

## Revision A

### ICANN Transcription - Marrakech

#### RySG Session 3

**Tuesday, 8 March 2016 1200 UTC**

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Paul Diaz: Okay folks, everybody keep enjoying the meal and we have the recording again. Wonderful, thank you guys. All right, so let's go back to our list. Some of these I think we can punch through fairly quickly. Preparation for our discussion with the registrars and importantly with the board. As in Dublin we are going to do a joint session, contracted parties meeting with the board.

If we can scroll down a little you can see the questions that are - the joint ExComs pulled together to share with the board. And they came back to us with questions.

Woman: (Unintelligible).

Paul Diaz: There we go. There they are.

Woman: (Unintelligible).

Paul Diaz: No problem. So the - let's just begin with the questions that they put to us. These are things to think about. I don't think there are any set answers.

Everybody is welcome to contribute to the debate all right. Don't just look to the officers who are the usual suspects. So if people have perspective and points you want to make, welcome to do so.

The board questions diversity is considered a challenge, a challenge for ICANN. The question that they have is how are S - well I this case SG, how are we doing with regard to enhancing diversity in all its dimensions. One sec and well, what can ICANN do to support that effort. I see hands go up right away. We'll start with Reg. So I was looking the wrong way. She's right first Jordyn and then Stephane.

Reg Levy: Thanks. I would loop this in with the conversation that we've been having about switching the travel slots that are designated for what are they designated for, fellows or that - not designated for fellows but that pass by the fellowship criteria. Sorry?

Paul Diaz: (Unintelligible).

Reg Levy: Right and that's the (reason) eligibility retires because we do have diversity. And in an effort to support that diversity within our group and kinds of people who can physically show up at the ICANN meetings we look to ICANN to help us advance our own diversity the way that we do it by allowing us to have those travel slots to designate as we see fit.

And I realize that me saying that is sort of hypocritical right now because I do not count as one of those diverse and I am traveling under one of the shuttles but other shuttles. But...

Woman: You're a lady.

Reg Levy: I'm a lady, yes. Thank you. I had a third point that I - oh right. And to that end and moving in with what (Rubens) said about the Helsinki meeting which is supposed to focus on outreach this is part of how we reach out, how we

perform outreach to our membership to the members of our community who don't have those opportunities until we hope to be able to use those travel slots at the Helsinki meeting.

Paul Diaz: Okay good points Reg. And just to be clear because we mix and match a little bit, the stakeholder group historically has had five travel slots. It was understood that first right of refusal for travel slots are GNSO councilors because they need to be here. They need to participate. We've also reserved one other slots for our secretariat because Sherry is coordinating and doing all the administrative things both for the stakeholder group and in other related meetings. It's very important that she's on the group.

And that's left, you know, another slot to figure out. There were two additional slots that were provided starting in fiscal '15 I believe. That's what Reg was touching on. They came encumbered with a fellowship programs requirements. I say encumbered because while we have by a certain definition quite a diversity of members within the stakeholder group ICANN's fellowship programs requirements were almost impossible to meet because they really focused on specific countries or parts of the world and there are no registry operators there. So our slots were going either unused or we were fighting to get them to loosen up.

Remember that we put in a supplement budget request asking that those extra requirements be pushed aside, that the stakeholder group's traditional efforts to share or move those slots around, not have the same people coming meeting after meeting with an emphasis, an initial focus on geographic diversity so, you know, trying to bring folks from the non-traditional, that is not North America, Western Europe as a first requirement. We put that forward.

It's my understanding as part of the budget process that approval or rejection won't be known until the end of April so we're still living with that but hopefully it will be loosened up ahead of the June meeting in which case everything's

open. But just to be clear how we did the hierarchy for the original five GNSO councilors first right of refusal then your officers one slot for Sherry our secretariat. Hopefully we will have more and certainly avail ourselves to the June meetings. Thank you. Jordyn you were next.

Jordyn Buchanan: So Chuck made a really good observation on the list which was that the diversity of the Registry Stakeholder Groups is somewhat limited by the fact of where there are registry operators. We can't just invent diversities. One of the limitations in the sort of geographical distribution of registry operators is that the applicant assistant program in this last round didn't work very well.

And so I think one thing that we could say to the board is if you want more diversity in terms of background of representation for Registry Stakeholder Group you've got to get a move on with a new round of TLDs that actually includes a meaningful applicant support mechanism because that's the only way you're going to - or at least, you know, the meaningful way for participation from the developing world. Because we can't invent participants from those communities unless there are registries in those communities. So I think that's a point that we can make to emphasize the importance of making progress on the next round as well as it relates to this goal.

Paul Diaz: That's an excellent point Jordyn. And please jump in because that's - it's very well said. Remember the question to us is diversity in all its dimensions. And I'll share from the session with the council meeting with the board on the weekend that questions of gender diversity, age diversity. There's a lot of different ways that this can be approached. But Jordyn's point is a very a good one and one we should raise. Stephane?

Stephane Van Gelder: Thanks (unintelligible), Stephane speaking. So to their specific point then I want to make a more general point if I may. On the diversity issue I think what Jordyn said is well thought out. But there may be a simpler way to tackle this. And that is to say, you know, their question is, "How can we help you?" Which is nice.

So let's tell them that they can help us by freeing our - the stuff that we've been given have come encumbered as Paul explained, we can ask for those encumbrances to be lifted. They have no logic to our group. They may have logic to other groups. But then other groups get more funded slots.

And it, you know, as this industry has grown and smaller companies have joined the RYSG it is difficult for those smaller companies to fund people to come. And that - that's where the diversity can come in as well. So I'm not going to make that point but if someone wants to try and make that point that could be an idea.

One point I would like to make and this is something I'm looking for feedback on from the group and perhaps I'm looking to the group to reign me in because I'm feeling frustrated is a more general point about our dealings with ICANN. We've seen that in the discussions with the board candidates. And points are being made about ICANN acting - sorry, ICANN staff acting as a partner or not acting as a partner to us. And points have been made about the way the community views these businesses and the bias perhaps against these businesses also in the context of us putting someone on the board that is obviously from this industry and then might not be allowed to speak half the time because there might be a conflict of interest there.

Those points all stack up to me to a question to the board that's not on this agenda that is related to the global public interest as served by the domain name industry in that, you know, the new gTLD program is something that looks to expand the number of online identities that are available to the global Internet user pool.

You've got 4 billion people that have access to the Internet. Less than 10% of those, you know, less than 400 million domain names registered. That means it's like you're in a country of 4 billion people only 10% of those have passports because that is their online identity and, you know, we progress as

looking to the future the domain name as an online identity will become more and more important. And this is what this industry is also trying to serve.

So as we look to budget constraints, as we look to the amount of money that's coming in from this industry I know you can't say it that way to the board I will here. And as we look to the services that this industry is getting from ICANN and ICANN staff I think there's a real disconnect there. And I think personally I would like to see us either me to make that point or someone to make that point that, you know, we would like a change of approach, a change of, you know, we'd like to be considered perhaps with a little bit more respect in the scope of that mission of making sure more people around the world have their online identities.

And I probably shouldn't make that point because I've just droned on for ten minutes so it's probably not me that should be saying it. But anyway just wanted to put it out there.

Paul Diaz: Thank you Stephane. And before I get to you Keith one sec. Remember our questions go back you can see them there as asking the board to identify its strategic priorities and then what it's going to expect of the new CEO. And (Yuran) in several instances over the course of this meeting so far said he wants to reach out, listen and what not.

We have this point touched upon in our session with the candidates for board seat 13. You know, working to have greater communication and interaction and specific suggestion that we invite (Yuran) to a call or explicitly ask for, you know, time with him to present the contracted parties perspective to him. Because he's only hearing at this point from staff Stephane's point that's a particular view, certainly a slanted view so we should avail ourselves. Okay, Keith?

Keith Drazek: Okay thanks Paul, Keith Drazek. So just a little context on this question. In the GNSO council weekend session with the board this same question about

the SO AC accountability, you know, what's your group to ensure accountability - sorry, diversity, got accountability on the brain -- diversity. And clearly there's a lot of possible definitions or components of diversity.

