Transcription ICANN Beijing Meeting

Commercial Stakeholder Group (CSG) meeting

Tuesday 9 April 2013 at 09:45 local time

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Elisa Cooper: ...constituency. And it's our turn. Our pleasure to I think lead the discussion for the CSG at this time.

And so hopefully all of you have an agenda for today's meeting which is scheduled to run from 9:45 to 11:15, and so we're actually on a pretty tight schedule. And we have six different areas which we will be covering, and we'll have about 15 minutes to focus on each of those areas.

So I will ask as we're going through those areas if you would please be cognizant of timing. If I find that we're not able to move through many different people, we may have to move to kind of a two minute timer. I don't want to do that, but it's a threat. So let's just try to move through these things quickly.

So before I start, let me ask if there is anything from the - either of the other two Chairs that they would like to say?

I don't know. Have we started the recording?

Nathalie Peregrine: Yes, Elisa. The recordings have been started.

Elisa Cooper: Okay, great.

So before we move into our agenda, let me ask the other two Chairs, Christina and Tony, whether or not they have anything that they would like to add?

Rosie: In the interest of brevity, no.

Elisa Cooper: Very good.

So we do have our topics for discussion with the Board, and this is located on the sheet that hopefully you all have as an agenda. And I thought that it might make a little sense for us to sort of review these questions. If there are particular nuances or things that we want to delve into further related to these topics, I think now is the time to discuss that.

I realize we all just had a very interesting discussion with the GAC. But given that we have not had time to meet with our constituencies individually, I don't think we're probably in a position to necessarily take that information forward. And you know, probably not our place to be conveying what we've heard from the GAC. It's for the GAC to convey to the Board.

So with that said, let's see if there are - yes. Let's see if there are things that we should discuss.

(Steve)?

Steve Metalitz: Well, I was just going to say - this is Steve Metalitz. You mentioned things we heard from the GAC. I heard nothing from the GAC, so if people have information that they heard from the GAC that they think would be useful to

know as we proceed on the day's events, without again saying that it's up the GAC to decide what it's going to say and when it's going to say it.

But if there's any actionable intelligence -- let's put it that way -- it would be great if people could share that.

Elisa Cooper: (Unintelligible)?

Man: Yes. I have to - along with Christina and Elisa, I was sitting at the table next to (unintelligible) and I think what we heard was that that the GAC feels rather overwhelmed that the scale of things they have to deal with is too broad. That they're not getting sufficient support. That they're getting information too late to prepare for the meetings.

                  And in terms of what they'll be doing today, they're looking at general categories of industries and professions where they want particular safeguards put in place before any strings are approved. That they will be identifying their particular strings that will be objected to and that they also will be continuing to discuss the issue of closed generics.

                  So that's what I remember. If you two recall anything else from that conversation with (Heather), feel free to join in.

Christina Rosette: You know, the only thing that I would add - this is Christina Rosette, is that it is very much a focus of the GAC of how they can -- and this is the theme we've heard over the weekend -- of how they can interact and provide input more effectively and efficiently into the GNSO policy development process.

                  So, that would be really the only other thing that I would add to that.

Ayesha Hassan: Thank you, Elisa. This is Ayesha Hassan. At our table, a couple of the other things that were discussed were the fact that not only are they feeling time constraints, but they're also feeling expertise challenges in certain situations.

And another point that came up that I think is helpful for the (unintelligible) business to be thinking about at the national level is that those countries where extensive consultation or some consultation goes on with other stakeholders before coming to these meetings.

They're finding the text that they may be proposing, the ideas that are coming forward are more balanced and that it's a challenge if countries are not consulting their stakeholders at a national level before coming in to these discussions.

Thanks.

Elisa Cooper: Tony?

Tony Holmes: Yes. Just one thing - it's Tony Holmes from the ISP's. Just one thing to raise that became apparent during our discussions was that the GAC representatives, they raised a few issues where they have issues with some of the positions coming out of the GNSO, and some of the views being expressed within the GNSO.

What was apparent in that discussion was that the view that GNSO is one entity, and we had to point out to them that it's a very diverse group of people. And I think from our perspective, as far as these constituencies go, there isn't the necessary balance across the GNSO to always ensure that what comes out of the GNSO is a balanced view.

