a link that's generally available and when it's up, I would sort of on their behalf distribute it to the ICANN stakeholder groups so that you'd know where it was.

Greg Shatan: Next question in line is Paul McGrady.

Paul McGrady: Thanks Greg. It's Paul McGrady for the record. Hi Karen. I have just a quick question as to whether or not the terms and conditions of the trademark clearinghouse or part of this review and do you know one of the primary concerns of our community is what we view as the weaponization of the trademark clearinghouse data against brand owners resulting in higher prices than we could possibly imagine for some defensive registrations.

And it seems sort of overstated but sometimes it appears that ICANN has been completely flummoxed by that outcome and not knowing really what to do about it. And I think that a fairly quick fix in the terms and conditions of use about how data can be used would fix the problem.

So I guess the question long winded is are the terms and conditions going to be looked at and if so, could you let us know the best way to put in a detailed statement on what changes need to be made in order to de-weaponize the trademark clearinghouse data against the trademark community. Thanks.

Karen Lentz: Thank you Paul. So I think that that would be a very relevant issue to bring up in the kind of discussion component of the study. You know, clearly it's a concern of, you know, one of the significant user groups of the clearinghouse and affected parties.

So I think it would - I think it would be very useful to bring it up there and just in terms of the topic, I think - I don't know. You suggested that there might be a quick fix to it and I don't know what conversations you may have already had within ICANN but I would be interested if you wanted to offline follow-up on the - on that point.

Paul McGrady: Thanks Karen. I'd be happy to.



Greg Shatan: Thank you Paul. The next question in line is Aaron Pace remotely. We don't hear you.

Don Moody: Yes, he was having some issues with his cellphone.

Greg Shatan: Okay, I think I see the question in the chat. I see a question for Aaron Pace in the chat. It says have the fees changed at the TMCH? Some may not use the TMCH because of the cost.

Karen Lentz: As far as I'm aware, the fees haven't changed since it - since the clearinghouse was originally launched, you know, that these - there's sort of a range of fees depending on, you know, use of an agent, number of marks submitted, etcetera but as far as I know, the basic fee structure hasn't changed.

Greg Shatan: Thanks. I think this question kind of relates to the earlier discussion of talking to non-adopters and non-users and, you know, it's fairly clear that the number of registrations in the TMCH did not meet the early projections or expectations and there may be a number of reasons for that and most of those non-participants are probably also non-participants in ICANN but are clearly trademark owners and potential users of the TMCH.

So if, you know, we have a number of obviously trademark owners, council to trademark owners, organizations that represent trademark owners, organizations that represent organizations that represent trademark owners and, you know, I think that finding some, you know, we will work within our community but finding a way maybe even to work with those organizations directly and to hook up with our members to kind of, you know, have a call for - call for response and comment, you know, from them to, you know, could inform that because, you know, obviously dealing primarily with those who did at least take the effort to get into the TMCH.

To some extent you're already dealing with a - I'd say small subset of potential registrants or applicants. I don't see any other questions in the chat items. Anybody else have any questions who isn't in chat? Looks like that is all we have at the moment which puts us back on schedule. So I thank you both for coming and I wish Greg and his offspring to get well soon and daughter - yes well daughters are offspring, aren't they?

Kiran Malancharuvil: Daughters.

Greg Shatan: I'm sorry. It's International Woman's Day - it is daughter - yes. So I want to thank you both in any case for coming here and discussing this and I guess I'm not sure how - one last question I guess is the inter-relationship between this and the UDRP or the - rather the RPM's and all the RPM's review within TMCH is part of that review, so how are they going to dovetail or not?

Karen Lentz: Thank you Greg. So this, you know, this effort is sort of independent of any of the other streams of work. You know, there's no sort of official tie between this and anything else. As Antonietta has said, we see it as being in terms of the policy development work - we see it being primarily informational. It's something that the, you know, policy working group could consider in terms of looking at feedback, looking at data.