In the GNSO session there was a clear focus on gender diversity, geographic diversity and all of that. And I took the opportunity to speak up and sort of say to Jordyn's point, you know, we're somewhat as registries and contracted parties somewhat constrained in being able to create diversity where there is none. But I took the opportunity to say that the Registry Stakeholder Group if you look at the course over the last two or three years has probably had the most increase in diversity of any stakeholder group or constituency simply by the nature of our increase in numbers, the geographic diversity of our membership.

I cited that our executive leadership here, our executive committee has, you now, highly balanced gender diversity and that it's something that we take very seriously. So I think we can also as we get into this conversation take some credit for what we've accomplished so far recognizing that we're somewhat constrained in our ability to focus on each one of these issues.

But I do like Jordyn's point about deciding, you know, look if you want to continue to increase diversity in the registries or in contracted parties then, you know, another round, maybe targeted - not targeted not the right word but one that has applicant support focused on underdeveloped regions might actually be a good thing forward. So just a little context and conversations that have already happened. And just note, we're not the only one getting this question.

Paul Diaz: Yes good point. We're not the only ones. (Rob)?

Rob Hall: I want to make two points, one following up on that. I think we've handled diversity better than any other stakeholder group. And I come at it from a bit of a different point of view. The registries was a very small group and all of a

sudden you had all these applicants and we immediately spun up the NTAG. All of a sudden there were brands that wanted their own group and now we have a brand subgroup and a geo subgroup. So we have diversity within ourselves and we handle it better than any other SG by just creating small pockets of interest that can then feed up into the Registry Stakeholder Group.

So I think that's important for us to say look, we have different interest groups within ourselves that we're now handling, you know, and others should take that as a model. But I want to come back to travel support. I think there's another good point we could make which is we actually - you know, they publish these artificial lists so they come up with the countries that are allowed to fellowship and the travel support and we fall into them.

So I'm a resident of Barbados. We have corporations in the Barbados that are registrars. The Caymans are also in there which is Frank Shilling's group of (Uni) Registry and Right Side SM and (Vox Spots) there. We personally felt it was disingenuous of us to say yes I'll take that money. So it's not a matter of we don't have access to it. It's that we have members that are coming anyway that say, "Look, I don't really want it." "Let's give it to someone who needs it that might be able to come and who cares where they're from." So I think that's a powerful point we could make to say we are diverse. We have people in those regions but they attend anyway. So can we please use that for someone that might be in a region that's not on the list artificially but that could really use the support to come and do the work.

Paul Diaz: Thank you R, excellent point. Let's raise that. And that dovetails exactly with what we've presented in our request that those requirements be wiped away because we're doing already or we would plan to do exactly what you're describing. And we've made clear on our application fingers crossed that they will accept. I mean, can't see why not but to ICANN. Kristina?

Kristina Rosette: Kristina Rosette. I think Jordyn makes an excellent point although I would be reluctant to have us suggest given that there's a PDP that's just starting that



there be some kind of special targeted round at this point. Stephane I certainly understand your point but I will say if I may from someone coming from the other house relatively recently that I think the Registry Stakeholder Group frankly should do - can and should do a much better job of educating the rest of the community about what we do and we're not the evil empire, et cetera.

And I think my concern isn't that if we raise the point that you're making they're going to turn it around and ask us what our own efforts are. And I don't know the answer to that. So, you know, as a general rule I don't like to ask a question unless I know what the answer's going to be generally.

I would say though picking up on a point that you made that I think the diversity question actually gives us a really good angle to hit hard on universal acceptance. And the implications that that has for diversity goes kind of broadly for domain name registrants, internet users but also for the next round. That might not be the type of answer they're looking for but they open the door.

Man: (Unintelligible).

Cherie Stubbs: Hi. This is Cherie Stubbs. I just wanted to comment about educating the community in particular the new gTLD registries and those that are new to the ICANN community and ours in particular. With every new gTLD registry when they initiate their contract with ICANN we have sent an outreach letter and explain with a fact sheet inviting them to contact us, what our Web site is, a little bit about us and again the frequently asked questions.

And offline we're - we've discussed this with a number of new members. And I think we've had a number of new registries come in from smaller regions too. So hopefully on a, you know, a smaller scale we have been really working at that in the last couple of years so...

Kristina Rosette: And to be clear that I think is extraordinarily helpful. I'm talking about beyond the Registry Stakeholder Group and beyond frankly even the GNSO to some extent.

Stephane Van Gelder: Yes and so this is Stephane again. Kristina I think that's a much better way of coming at it so thanks for that. And my suggestion then just to get practical on how we're going to handle this my suggestion would be that I could - someone else will probably want to speak to diversity as well. But I in that case would take the point of using diversity in the context of speaking to diversity in the context of universal acceptance. I think it's much more palatable.

It is also communication. You know, when we talk to the board there's lots of other people there. So we are communicating to the rest of the community. And if - I think we should raise that as an issue for us. But coming at it from that angle that makes me feel much more comfortable so I'm happy to do that if everyone else is. Thank you.

Paul Diaz: Jonathan go ahead.

Jonathan Robinson: Just a very small further supplementary point around that might help you Stephane and us in terms of putting a positive message through because one of the other questions the board asked us previously is what we were doing to get ready for this next round. And I think in terms of setting that context all of the work that we did to enhance membership reorganize the group, do the different things that we did I suspected just a more positive and effective of setting the scene before going into alongside the response.

So the question's about diversity but they previously asked us about how we're getting ready. And we got some very good answers on diversity. And we can say and by the way you might recall that you previously asked us how we got ready. And we did a number of things to get ready. And the results are a diverse and functioning part of the GNSO and ICANN community.

Paul Diaz: Good point Jonathan. Any other thoughts? Okay so as you can see from the list in front of you or up on the screens other questions they are interested about CCWG accountability where things are going. I think we can have a pretty quick answer based on what we heard from Keith in the update.

And then our questions the ideas was to sequence in this way. You know, they kind of flow one to another. And strategic priorities, what are they going to set for (Yuran), the new CEO and then to talk about the financial aspects. We don't want dwell on it. We don't want to beat them over the head with it but some very significant cost overruns. We know that's come from the community.

Question or the concern really that we want to raise with the board is the planning aspect of ICANN spending is the ongoing concern. They're getting better are reporting that they're just reporting what they're spending and it's not necessarily the way we would run our businesses. And the point needs to be made in front of the full board because only some of them seem to get that there is a problem. It's at very least a perception problem if not a far more fundamental one.

We'll go over this in more detail with the registrars. So great discussion now, mull over some concepts. We'll work with the registrars and then we'll have good session with the board.

Jordyn Buchanan: Paul if I can just - it's Jonathan. If I can come back quickly on that. I mean I think we've tried this financial point with them and we got ourselves to kind of standoff. That doesn't seem too antagonistic and not productive. So I'm just wondering we could be - I mean whether we go to the registrars or on our own but they're willing to rehearse exactly what the point is and what we'd like to change.

Because if we're not careful it just sets up this sort of antagonistic dynamic where I mean we've seen it before on a couple of occasions right where the executive staff gets very defensive and not happy with the point being made. And so just we just have to be - get it right I think to work with you on that.

Paul Diaz: Sure. Rob, go ahead.

Rob Hall: I was going to come back to the first point which is the board's views on strategic priorities because I think the reasons we get into these cost overruns I everybody submits their pet projects they want. And rather than the board deciding these are the five or ten we're going to do this year they try and do them all. And so the budget process to me seems broken where they go out to staff and say, "Okay here's the 100 things we want to do this year." "What's it going to take to do it?" And then they set their budget and then they overrun it.

But I think it goes back to what they actually set the budget to. The board should get a handle on what are its priorities and limit them. You know, you're hearing about community fatigue and that kind of thing. But it starts with we can limit what they're working on. I think that's the way to limit the budget.