And it's worth bearing in mind as we move towards restructuring that we are being viewed as one entity in GNSO. Whether we agree with those positions or not, we are part of the group that they are looking at to discuss those issues with. And, it's worth thinking about that as we move towards restructuring to make sure they fully understand the diversity of the views and the difficulties that exist within the GNSO.

That clearly wasn't apparent.

Elisa Cooper: Wolf, Marc, (Ellen)?

Wolf-Ulrich Knoben: Thank you. Wolf-Ulrich Knoben speaking from the ISP.

We had at our table a GAC member from Africa, from Tanzania and Kenya, and they choose to try to talk about the GNSO policy at the meeting, got engagement in that, but it seems to be to them that it's not the topic, you know from their perspective, those GAC members.

The general view of them was because they were participating the first time in the (unintelligible) that they (unintelligible). They appreciated it very much and they were surprised that they were - from their point of view, too little attendance from the GAC.

So it seems to be that there is an interest from those countries, from the less developed part of the world to participate or to get information about it. And there may be a lack of information within the GAC about this arrangement (unintelligible). So we should think about it - how we could improve.

Thank you.

Elisa Cooper: I would just want to stay cognizant if we do want to discuss anything further that we want to take to the Board relative to the items on the agenda, we should definitely cover that now because we have only a few more minutes for this part of our meeting.

But with that, I see that Marc was next.

Marc Trachtenberg: Marc Trachtenberg. I'll be quick in light of that.

But, we had the representative from India at our table and we had a very good discussion with (Jim). And based on our discussion, there was recognition that the decisions they make and the advice that they're bringing to ICANN can have a very significant impact on various companies and applicants; particularly, ones in their country. And, that they had to be very cognitive of that.

And that whatever their advice is, it has to be reasonable. Every side is going to have to give, but there has to be some reasonable solution that includes safeguards but doesn't stifle the innovation of companies and doesn't punish companies that apply for you know TLD's that are identical to their brand that may be you know generic in some language, and that they seemed to recognize that.

And they were open to some sort of reasonable solution, but they hadn't heard some of these things before. And we discussed that the process is deceptive in a way because they essentially issue their advice to ICANN without really having direct dialog with parties like the IPC and the BC. And, they seemed to recognize that and be open to that.

And so, I think there's a possibility of having some direct access to the GAC from the CSG and being able to express views, considerations, and they're open to working with them. They - their primary concern is protection of consumers, but they also realize that to some extent they could issue advice where the result will be that the applicant simply cannot open up the TLD.

You know either it's a company where they have investors or a Board - and they're just not willing to do that. That's not their model. You can't - you know from a legal perspective, you can force them into opening it up. But from a practical perspective, you can't force a company to change its business model.

So whether you have you know a company that was formed just for the application or whether you have an established brand, you know they may - it may not be worthwhile to them to operate that TLD in a fully open fashion. And that's - you know while they think they're protecting consumers, the end result could be the opposite. That consumers would be punished because these TLD's would not be available at all whatsoever.

And so there was recognition there and I think there's an opportunity, you know possibly through that GAC rep, to create some sort of direct access to them to discuss these issues directly before they give their advice to ICANN.

Elisa Cooper: Yes. It seems like there were definitely a lot of good conversations and interesting information, and perhaps it may make sense for us to have a follow-up meeting after the meeting here in Beijing by phone, because we do want to kind of focus right now on the agenda, which is are we comfortable - is there anything that we wanted to add to the agenda that we are taking forth to the Board at 11:15 - are there - is there anything that anybody wants to say about the agenda?

Marilyn?

Marilyn Cade: Thank you, Elisa.

I want to say - I want to make a comment about stakeholder engagement and outreach, and I'd like to add it to the Board agenda as an idea.

The - I'll say very quickly that the GAC members, including the Chair, are feeling bypassed by the lack of heads up about stakeholder engagement and outreach in the regions, and I think actually we probably are too.

And so perhaps we could just consider adding to the agenda that we consider ourselves partners with the staff who we're going to be meeting - of course with (Sally) and others. But it might be nice to make - since it's the CEO

who's driving all this - if others agree, it would be nice if we could have a bit of a heads up about the stakeholder outreach because it may be the same people we're trying to interact with.

Elisa Cooper: Point taken.

Man: Could we get the agenda put up on the screen or - because you're asking a question and I don't even know what the agenda is at this point.

Elisa Cooper: Yes.

Man: I apologize. I'm sure I've received it. I'm not - but I've got (unintelligible)...