You know, and it also may, you know, we don't know this yet because we, you know, haven't seen the report or any of the sort of data but it could also highlight, you know, in terms of policy issues, you know, could sort of spotlight questions or help prioritize questions or, you know, identify things that would be fruitful for discussion in terms of the policy plan.

Greg Shatan: Since that group hasn't yet been chartered, you know, it's a little hard to coordinate with it but I hope there will be some leasing and I don't know if it's possible - maybe finding out whether there's information that could be used to make this more germane to their topics, you know, so that there doesn't have to be, you know, there may be another TMCH survey regardless of whether

this one, you know, takes place but anything that can be done to avoid, you know, double work, it would be good.

I see I have a question from Lori Schulman.

Lori Schulman: Yes, hi. It's not a question. I'm just concerning what I wrote in the chat if not everybody is following the chat. In terms of any questionnaires that are developed by ICAN - absolutely to Susan's point - INTA would be happy to socialize. We can advertise it in the bulletin. We can put it on the blog. We can socialize it to a 200 plus member committee.

So we have a lot of marketing avenues that we can offer. Also Michael Graham is chairing a new subcommittee that is looking specifically at data and data driven results so that we can provide independent input into the ICANN review process.

I would just note and Karen and I have had this discussion offline that any sort of studies would have to go through into planning and budgeting process. So it may not always sync up with timelines that ICANN envisions so we'll need to work together on that.

Greg Shatan: Thank you Lori and again thank you Karen and Antonietta. So we have just a couple of minutes so I think we will - and no other hands - so (unintelligible) thanks to the court and we will take a couple of minutes with all our other business to go back to some other business and I'll give the floor to Heather Forrest.

Heather Forrest: Thanks very much Greg. One question that I'd like to bring up in the context of other business is the - we've spent the time discussing our substantive position on accountability and that of course is coming before council in the form of a motion or multiple motions as it were. It depends on how it works.

There was a suggestion made early on perhaps a month ago now that in the making of the motion, the motion might be in a show of solidarity, albeit at that point we really didn't know where we were going to end up substantively that a motion was made by James Bladel as chair and then seconded by Donna and myself as vice chairs of council and I have been noncommittal on that until we have an opportunity to discuss it as the IPC.

So I came to hear your instructions that's on the table. If we want to do that then I'm happy to follow-up with that and if we don't want to do that, that's perfectly acceptable. There's a waiting in the wings to second if there is no other second. So thank you.

Greg Shatan: I'll take comments on this or maybe I'll make a comment first which is that I think it would be a good idea to do this. I think it shows, you know, general maturity of the council and, you know Heather would be acting primarily as vice chair as it would be seen because as a parallel vice chair, normally you don't have two seconds to a motion so clearly this is being done in kind of ceremonial fashion and not for the purpose of making sure the motion has a second.

So I think, you know, overall we want to send a message of solidarity, maturity and that, you know, this - that I think would send that message. So any comments for or against, don't care?

Steve Metalitz: This is Steve Metalitz. I agree with what you just said and I think if it ended up being moved and seconded by a member of the same stakeholder group, that would look immature so in order to - again assuming that it is this kind of ceremonial thing, I'm fin with it.

Greg Shatan: Any other comments? Speaking of seconds - I mean I think we may need to go back to the question of seconding the RPM.

Heather Forrest: Heather Forrest. Greg let me just put hand up. Let me say that our council informal get-together tonight is probably the time that - pardon me - that I would need to confirm on that. So if you do have any concerns and I realize that's not marvelously fair to external participants, it would be great to get to meet before 6:00 PM on that one and if there are any concerns, of course we'll act accordingly but as Greg says, my understanding of this is ceremonial. Thanks.

Greg Shatan: So that covers that question. Anne your hand is up.

Anne Aikman-Scalese: Yes, thanks Greg. It's Anne for the transcript. I have just a question about the seconding of - it's not clear to me from James's summary of the procedure for voting on the accountability proposal whether IPC will have an opportunity to read its statement into the GNSO council record or whether the statement just becomes an appendage to the report on the vote to the CCWG accountability.