I think I agree with (John) and if we just get into a fight about your budget's too high that falls, you know, they're not going to solve that and it falls on deaf ears and just sets up an antagonistic relationship.

Paul Diaz: Very good point and to focus on limits may be just the way to go that the board just said. I'm sure staff's going to come back and say well we have a strategic planning process. While this is ordained by the community it's part of that, the budget merely reflects those priorities. I don't by that and I've made that clear to the ICANN finance board finance committee and to (Xavier) that the proposed processes in theory complement one another. They're really very separate and nobody who participates in the strategic planning can honestly way that they have a good handle on how the things

we've prioritized will turn into expenses into project things and costs. And that leads to this tremendous growth year over year in the budget.

Rob Hall: But that's the perfect time then to say great, so every new budget item linked to a strategic priority because I don't think they can do it. If that's their excuse then well to the strategy you put in well then public the budget with a link to every item in the strategic plan that you're working on.

Paul Diaz: All fair and that would be constructive in that we're being forceful in saying show us. Okay - or I think we're good with this one and obviously we'll have further discussion. Registrars may have some additional interesting angles. We'll work together on it when we meet together later.

Woman: Before we move off the topic of what we want to discuss at the board I want to just go back to I think it was Stacey who raised it and now because there's also been some emails floating around on the list about a response to the request for longer public comment periods is there anything that we want to discuss with the board at this point or do we just want to let that one stand?

Man: Yes.

Rob Hall: I think as far as the objectives being set in the (CEO) we could talk about business certainty and predictability. And maybe that's one example of having two long public comment periods which gives us a hard time to get some certainty and predictability. Maybe it's longer predictability but we still have to run our businesses and we still have to - we need ICANN to be a partner and not an impediment. And maybe that's a point we can make in that context.

Paul Diaz: Great thought. I see Chuck and Donna. Chuck?

Chuck Gomes: In the policy development process it's always - we're always criticized for being too slow. And so there's a balance that's - that we try to achieve

between all elements and certainly public comment periods are one of those. The longer we make them and there are multiple comment periods throughout a PDP the longer the process stretches out.

But I think it's not only the length of the comment period that's a factor. It's how effective representatives on the working groups keep their constituents informed and involved in the process. You don't need quite as much time in a comment period if you've been able to successfully keep your constituents informed and not just informed but involved. And I know that's hard to do because we're all busy. But there is a balance here. There's not an easy answer.

We have trouble sometimes responding to the in time for a comment periods because we're involved in other things. So it's not as if the IPC is the only one. At the same time it's not just a matter of lengthening everything because then we're causing a new problem. So where the balance is I - you know, we're going to have to work together as a community on that.

Paul Diaz: Thank you Chuck. Donna?

Donna Austin: Thanks, Donna Austin from Neustar. Just in terms of, you know, priorities for or objectives for the incoming CEO I wonder where there's a perception among the board that the CEO is not responsible for our kind of problems because that's been founder side to Akram as the President of the GDD. So I would like to understand whether there's a delineation there in some way that - because when I think about it Fadi, you know, had clients that he spent a lot of time in airplanes during his tenure. He never came to see us. I don't know that he's ever been in this room since perhaps - right? So Akram rarely gets into this room. So who's responsible for us and who's looking after us? I think that's the question because it looks like to me there was a deliberate decision that the President of the GDD was supposed to look after us. So and we need to recalibrate and just see whether that's still the case or not.

Paul Diaz: Fair point Donna and let's see if the registrars share the view but we can adjust the question to talk about CEO and what the CEO's thoughts are for the president and the GDD. And in fairness I'm - without my glasses I thought I saw Akram in the back of the room for some minutes this morning, didn't say anything though so it's - okay, you listened but that's - he wasn't up front with (Sarah) and (Krista) interacting. And who becomes the interim head of the GDD in that case?

Man: Well it's just...

Paul Diaz: Okay. We had a queue going so let me...

Man: I just (unintelligible).

Paul Diaz: Okay go ahead Rob.

Rob Hall: Can answer the question about how the registrars feel. They have a wrap. Mike Zupke's in every meeting all day long, comments. We don't seem to have that. We seem to be spread across several and they're not here and Krista doesn't attend our meetings. So I think it's a fair point to say look, the registrars have an ICANN rep that's in every meeting on the mailing list participates. We don't.

Kristina Rosette: Do we want that? Do we want a member of ICANN staff on all of our mailing lists?

Rob Hall: You may not put them on the mailing list but they're in every single meeting then, you know. And they can take the issues back and say well this is what they're thinking.

Paul Diaz: Stacey?

Stacey King: Stacey King. Just to your point Chuck, the BC is also now asking for extended public comment time. And the focus seems to be just watching the transcript more on things that aren't going to policy development and in particular RSEPs is what they're addressing with the board right now.

Chuck Gomes: If I respond to Stacey. This is Chuck. RSEPs actually don't require a public comment period. And I think that's a very important point to recognize. Now the practice is to put it out there. But the process and keep in mind that process was developed. It was a consensus based process for the RSEP that was developed quite a few years ago now. And now that doesn't mean it can't be reviewed and changed but it really doesn't require a comment period.

Staff has elected to do that but I think that's an important factor there.

Paul Diaz: You know, and at least from our experience at PIR Chuck comment periods if staff determines any (unintelligible) to and they will take the most conservative view. So it's yes more often than not RSEPs will require a comment period, sometimes multiple.

Chuck Gomes: What I'm saying Paul is that they - the process that was developed as a consensus policy does not require it. So they may initiate one. I still would argue that it's not required.

Paul Diaz: Understood. Okay, I'm losing track of my queue here.

Cherie Stubbs: Just a quick response to that. But to further that they actually set forth what the bar is supposed to be for whether or not there is a comment period. It's supposed to be if it sets like a new precedent for the service if it has significant impact on third parties. And we found in our experience that there's the standard that's published. And that's not at all what they rely upon when they make the decision of whether or not to subject it to a public comment period.



Paul Diaz: Yes, same experience. Does he need a...

Kristina Rosette: Can I just suggest maybe we reach out to the IPC and BC on this because they're also asking for a data dump right now. They want to know how many RSEPs have been posted, what evaluations have been carried out, how long it took. I mean they're asking for a lot of information. So it's something that they have concerns with maybe it is something we should be reaching out to them and trying to figure out what it is that their concerns are.

Paul Diaz: We should think about this a little bit. This is happening in real-time and I'm sorry I'm missing- can't keep up with the queue much less the email traffic or skypes or any other streams that are coming in. And just because it in the heat of the moment these things are requested I think the first question asked is, "Hey staff, how are you going to respond rather than going directly to the other constituencies or at least in parallel."

But let's all keep our feelers out there, talk to people at the receptions and opportunities and we can make this an item for our first meeting when we're back which is I think 23 March. So it's not too far away but it's enough time to gather information figure out how we should proceed. All right, I did lose track of my queue so Jonathan I think your hand was up.

Jordyn: Thanks. I was picking up on this theme about Akram, the new CEO Registry Stakeholder Group and so on. And it feels to me like we've got a really sensitive line to walk here because there's a sort of political one which is the multi-stakeholder and the equality of the stakeholder in the policy development process and seeming to run out in front of each other. I think the point that Kristina made earlier we've got to be careful of that issue.

But nevertheless we are critically dependent on service from the GDD. As Donna pointed out Akram was put in charge of the GDD. Akram is now running the IANA transition and he's now interim CEO. By definition he can't

be giving us the kind of attention we deserve. So I think we've got to move it away from anything to do with personal to Akram but to do with the kind of tasks he's given.

And I guess our ask really is of the board is to reset the clock in recognizing both the multi-stakeholder community and our critical relationship with the GDD from an operational business mechanics perspective. And again we can acknowledge a positive for example in the GDD summit. And there is an initiative there but we really need to see both of these done effectively. And our concern I suppose at the outset was that the GDD would be a kind of second class bidders in all of this.

And we really rely on this for - and we like the CEO's attention to be on that service delivery component of ICANN's model in addition to the multi-stakeholder policy-making machine.