((Crosstalk))

Elisa Cooper: If there's anybody here that does not have an agenda, please...

Man: For the Board.

Elisa Cooper: Yes.

Man: Okay.

Elisa Cooper: And the agenda for the Board is here as well.

                  Yes. Ron?

Ron Andruff: Ron Andruff for the record. BC.

                  One of the things that has become very apparent in talking with Board members and others is the fact that the plurals issue - singular plurals on top level domains on the new gTLD's is something that is completely bypassing the conversation.

And it's an issue that we've - I've talked to certainly some members of the GAC and so forth about it today, and also with members of the Board, and the problem is that they're not hearing about it. So I would think that we would really want to get the singular plural issue on the agenda with the Board.

That's an absolute because at this stage of the game, if you start to look down the future if this thing should pass, you could see the next round; I'm going to go and bid for .com's, and J. Scott's going to bid for .net's, and somebody's going to bid for .org's. And guess what we got? A real slippery slope.

So this is something I think we should put right at the top of the list so that we may drive that point home so we don't - it doesn't get lost if we get short on time. Thank you.

Tony Holmes: Just a response to that, Ron.

I think there were a number of things that came up with that discussion with the Board - sorry. With the discussion with the GAC. But as Elisa has stated, I don't feel we're in a position to start channeling back GAC views to the Board. And this particular issue is one that we haven't discussed in the ISPCP.

And I think for the CSG to take issues to the Board, they should be issues that we are fully conversant with, and we haven't discussed that.

So to represent that as a view from the CSG I think is inappropriate. If the GAC wish to do that - sorry. If the BC wish to do that or the IP, I think that's fine. But to take it as a CSG position when we haven't discussed it (unintelligible)...

Ron Andruff: I could agree with that, Tony, and I'm not trying to force something before it gets discussed. But if that's the case that the discussion hasn't been had, can we flag it?

I would think that you would agree that the plurals issue is an issue. All we need to do is flag it.

Elisa Cooper: Tony, it's actually on the agenda.

((Crosstalk))

Tony Holmes: (Unintelligible)...

It's an issue, but it's an issue that hasn't been discussed. So how we can take a view to the Board on anything that we haven't discussed? And...

Man: I don't think he's - Tony, I don't think he's saying that we take a position. He's just saying that we flag the issue.

Ron Andruff: That's correct.

Tony Holmes: We haven't even agreed whether it is an issue or not because we haven't discussed it, and that's my point.

Christina Rosette: One of the things that came up in the discussion that I had with a GAC member that I had that I think is appropriate, both to what Marilyn said and what all of - and what Marc said and a number of (unintelligible), and I think it's important to bring to the Board's attention as well, which is the GAC representative said that in his country, he's representative of the new Ministry that's now (unintelligible), but that in his country, everything's very siloed.

And so not only does he - you know, do the GAC representatives feel that they don't have sufficient information from staff; they don't even have

sufficient information in their countries. And I think to the extent that we can offer to be a resource for information, and especially about these issues and bringing to them already as an offer for the ability to travel or do whatever's necessary to provide them with the information, I think that's the place where we can be exceedingly helpful.

Elisa Cooper: Steve?

Steve Metalitz: Thank you.

I don't think that the purpose of our meeting with Board is to flag issues. We have some pretty important issues that were previously identified as discussion topics with the Board.

And I think the important thing to remember about the new gTLD program is that most of the Board is recused on that. It's not really that meaningful to have a discussion with the Board about the new gTLD program to be honest.

So I think we're better off focusing on the topics such as the big problems with public comment periods, the fact that the Board and others seem to have a misunderstanding about the nature of the CSG and how it relates to the constituencies, and maybe we can help to clear that up.

So, I think that's probably a good use of our time with the Board. Thank you.

Elisa Cooper: Tony Harris.

Tony Harris: Yes. I don't know if we've gone off subject with Ron's comments, which I think are important, but my question is I understand that first of all in the evaluation results that have come out so far are all IDN's. And there doesn't seem to be - based on my perception, yet a case of where singular versus plural has been sort of - its rushed through without any objection.

And I do believe that the evaluation panel - I'm trying to look up the guidebook now specifically on that. But I do believe that they take a serious look at string similarity from a visual and a phonetic point of view.

I would imagine that the panels would have something to say in a case like that, but I may be wrong. Thank you.