It seems to me that in particular if we're going to second that that has to somehow be made, you know, subject to our statements. Thank you.

Greg Shatan: My understanding is that the statement will be sent on as part of the approval which will then - is sent to the board and those statements will become essentially part of the proposal as that package moves onto the NTIA.

So it may also - I assume it will appear somewhere in the record that we're submitting a statement and since it's not the congressional record, I don't - I think that it will be available in some ancillary fashion but not, you know, exactly read into the record. But in any case, it'll become part of the - becomes part of the proposal in essence of the proposal package which is better from that point of view. So Heather.

Anne Aikman-Scalese: As I understand - sorry. This is Anne Aikman So what we're saying is we're going to second but we're not going to communicate any of

the reservations with respect to recommendation eleven or anything else as we're seconding and that's a little bit concerning if, you know, there's no opportunity for the counselors who are voting to make those types of comments. But it's...

Greg Shatan: And the statements will be made as part of the vote so the seconding is kind of irrelevant to whether or not any statements are being made. So the time for the making of the statements is with the vote. That's the procedure that's been set out.

Anne Aikman-Scalese: So you're saying a statement will be made when the vote is taken. That was my initial question.

Greg Shatan: Correct.

Anne Aikman-Scalese: Because in James's procedure it just seems to indicate that the statement will be forwarded with the vote rather than on the record of the transcript of the council meeting.

Greg Shatan: Heather?

Heather Forrest: Hi Anne, it's Heather. As I understand it - look this is going to go as a normal motion would which means that we have an opportunity to discuss the motion and I don't think that it's - at least as I understand it now and I'll confirm this tonight - I don't think it's envisioned that we'll be reading out statements at the time but as with any other motion, there'll be time to express our concerns, issues, this sort of thing and Paul and I would be certain to do that.

Anne Aikman-Scalese: Fantastic. Thanks Heather.

Greg Shatan: Thank you Heather. Did we round out our discussion of seconding the other motion on the RPM review? I felt that we did but we kind of got interrupted and then Paul asked that we kind of come back to it again. So I'm coming

back to it again and hoping that Paul is still with us on the call, and I see that he is. Paul? Paul we're not hearing you. Paul has lost the audio on his phone so hopefully he'll dial in or type in. I would hope to settle this -- I guess this also needs to be settled by the six o'clock pre-meeting ideally although not quite as critically.

Paul is typing his question or comment into the chat.

Paul says comment too long to type in chat.

Steve Metalitz: Send us an Email.

Don Moody: He just sent out an email so it's probably somewhere in an email.

Greg Shatan: Paul's back.

Paul McGrady: I'm back. So yes, it's too long to type into chat and unfortunately my school made me take woodshop, not typing so there was no hope of that.

One thing further on the RPM review motion is that part of - part of the reason why we wanted to procedurally be in place to block inbound unfriendly changes and to insure that the UDRP went second instead of first is in order to preserve some runway there are some members in our community and some close allies of the IPC that are not necessarily members.

But they're friends who want to keep with the 17-year tradition of not having the EDRP reviewed and while as unlikely as that may be - if we had essentially agreed to let the noncommercial stakeholder group put forward their plan of moving the EDRP first in exchange for putting the no review on the table, it seems extremely unlikely that we would have gotten no review especially because our friends over - at least one of our friends over at the BC feel it's very much for review.

And there was a decent chance that the noncommercial stakeholder group would have gotten theirs through which would have essentially put an enormous amount of pressure for the community to pressure us to cave in on UDRP reviews so that we could all get down to the business of the second round and that would have been just a disastrous move.

And so what we've done is essentially taken the time pressure off of the UDRP review that would have been put on place if it had been in the way of the second round and then have given probably a year or two of runway base to those within the IPC and our friends that are closely aligned with the IPC to put together their best arguments and take it to the working group and to the community generally that UDRP shouldn't be touched.