Paul Diaz: Okay well said (Jonathan). Feel free to jump into the debate later on.

Jordyn Buchanan: Okay.

Paul Diaz: Very well said. Let's tie this one off because we do have a lot. (Rob) said it's a real...

((Crosstalk))

Paul Diaz: Sure, okay.

Man: For - I'm all for talking to the IPBC or IP and BC. Sorry, I'll just call them the IPBC. I think it gives us an opportunity to do something a little different though which is to come back to the point of ICANN staff may not find themselves in this problem. Because I think what the IPBC is feeling is an overwhelming Oh My God there's so many things going on.

If the ICANN staff was actually following their own rules and making a decision there wouldn't be so many RSEPS open to public comment. So I think it gives us the opportunity say, "Look, ICANN never wants to sign anything. And by doing that you're causing this issue that (unintelligible) causing the community to (fatigue). But (unintelligible).

Paul Diaz: Okay.

Kristina Rosette: I'll be very quick. I actually was - I meant exactly what Paul was saying before we make this a formal thing. If we can just informally find out what the concerns are maybe it's something we can just find - if that's the case then it's easy for us to go to staff. If it's something else maybe we can resolve it without it becoming a big deal.

Paul Diaz: Great. Thank you guys, okay thanks.

StephaneStephane Van Gelder: Just Stephane again. Just I agree (Jonathan). That was extremely well stated. And can I just add that that to me the point you made some is - to sum it up it's about the partnership that we have with ICANN staff. And our feeling that that partnership has probably either faulted or been too one-sided, i.e., where you get to have a partnership but they're not so eager.

If you I or someone else makes that point I think we have to talk about the partnership we would like with our - the business end of ICANN which is a GDB as far as we're concerned. Thanks.

Paul Diaz: Cherie?

Cherie Stubbs: Just a quick housekeeping reminder. When speaking would you please announce your name? We have a number of people who are on audio and they're getting confused. Thank you.

Paul Diaz: Thank you Cherie and (Mary) like I said, tracking all the different feeds. It's important, you now, this is Paul again. Right. Yes but it also matters for the transcript. We review the transcripts. I try to do it on the ground so things are kind of fresh, I'll kind of remember. But it's important that, you know, when people are making points are attributed appropriately. Let's just getting back in the good habit of announcing before we speak.

All right getting back to our point sense so I think we're good. We'll have further discussion with our registrar colleagues. So if we go back up we have a bullet here for financial planning going forward. The first item is a reorganization. That's a probably a misnomer.

What we're talking about is as this group's evolved, as this group's grown it's become very clear that our traditional financial framework the way we pay our dues, the way moneys are paid out to our secretariat to other vendors, et cetera, is antiquated and simply doesn't work for an increasing number of people. So over the past many months we've undertaken a review, considered a bunch of options. In fact we even went to an outside counsel and had a formal analysis done.

The recommendation has come back that the stakeholder group incorporate an entity, a 501c6. What that means under the US tax code is that we would incorporate a trade association. It would maintain tax exempt status. Suggestion was that we incorporate in the District of Columbia simply because there's so many associations. It's a very simple straightforward process. This will allow us to then build out a more professional or commercial banking framework so that when we pay our dues folks aren't stroking a check to Mr. Kenyon Stubbs, care of the Registry Stakeholder Group. Very importantly it also formalizes and removes potential liabilities for our treasurer whomever that may be. It'll be a lot easier in the future to make adjustments to personnel after elections are held or people step aside.

So the request to the group is - and this has been vetted with the ExCom, does anybody have a problem doing this? Does anybody feel that, you know, that you like the current system and, you know, want to fight for it? I'm don't need to be snide but it's - this was a deliberate undertaking because what we have right now is a constraint. And this other process will allow us. It won't impact our - we do not believe it impacts at all our relationship within ICANN. This is merely a formality that we created so that we can this professional banking structure. Our interactions within the ICANN community remains the same. And I should note several different constituency groups have reached out to me asking exactly what are we doing because they're all thinking the same thing.

Paul Diaz: Rob?

Rob Hall: I would caution against it. So I think it's - I'm not trying to say don't do it. I'm just trying to say there's other issues that are bigger than that. So right now we have the cover of we act under ICANN. And under their insurance and they have to defend this that we do something that someone comes at us for. You're removing that protection so you'd have to very least make sure you have other insurance in place.

I'll give you our experience of as you can imagine we took a hard look at could we go after some of the signatories the letters from the IPBC against Vox Populi. And it ends up that you're actually suing ICANN because as much as they try and represent they're not ICANN it's a construct under ICANN and so ICANN would have to defend. And so I throw that out there as a caution of you're now removing yourself from the umbrella of ICANN legally. And so while ICANN may still treat you the same the rest of the world that wants to come at us may not. And so just I think that's something we need to debate a little more and understand clearly what happens in that case.

Paul Diaz: Okay I'm going to turn this one to Reg.

Reg Levy: Yes thanks for that Rob. That's an extremely valid point. That's something that we haven't thought of. What we would like to do is because this has been an internal within the ExComs conversation for a really long time, what we'd like to do is take it now to consult with ICANN legal with those sorts of caveats and say, look, this is the problem that we are running into. So either you need to provide us way more support than you do or you need to somehow extend that umbrella over this secondary entity that we're making. And maybe there will be some sort of help from their end. I mean it may even be that it's a subsidiary because we kind of already are a subsidiary stakeholder group, multi-stakeholder group but within a different silo.

Paul Diaz: Okay so we can discuss this in a little more detail and then come back to the group shortly with a final recommendation how to proceed think through these other potential...

((Crosstalk))

Man: Yes and if you are going to do it pay attention to director's and officer's liability. Because the last thing you want is you have to sign a letter on behalf of the SG and someone wants to swing at you for it personally. So right now you have the protection of ICANN's insurance and their legal team. If we remove that that's one of the concerns.

Paul Diaz: Becky?

Becky Burr: There's a lot of free legal advice on this in the work of the CCWG that looks specifically at the liability of unincorporated associations within ICANN. So I'll dig it up for you. I actually don't - I think you're right that it's - that your protective. I don't think that the protections go way with an unincorporated association. So I'll dig that. We've had a lot of memos on it.

Paul Diaz: Okay thanks Becky. Then we'll come back to everybody. Next item our FY '16 budget. So we need to do the mid-year review. As we said on the last conference call the good news is that we are tracking well to plan both in terms of the revenues received from fees as well as expenses. So basically the good news is we're where we expected to be.

After this meeting obviously we incur some expenses. We'll take another quick look, make sure that we continue to stay on track which leads us to FY '17. And that cycle needs to begin planning for spending for next year. We always present the stakeholder group proposed budget as early as we can. We'll look for a vote, ratification of the budget before the fiscal year begins July 1st. The stakeholder group runs the same fiscal calendar that ICANN does.

We made that shift a few years ago as part of planning for '17. The ad hoc finance group, group of volunteers have been looking at various issues will reconvene shortly after Marrakesh. To consider any additional expenses that we anticipate in '17. Certain adjustments that need to be made. And the projections for our revenues with all of those numbers we will also take a look at and make - propose some options for impacts that it could have on our fees, potential reductions in our fees for next year or perhaps spread out there beyond.

All of this needs to take place against the backdrop of understanding what is our reserve. And we have a carryover each year, how large we feel is appropriate. And if there are any potential tax implications if and when we do pursue some sort of a incorporation we're carrying too high a balance be a risk. So all those factors will be considered and anybody who wants to participate in that ad hoc group welcome to do so. Please contact me or Sherry. And we'll come back to the group as soon as we can with some proposals with the view again towards moving towards a vote on the budget in June. Questions on budget Sherry? Okay (Ken) go ahead. Go ahead (Ken).

K: Can you hear me now Paul?

Paul Diaz: Yes go ahead Ken. We hear you.

Ken Stubbs: Okay I'm sorry. This relates back to the previous topic that ties into this as well. It's going to be of paramount importance that we get an entity established before we bill again for dues. I've done some additional research and there is a very high probability we'll not be able to accept funds in the future unless we have an entity to do it with. The internal revenue is modifying their policy towards organizations like ours. They want more accountability and they figure the best way for them to get it is to require the banks as well as us to have some sort of an entity that's obligated to report. So just please remember that if this isn't done by fall you're not going to be able to bill. Thank you.

Paul Diaz: Thanks Ken, understood. Okay, in the interest of time I'm watching the clock, we have about another half hour. We still have a bunch of issues. We also have want to be taken through some presentations that were prepared on two character in Spec 11. So with all due haste if we can go over our comments Stephane?

Stephane Van Gelder: Thanks Paul. Thanks Paul, Stephane speaking. So just before the lunch break I sent out the latest version of the comment matrix. And if I can start with the RDAP vote that's being going on. I know you've already had calls to vote this morning. Just want to reiterate that, you know, this process has taken longer than we expected, anticipated, hoped for. It's probably a lesson for all of us in managing our comments that - going forward that we want to think twice, three or four times about calling for votes unless we know why we're calling for votes. Do you want me to stop and...

Man: (Unintelligible).



Stephane Van Gelder: Right. So, and, you know, because what we tend to see is that it's very difficult to get feedback on the votes. My understanding is that we're now borderline to where we - the number of votes we need to get this done. But if you haven't voted once again can I please ask that you vote? It's a simple click on a link vote. It'll take you two seconds and we're done and we can move on.

So I'm not going to go through all the comments. I just want to point out three things. The first is that we have a 16 March deadline for the privacy and proxy services accreditation issues. That's something that Maxim's working on. Can I ask you to just update us on that?

Maxim Alzoba: Maxim Alzoba for the record, short update. We are waiting for the response from Statton Hammock who is waiting for the response from Michele because most probably we're just going to say that yes, the last time - the things we submitted last time were okay or are still okay. And (unintelligible) him last week and today. And anyway we will have time for this too.

Stephane Van Gelder: Okay thanks Maxim. So Maxim's sounds like he's in control of that one. The RDAP I've mentioned. I just want to add, just want to point out that on the matrix you've just add there's a couple of new comments. There's one on the draft fiscal year '17 operating plan and budget that expires. It's got a 30th of April deadline. That's new so anyone wants to volunteer we probably should comment on that.

There's also a new one that's been put in. It's an RSEP on the .(moi). Is that French? Yes, all right, TLD. And my suggestion there is that we do what we usually do which is not comment on specific RSEPs. So that's the way I've built the matrix there.

We've got a few other comments that were on there already for which we need volunteers. So without delaying too much on it just to draw your attention, please do look at the matrix that we do need volunteers still on

several of those comments. And in closing I want to thank all the people that regularly volunteer for these comments, people like (Maxim), (Rubens), many others that really help us make our voice heard in the wider community through these comments. So thank you very much for that. And I also want to thank Sue and Sherry for helping me manage the matrix and point, just add for members' benefits that every time we put out the new matrix, a new version of the matrix that systematically gets put in the member's only section of our Web site by Sue.

So you don't have to look at my attachment when I send out an email. Sue picks it up, puts it on that part of the Web site and it's there for everyone to see. Thanks very much.

Paul Diaz: Okay I've got two. Jordyn you were first then Chuck and (unintelligible).

Jordyn Buchanan: Yes so a question I think maybe for Paul and Sherry and then I comment on the current state of a few of the comments. The question is on the RDAP vote are we enforcing the provision in our bylaws regarding inactive versus active members? It seems like...

Woman: (Unintelligible)?

Jordyn Buchanan: So the question is are we enforcing the active versus inactive provision in our bylaws regarding voting? It seems like if we did that we would have a lot less problem getting to quorum if we're not doing it already. My understanding is if you don't regularly participate in voting then we shouldn't pay attention to whether you're voting or not.

Paul Diaz: Cherie?

Cherie Stubbs: Actually to retain your active you'd need to do - you do not - voting isn't a mandatory. It's kind of a three-pronged issue. You have to have - be current on your membership dues or you become inactive. You have to participate in

at least every third or fourth meeting teleconference call to remain active and/or vote. So any one of those three issues keep you in active status.

And what I try - what I do is after every teleconference call I look at participation. And I track who might not be - who might have fallen into the inactive status. So see we have it. Just the RDAP vote is the first one we've called for since the election of GNSO officers. Prior to that I think it was almost a full year when we held a vote.

Jordyn Buchanan: So but are we actually making members inactive when they're not meeting one of those two? They're either not voting or not participating on the call?

Cherie Stubbs: Yes.

Jordyn Buchanan: Oh, okay.

Cherie Stubbs: It is - it's reflected on the membership roster that there'll be an answer by the member's name showing they've been slipped into an inactive status. And we'll contact them and let them know. So normally they queue back up.

Jordyn Buchanan: All right, well that was - too bad that wasn't an easy (unintelligible) problem. My comment is - so I note that we were finalizing the comment - I mean we're voting on the RDAP comment. We've already submitted a Thick Whois comment. I noted just from interacting with staff this week and talking with a few folks in the hallways and so and these two issues are inter - a lot more interactive than I expected.

When - like looking at each of them it was hard to understand sort of what staff had in mind as it was plodding through this. But it's clear to me that the staff actually views it's approach to the two things as quite related.

And I think that there's a path forward on both issues that we would find a lot more reasonable that we might be able to address by creating some sort of

consolidated comment. We only have about a week to do this. But there's also interaction between the registry's position and the registrar's position.

For example the registrars are saying like, "We don't want to do RDAP," and therefore staff's saying, "Oh, well then we have to put stuff in Whois through Thick Whois implementation. And so it may be this stage is maybe the topic for us to talk about with the registrars. But we may want to try to get a small group together and very quickly try to pull together a combined registry registrar approach on how to move forward with both Whois and RDAP that would give staff I think a little bit clearer guidance as to what the operational contingency would like or what the contracted parties would like to do as opposed to just reacting to the staff proposals which is roughly what's happening right now.

Paul Diaz: Okay good idea Jordyn. We'll add that. I'm having notes. If they don't get to it quickly please call me out and let's raise it with the registers. That might be a very good way to go forward.

Okay I have a queue. Are there any others? No, okay. Let's see where are we now? We were going to have a quick update if they want the time. If they don't need it that's fine. But BRG or GOs you guys want to flip a coin who'd like to go first? Martin please. Then BRG go right ahead.

Martin Sutton: Thank you. It's Martin Sutton here. So I think since the last Registry Stakeholder Group meeting in Dublin some things have changed. Look be useful just to recognize those here. First of all we've had some changes within the organization. So I've actually taken over as executive director to the brand registry group. We have therefore a newly elected president Cecilia Smith here with us today from Fox. So there is some recent changes (start to) taken over a few days ago.

So just to let you know we've now got 39 members of the primary district group. So it is (actually) rising. And that represents about 71 brand TLDs

within that mix. And just to show that there is some crossover about diversity adding to the mix there are ten members of our brand registry group are voting members within the Registry Stakeholder Group and three members have also joined up that are non-voting members.

So I think we've got a magic number of 1/3. We were third volume of applicants for the new gTLD round. We got 1/3 of our members now within the Registry Stakeholder Group. And the current status in terms of the association membership was as going through the charter amendment approval process and they can't open a comment period. We're hoping that we'll see that will be processed without too many issues so that within the next few months we will actually be able to join as association members, bona fide association members. But in the meantime we'll enjoy the observer status that has been provide dot us. And thank you for that.

We are currently working with Sherry and Sue and (Samantha) to figure out some of the administrative impacts we've had with the RYSG and the RG members because there's some practical elements that we've got to consider in terms of email lists, access to the member side as and when that would be appropriate and to what level would be appropriate too.

And just finally I just thought I'd flag the key priorities that we're looking at within the brand registry group, very topical and we'd go on to that in a second is two character codes. The registry agreement negotiations that have been ongoing universal acceptance certainly is more start to switch over to live and the subsequent rounds procedure PDP. And that's my quick update. Hope that's okay.