So instead of a most certain no right now, there is at least some runway space to make the argument and marshal the troops and try to have that outcome but we would not have had that opportunity if Heather hadn't very strategically put herself in the position of somebody who can send off inbound unfriendly or if we had given into the Non-Consumer Stakeholder Group in the small group that looked at the issue of the charter.

So anyway, that's by way of background - hope that's helpful. Thanks everybody. Thanks for the wait. Sorry for the wait.

Greg Shatan: Thank you Paul, and a helpful explanation I think goes to the point of seconding. I guess questions other than is anyone not in favor of seconding the proposal, noting that the room has become somewhat sparse but that they had an opportunity to speak up earlier as well.

So I think now that the reason for seconding has kind of been fully aired in a number of different fora, I think we have - I see the sense and instruction to our counselors to be - to second the RPM motion. So you're getting to do two seconds. Looks very good on you. And with that I will call this meeting



adjourned. I will call this meeting un-adjourned for Jonathan Zuck to make one last statement.

Jonathan Zuck: Sorry. I guess this falls back in the CCT review thing and I was reminded by the trademark clearinghouse discussion - their discussion had begun I think by Michael Graham about the IPC or perhaps into specifically performing some kind of survey about the cost of defensive registrations and I don't know where that conversation ended up in terms of conducting that survey but we are definitely on the review team very interested in that topic and figuring out that we do have metrics that we came up with that are, you know, potential proxies for actual data like are the URL's just forwarded or blocked, etcetera.

But we don't - if folks have some way to share information or do a survey to find out what kind of defensive registration actually took place, that would be useful data. I'm looking at you because you brought up (unintelligible). So I don't mean to single you out but...

Susan Payne: I'm hoping Lori's on the line and...

Jonathan Zuck: Right. Lori are you still on the...

Don Moody: ...but she's obviously...

Greg Shatan: We had Lori and Michael Graham on the line. They're both still in the chat.

Lori Schulman: Yes, I'm here. I - as I was explaining earlier we talked about this. We haven't come up with the methodology of cost. That's an issue for (unintelligible). Can people hear me?

Greg Shatan: Yes, we heard you. Understand that INTA has to, you know, treat this as an actual, you know, corporate sort of thing to do whereas, you know, IPC can just go and like put up a Survey Monkey in ten minutes and, you know, it's a -

we're more nimble in that way but also more unstructured so I guess INCA has a...

Lori Schulman: There's got to be a way to word that. I'm sorry. There's got to be a way to work through that, and maybe Michael, and I, and you, and part of the IPC could talk about it. I just - as I said - I'm a little bit constrained by corporate process.

Jonathan Zuck: Lori, it's Johnathan. Thanks for that. I mean I don't know whether or not we can assign David to have this conversation with you and shepherd the conversation to some conclusion either that you can do it or not do it. As I said, we do have some metrics that staff have been collecting that we hope to use as proxies for this data but I just remembered we've had pretty extensive conversations about it that had done and then I just stopped hearing about it so if there's anything I can do to get that process going again, please let me know.

Lori Schulman: Yes, I just - it's not an excuse but an information point we had an Internet Committee Transition in November, December, January but we've lost some time there. I don't know why I'm hearing an echo.

Jonathan Zuck: That's me. I keep forgetting to turn my microphone off. Sorry.

Lori Schulman: That's okay. You know, we'll do - maybe Johnathan the answer is that the four of us or five of us get on the call next week and just hammer it one way or the other out.

Jonathan Zuck: That sounds good. Let's make a plan to do that.

Lori Schulman: Okay.

Greg Shatan: Thank you both. Just a reminder that our last kind of official thing for the IPC to appear at is the non-contracted party's house reception and informal

meeting which is also a cocktail which is at 6:30 tomorrow in the Jardin Andalou. I believe so which is all the way in the back of the garden area in the Palace Hotel. So that's 6:30 tomorrow and of course there's the GNSO council public meeting earlier that day as well. So and of course many other fascinating sessions between now and the end of ICANN. Thank you and this meeting is again adjourned.

END