Paul Diaz: Perfect, thank you Martin. Anybody from GOs want to provide an update on where they stand? All right...

((Crosstalk))

Pau Diazl: Go ahead Sebastien.

Sebastien Ducas: Hi. I'm Sebastien Ducas. I had a presentation I'm not sure for...

((Crosstalk))

Sebastien Ducas: So shortly. I'm Sebastien Ducas I - the recently appointed chair of the geoTLD Interest group which coincidentally is changing names as we speak. After discussions with Paul yesterday, after discussions with our - not yet Thursday, Sunday, after discussions with our group yesterday we are actually thinking - we're rethinking our position within this group and probably following the lead of Martin and the BRG submitting also a request to partake as an associate member rather an interest group.

So in brief we're the geoTLDs. By definition TLDs that have government backing and this rather than TLDs that I have to the geoTLD box during the application phase. We want to be slightly more than that that restriction back then. That includes for example a number of community TLDs. I'm thinking about the basket of .ALs or (unintelligible) that also could include previous not new TLDs that I'm thinking about, the (catlands) and .Asia.

We currently have 26 members, 18 voting members. We represent 33 TLDs all together. And that's 57 of the original that has 60 the geoTLD box and 12 potential others again the community ones that we're thinking about. We have just been elected as of the first of January as the new ExCom to run the group. So I am me here Sebastien Ducas as chair. We have Dirk Krischenowski as Vice Chair and (Ana Chavra) as our Treasurer. There you go. Next slide.

So in the past few months and I'm thinking since basically Buenos Ares last June we've been working in creating a membership and raising a membership which happened roughly during the summer until about Dublin. Between Dublin and the end of the year we elected the ExCom that started in

earnest in January. We have just voted in Cs for our group. That happened over the weekend.

The next steps are to decide on the budget and pretty quickly ask that you actually register ourselves as an association. Contrary to the BRG that is something that has never happened and will need to happen again to be able to partake here as an association. We're working as Martin says also obviously on the two (unintelligible) on universal acceptance on all these things that you guys are working.

We also will endeavor to build for our own community things like a Web presence, tools to be able to share information on what everybody's doing in terms of marketing, in terms of outreach locally. We're an odd group here where we have a lot of behaviors that resembled the generics and let very little competition between each other. So very much like the CCs in this world we're able to share a lot of what we're doing because it has no implication on our own commercial.

We will be working on - also on providing papers to our members for their local outreach for global outreach for outreach to potentially new cities that might want to join. We will also prepare something, a paper on what I now know it not to be called the second round but on subsequent round. And to that extent yesterday discussed already with our Jeff Neuman to come and participate in the PDP process to make sure that we're on the right page for this. And that's about all from me if you have questions? Question from (Rob), go ahead.

Rob Hall: Just on a light note, I'd be careful of your acronyms. Right now you're the GEO Interest Group or GIG. And the other one will be GAS or (GAS) and I'd rather have a good GIG than Gas any day.

Sebastien Ducas: I think that we're - so we're either going to be the act that's formally known as geoTLD IG or the geoTLD Group.

Paul Diaz: Okay thank you Sebastien. All right, again full schedule so we are down to our last ten minutes but we still have some media issues to go through. And Donna I'd like to give you as much time as we can to spare to go through the presentation you've developed around two character. It was a major topic this morning. I'm sure everybody will benefit from it.

Donna Austin: Thanks Paul. Sue Sue can you light up the deck please? Thanks Sue. I'm Donna Austin from Neustar. So what we want to talk about today is mitigation plans for two character labels. There's been a fair amount of discussion about we all know what the problem is so I don't want to spend too much time on that given that we've only got a limited amount of time.

So there's a smaller working group that's been looking into this. So it's myself, Reg Levy from (Minds and Machines), Susan Payne, Valideus, Crystal Ondo, Donuts, and Stephanie Duchesneau from Google. And what we've been looking at is, you know, how can we move forward on this? So Sue can you go to the next slide please? And I apologize for the font. This deck was provided to the Registry Stakeholder Group list yesterday. So all of you should have it.

This first couple of slides are largely background and I don't know that I necessarily need to go through that. I think everybody's got a fair handled on what's going on here. Sue could you go to the next slide please?

So I'll just pick this up from February 25th. So that's when those impacted registry operators would have received a notification from ICANN to submit reconsider - submit mitigation plans in response to comments that have been received by governments. And the mitigation issues are to be submitted to ICANN by the 25th of April. So Sue next slide please. So I just wanted to give you a sample of some of the comments that we've received that have been received.



And what we've highlighted in black here are the - so what (Krista) said this morning, anything that seems to contain the word pertains to - has included the word confusion seems to have been accepted by ICANN as still causing a problem.

So no, the Korean government we would like to submit a temporary objection to the release of .KR at the second level under all new gTLDs until we Korea governments set up the accurate criteria for releasing. So I don't know how you develop a mitigating plan for that. Next please Sue. Portuguese one's a little bit to understand some of these comments. The key part here we think is confusability exists in all the instances since the PT code is widely recognized but it's on and off the Internet as the identifier for Portugal. In this regard we are concerned that consumers assume that person who are undertaking operating under pt.string not only are for their services in Portugal or products or services related to Portugal but they are - but that they comply with applicable regulations.

Next please Sue. So Taiwan use of KW it certainly will correct confusion or concerns at multiple levels are now part which would include but not limited to (dwarfing) there's no dignity violation of public order or good social custom affecting the rights of domestic enterprises and being - reflects the (B2) at disadvantage. Sorry, (company) challenge.

((Crosstalk))

Donna Austin: Next please Sue. Nigeria, so Nigeria is interesting because it says Nigerian law. And strictly it is against Nigerian law and strictly prohibited to use the word Nigeria or code representing Nigeria without proper authorization by the government. So it's not - there's not legislation or anything attached to this so we don't know about the validity of it. But if this is valid this might be a little bit difficult to get NG if that's what you're after. Next please Sue. And so Israel with just the IL proper or offensive utilization in conjunction with .IL,

misleading association with the state of Israel, interference or violation of the rights of domestic businesses and organizations. Next please Sue.

So that's just to give people, you know, an indication of what kind of comments have been submitted. And obviously we have to assume that ICANN has decided that those portend to confusion. And the challenge for us is well how do you develop a mitigation plan that response to those? Given the diversity of the comments and the way that they're being structured it's a bit of a challenge.

So in thinking about the question how do you develop a mitigation plan that addresses each and every government comment we don't believe it's necessary or possible - well we don't believe it's possible nor do we think it's necessary to do it. Most of the government's claim confusion at second level without providing any evidence to claim their support.

So we believe the focus of any mitigation plan should be the responsible language in Specification on 5 Section 2 of the Registry agreements which is namely that the registry operator may also propose the release of two letter labels based on its implementation of measures to avoid confusion with the current (unintelligible) country codes subject to approval by ICANN. So that's where the focus should be when you think about what a mitigation plan should contain. It's the language that's in the registry agreement. Next please Sue. Sorry, Chuck?

Chuck Gomes: This is Chuck Gomes. Sorry to interrupt but it relates to what you just covered. And I know this doesn't help with mitigation plans. But the new gTLD policy specifically said that international law should be used because we're dealing with dealing gTLDs, not the local law. And I guess this is an issue with staff more than it is with the mitigation plans. But that's a critical point.

Donna Austin: Yes. And I think we've made that point many times Chuck. Maybe we haven't done it in the context that it was policy to start with but certainly we made that point in correspondence we went to the board and to staff. So just to be clear and I think there might have been a little bit of confusion around this today but submitting a mitigation plan is only the next phase of this current process. The government comments and the registry mitigation plans will be published so the - when you submit your mitigation plan people will be able to see it.

ICANN will consider these two inputs and job criteria so evaluating where the measures identified by a registry operator, registry operators successfully mitigate confusion concerns raised by governments. Now it's pretty obvious from what (Chris) has said this morning that they have no idea how they're going to do that until they see the mitigation plans. And even then I don't think they've got any idea how they're going to do that.

And the - once ICANN has developed their criteria they'll post that for public comment before final adoption. And of course we don't know what public comment is going to reveal either. Given that there are over 500 registry operators that have submitted authorization requests to date and over 15,000 comments submitted by governments in response that's - it's hard to kind of control that amount of information if every registry operator decides that they're going to respond to every comment that's being submitted by a government. So we're kind of thinking in terms of trying to contain the risk in how ICANN evaluates the measures and decides their criteria given they apparently propose to create some composite mitigation criteria based on those submissions that we work together to develop a set of maybe six or seven mitigation plans that registry operators feel meets their needs and submits those.

So along the lines of what Cyrus was suggesting this morning that we do this as a collective effort although I hesitate to use words like that because it might have different connotations to other people but that we, you know, consider working as a group and having six or seven to pull from and we

submit those. Next please Sue. So well, what I'll go through now is just some ideas around what the mitigation plans could look like. And there's a disclaimer at the end of this presentation that if you decide to use them then that's on you. It's not on us. But I'll get to that when we get right to the end.

So we still have Crystal with us on the phone? I think she was hanging on there.

Crystal Crystal Ondo: Yes Donna I'm here.

Donna Austin: Okay great. Would you mind going through this slide if you could see it?

Crystal Crystal Ondo: Sure. So the first potential mitigation measure is to offer an exclusive access. And this idea is coming from legacy TLDs which has already gone through the RSEP process and has the ability to offer two characters for registration. So one idea is to offer basically like a sunrise period. I can't read it now in chat in front of me - sorry, it got too big -- but that allows for specific country code managers for those two characters combinations that have been flagged by ICANN as requirement mitigation and give them a period - I'm offering 30 days in this slide in which they can come to a registry operator and register the domain. This type of allocation program has been approved in legacy TLDs. They have to travel RSEP language in here from 2009 that was approved by the board. And the travel's interesting just because they have entered into the new gTLD registry agreement and their phased allocation program that was approved previously that language is now in their new RA. And you can see that language there on the slide as well.

Similar phased allocation programs have been approved for bids, info org and jobs. So there is a history of ICANN approving this as a sufficient way to mitigate confusion. So it is one option that those of us got together and talked about those things that registry operators should consider.

Donna Austin: Thanks Crystal Does anyone have any questions on this one? (Rubens) has a question Crystal.

Rubens Kuhl: Rubens Kuhl queue. I have a comment. I will put my ccTLD hat on a for a while and saying that on those registries that the ccTLD had the first right of refusal their contracts also had price, strict price definitions which is not the case for the new gTLDs. So if has new TLD has start charging ccTLDs six figure numbers for 2000 two letter combinations you get lot of ccTLD managers unhappy and got lot of back pressure from that so I would caution against that kind of combination.

Donna Austin: Thanks Rubens.

Crystal Ondo: Thanks Rubens. And just to be clear we're talking about most of the TLDs that I've have around 20 or 30 maximum two character combos so we're not out the entire universe of governments here. Some strings have a few. It's less than ten. It's just a couple combinations that each TLD has to mitigate at this point so that's just one thing to consider.

Donna Austin: Stephanie?

Stephanie Duchesneau: I know this has been used in the past so I see why people would want to rely upon it. We do have some concerns about this proposal because it does suggest that the government should have the first right of refusal. And I'm sure that's true in something like it.careers.

Donna Austin: Crystal do you want to respond to that?

Crystal Ondo: I just I agree. I think that raises an interesting point which is one reason also why we did not address price on this when we talked about it. I will say that one of the reasons for offering this is you'll see in the other available mitigation plans later on is that this is one option for registries who are willing to put it out there to kind of have it all over and done with and you don't have

to push the discussion down the road to say okay now I have a site that I have to deal that pertains - that's confusing according to Italy and now I have to deal with it and what does that look like? What if IT careers down the line if Italy complains and you have an active site what are you going to do about? So that was kind of the other option of saying okay this is what ICANN's already approved in the past. If they are - if the registry's willing to do it this time around why shouldn't they be allowed to?

Donna Austin: Rob's got a....

Rob Hall I think the solution Stephanie may be that, you know, if .sucks it sucks would be a very expensive domain. And I'm happy the government of Italy wants to pay the price but I suspect they won't. So I think you may find that in some of your premiums like if .careers you can control that by price.

Stephanie Duchesneau: Yes I think my concern is more around the principle of offering a sunrise and that that suggests that the right exists in the first place...

Rob Hall: Completely get it but I...

Stephanie Duchesneau: Not just a...

Rob Hall: ...don't know how to win the battle at this point so...

Paul Diaz: Donna if I could just jump in. I know there a couple more slides. We're basically up against time. We're supposed to join the registrars in 10 minutes. They're usually late to us or they're coming here, even better. They're usually late so just kind of work - let's work through it, work around it and then we'll have two quick - and well here come someone in at least, too quick administrative updates at the end please.

Man: Donna only the two letters we are talking about there are also two - six two letter combinations on that list of international organizations like EC, EU, EP,

AU, UN and so on. And I'm not sure if we should try to get them in a two letter discussion instead of having these on the other list. I don't know how they made it on this list. Looks like yes incidentally or so. So PT, could also put PT on that list if they had known that this would give more certain protection. I just get...

Donna Austin: Yes I take the point but I think we're conflating two issues in two strip separate...

Man: Yes.

Donna Austin: ...courses in the registry agreement so we do understand that there's a problem with the IGO at least because it contains a subset of two characters. And that's about all. We'll have to fight some other day I think in the near future though.

Rob Hall: (Unintelligible)?

Donna Austin: Yes?

Rob Hall: Was there any thought given to rather than just giving exclusive access to only the country codes, maybe combining it with a TMG face or so you wouldn't be saying only the country code can do it? They're up against trademark holders in any region then for the name as opposed to giving them first priority. Would that solve the issue?

Donna Austin: So Rob and to everybody else in the room just to be clear this is one of five proposed mitigation plans that we have in this deck. So what we're providing here is just a sample of what, you know, your mitigation plans could look like. So you could, you know, talk and (unintelligible) offer whatever you felt you were comfortable with. But what we're trying to do is just put some bounds around how many mitigation plans forward to ICANN so we've got some kind of control over it. Sue can you go to the next one please?

((Crosstalk))

Okay so it's okay. As I said the deck has been provided to everybody on the Registry Stakeholder Group list. This is the mitigation plan for registry operators and intends to be the registrar of the two characters. And this is something that we tried for quite - but didn't quite work out the way we hoped.

And basically what it's saying is that, you know registry operators understands that the concern with confusion - sorry I'll just go back a bit. I think it's a really important when you provide your mitigation plans that you actually have a brief explanation about your TLD and how you operate. I think that's really important information. So I just want to highlight that.

So this one in terms of the protection. So you're basically saying that the two characters that we used exclusively by the registry operator it will not be used to imply that it is or represents the government depending on the two character code and will not be used to imply that the government approval of the registry operations or activities. So that's being pretty specific that they shouldn't get - the government doesn't support this in any way. And the registry operator will commit to investigate any reports of misuse including misleading or deceptive conduct including those from a - from the government associated with the country code I think that is. Then it was falling off the edge. And that, you know, in where the registry operator decides that there is legitimacy to the complaint that the - sorry that the record could be removed. And that would be consistent with the acceptable use policy that the registry has in place. To assist that I'm just going to try to compress this now. Are there any questions around this one? Next slide please Sue.

So this one you could use for open registration so a generic. It's very similar to the one before but it's not registered to the registry operator but it's similar in concept. Next please Sue.



I don't see Susan Payne in the room. Stephanie)are close to these ones?

Thanks.

Stephanie Duchesneau: So there's a few different variants but it's all the same principle. One thing that we identify is if the registration policy for a TLD is such that either because it specifications are team qualified, (RFCC) exempt or because it has a very defined registration policy is such that the country code operator or government could not be a registrant in the TLD and that is made public and is known that there's not really any solid basis for confusion.

So basically what this says is that the registry operator is going to in case - in this case - this is the brand example - have a registration policy that would limit all registrations to the registry operator, to an affiliate or to a trademark licensee will publish that on - will publish that registration policy on its registry Web site, will refer to it in its agreements with registrars and will enforce it and follow compliance including through annual qualification for Specification 13. And then there's variants on that same basis. I think in the case where it was a restricted TLD it would require going into some more description about what the actual registration policy was and why that would exclude the government or the country code operator that is concerned with it but there's templates for all three of those here.

Donna Austin: Any questions around this one? Sue could you move forward I think next one? Next one. Okay. So our recommendation is that we encourage each registry operator to consider submitting a mitigation plan that is similar or not the same to at least one of those proposed presentation. The working group also believes there will be value in the Registry Stakeholder Group contacting all registry operators and making them aware of the potential mitigation plans. And note that the mitigation plans will be the subject of a 60 day comment, public comment period and ICANN approval. And the working group is offering these plans for your consideration with no guarantee of their acceptance by ICANN.

And the disclaimer here is that the working groups and all the Registry Stakeholder Group will in no way be responsible for the manner in which any particular registry operator implements a proposed mitigation plan. And before submitting a mitigation plan each registry operator must determine for itself whether a particular plan appropriately meets the obligations under the registry agreement. So does anyone have any questions? (Edmund)?

Edmon Chung: Edmon Chung I'm curious if the working group has considered like a potential challenge or an appeal or DRP mechanism for governments?

Donna Austin: So in the - one of these mitigation plans it's not necessarily an appeal but a government can write to the registry operator and the registry - if they claim that there's confusion or some other type of abuse. And the registry operator can deal with that consistent with their acceptable use policy. So it's not really something that's similar to a URS or, you know, some kind of dispute resolution. But there is a provision in there that if the government raises the concern the registry operator in good faith will review it and, you know, make a decision based on that. But...

Edmon Chung: Why not flush that out further?

Donna Austin: It's another possible option.

Jeff Neuman: This is Jeff Neuman. I'd be completely against giving governments this due policy because then you're basically admitting on the record that they actually have rights to begin within those two characters. So I mean I think this - once you commit to this becomes in theory a compliance issue with ICANN. Let the governments complain to ICANN. Let ICANN make sure you're complying but to basically give - when you give someone a dispute policy you're actually they have to base that on rights. And you're almost admitting that they have rights which I'm not - we don't want to concede that the government has any rights to these two characters.

Donna Austin: Next?

Crystal Ondo: And the registries are welcome to do whatever they want. These are sort of broad scope things. And I think that for the most part at least the working group agrees with Jeff's summation we don't want to admit that they have rights but absolutely. And I know that for at least one of my two character string confusions I actually do want to work with the government. I think they have a good plan. And so each registry operator can obviously choose their own.

Edmon Chung: (Unintelligible) sounds good. I actually don't agree. The - it depends on how the DRP is written. It could be abuse space. It doesn't have to be white space. So, you know, just bring it - I don't disagree with the approach and I don't disagree with not conferring rights. But there are ways to craft a challenge mechanism that's not based on rights but based on abuse.

Crystal Ondo: I still think that unless there's a right way to do something then there can't really be a whole lot of abuse. And most abuse is covered in other abuse mitigation measures that registers would have. But again feel free to...

Paul Diaz: Okay guys wait a minute. This is going to be...

Jeff Neuman: I just want to say obviously GRPs (unintelligible) are going to be based on confusion as opposed to rights or abuse right? Like you would - we had a string confusion panel in our own process of getting new TLDs. So it's not going to be a GRP that would not get into any of these entanglements.

Crystal Ondo: Paul...

((Crosstalk))

Crystal Ondo: ...can I just jump in right before?

Paul Diaz: Sorry what was that?

Crystal Ondo: It's Crystal. Can I respond to Edmon?

Paul Diaz: You're next Crystal. Hang on a second.

Crystal Ondo: Okay.

Jeff Neuman: Yes I was just asking about next steps. So this is now out for comments from the stakeholder group and then what? Sorry.

Donna Austin: So I guess - Donna Austin. I guess Jeff what we're trying to do is get some kind of agreement around the idea that there would be value in having a set of mitigation plans similar to what we provided. You know, if Edmon wants to go off and develop another one that he would like to make available to the stakeholder group or registries more widely than that be made available. But it's trying just to get, you know, agreement from this group that this is about a reasonable way to go forward. And we encourage registry operators to, you know, use some mitigation plans that we provided.

Jeff Neuman: All right I guess response just let us - because I think going with templates is a great idea. I just have comments on these drafts before people submit them. So if we could just say to the registries like leave a week or so and then say okay, these are now the finalized templates?

Donna Austin: Yes.

Paul Diaz: Sure Crystal. You want to say something?

Crystal Ondo: Yes Jeff we have I think almost two months so there's time for the Registry Stakeholder Group to talk about this and get comments. I just wanted to point out for everyone that you should look at the list that ICANN send you

because you will be mitigating only a few labels. And if you post a dispute resolution policy in a country that's not one of those specific labels misunderstand what their rights are we could be in a situation where all governments think that they have the right dispute the use of the domain which is not the case. And I'm just concerned that when we heard staff talk about how hard it is for them to communicate with each government if we do offer public you know dispute resolution policies that each government then thinks they have that right. And then trying to talk them out of that through this long process that we've all gone through for the last two years could get fairly ugly.

Paul Diaz: Okay folks and once again two characters obviously a very, very meaty issue for us. From my notes this morning think we have until the 24th of April. So there is time. There is no need to rush to Jeff's point let's make sure that we thought this through. I think we should also consider availing ourselves of staff's offer to have another they called it a Webinar have them join one of our calls at the beginning of April so that as we firmed up our plans we can make sure that we're not going down the path that they don't see it the same way. And that would still give us time to meet the deadline.

Okay I'm going to - we're obviously joined by registrar colleagues had drawn the line under this one. I noted I had two admin issues and actually both of them are important for registrars to hear as well. So first let me know, we posted it to the list IRTD. Okay this is for the transfer policy.

And a request has come out for staff they would like to sync the implementation deadline for both the C and the D. So we're already committed to C at the 1st of October. Now they would like to get D hooked in with it. We need to either say yes that's fine or pushback. And we've had this note on the list for a while. There's been no response.

So, you know, ask your folks to think about it, look at what the implications are. The D recommendations are mostly around the transfer dispute

resolution policy and will have direct impact on the registry operators. But if we're going to need more time to comply we need to have our voices heard sooner rather than later. Michele?

Michele Neylon: Yes Michele Neylon for the record. And hi registry people. I thought C was August or am I losing my mind, the implementation date the comment. I think it was - I think we had a meeting with ICANN staff this morning and the date they referred to was like August 1 for implementation. For implementation if we want more time we need to get back to them sooner rather than later.

Yes, no I can't speak - well actually I will do it anyway. I suspect based on the conversation we had this morning around the implementation of IRT PC I would be very, very surprised if any of the registrars complained about having more time to implement it because we already have - we spent quite a bit of time this morning on that. And it's pretty clear that there is still a lot of doubt around how we're going to implement those changes.

So if there is a way to move forward with after requesting an extension I suspect that we would be supportive of that. I mean if any of the registrars disagree with me please, you know, say something. IRTP D Paul what was the date on that one? I'm on my own great, thank you.

Okay so IRTP D does anybody recall the implementation date on that one (Jennifer)? Yes what was the original...

Paul Diaz: We have technical issues. We have to break the recording.

Michele Neylon: Okay.

Paul Diaz: So let's take this up so that it's captured. Hang on a second Jen?

Jennifer Standiford: Jennifer Standiford.

Paul Diaz: Hang on a second.

Jennifer Standiford: Okay.

Paul Diaz: We have to stop the recording, start over. We want to make sure that we capture this. So just give the tech guys a second.

Michele Neylon: This will be a good time to have hold music.

END