Elisa Cooper: (Unintelligible) Bill Smith.

Bill Smith: Bill Smith, PayPal.

I'd like to echo Ron's comment, and I think it's just unbelievable that we're having - would have to have a conversation about singular versus plural.

I have - in my travels, I have met no one - and I mean no one that understands how this came about. And I think it - I would hope that this group would ask the Board to explain that position. It makes no sense.

Tony Holmes: So for those who were in the GNSO meetings over the weekend, some of this came up. I'd like to yield to Steve. He has a list of the various TLD applications which are in contention, like auto and autos, and game and games, and bet and bets that actually went through the evaluation panels and there was no string contention related thereto. And I think Steve is a great person to be able to give some briefing on that.

Steve Metalitz: Yes, Tony, to set you at ease on this, it would be bringing up potential concerns and questions without taking a position. And when we've addressed this with Fadi, he buried his head in his hands and said, "I have no idea what that panel was thinking."

He was as mystified and perplexed by their ruling as all of us are. And when we - Zahid asked him on Saturday and - on Sunday in the work session what

would be the next step to challenge that, or something? He again put his head in his hand and said, "I'm not touching that." He's got enough hot topics.

So it's not that management - there is no mechanism for the community at this point to say, "We think that the panel came back with an unduly strict interpretation." They simply looked at visual similarities. The lower case letter i and the lower case letter l look similar enough, or an r next to the letter n looks similar to the letter m. Those are the only two rulings they made. They did not look at anything else.

So the result of that is we'll have auto and autos, coupon and coupons, deal and deals, and let's not make it be about defensive registrations. I know. That's an extra 24 TLD's that all of the brands and businesses at the table will have to do defensive registrations. That's a problem, but it's only 24 more.

I think it's better to say that users will be confused. They will not know. They'll see it on the side of a bus. They'll read it on a business card. They'll hear it on the radio. See it on TV. But, they'll go to the wrong one because they couldn't remember if it was deal or deals?

And keep in mind it's going to reflect badly on the new gTLD's if that confusion occurs.

Man: That's right. I think we made the DNS superfluous, right. What you've done is you've forced everybody into direct navigation on that - on mobile apps or to the search engines. It's superfluous. You by - have just written yourself right out of the - of being relative.

Elisa Cooper: So I'm hearing that this is an issue that many of us feel passionately about and feel that this is definitely not the right way forward. That said, I'm also hearing in the CSG that we are not able to right now at this point move forward with a position on this.

So I'll - well, I don't even know - I guess I would ask Tony what his thoughts are in terms of asking the questions. If he does not feel that we're at a point to ask questions - it's not something that we had put on the agenda. And so, I don't want to do something that we cannot all agree with.

Tony Holmes: Okay. Let me try and explain.

The issue for me isn't about the plural issue. The issue is about principle of us now taking stuff to the Board that, certainly as far as the ISP's are concerned, we have not discussed.

Now on the table I was on at breakfast, we had a long conversation with the GAC about the IGO issue. And they had very strong views on that, which I had some concerns on as well because I think the messages coming back from the GNSO are probably not messages that certainly the ISP's and I would suggest probably the other constituencies here share. So there were issues around that. We could just as well take that to the Board.

It's the principle of taking things that we haven't had a chance to discuss. And the preparation we had for the sessions in Beijing certainly within the CSG was to identify issues that were a concern to all of us that we would take to the Board.

Steve quite clearly set those out, and I'm fully supportive of that because that was what was discussed before. Suddenly changing attack and going along adding to that list of issues is something which - well other ISP's may want to take. But I'm very uncomfortable in saying, "Yes. Let's do that," before we've even had a discussion of whether it's an issue or not.

And it isn't the issue itself; it's the principle of doing something at this late stage that adds to that agenda. And we'll look to the Board as though this is something the CSG are right behind. And we may be, but we haven't discussed it, and that's the point I struggle with.

Elisa Cooper: I will just add that this is a topic that we identified for discussion at this meeting. So there is a bullet point to discuss where are there areas where we need to explore further or where we may have some you know agreement among us?

So the main point - and I do want to wrap this up and move on through the agenda. I think it is important that we identify leads for the topics that we are going to discuss with the Board, and the first topic is about the recent amendments to the RAA and the RA. So I don't know if there is someone here that would like to address this topic with the Board?

I see Steve Metalitz being pointed to.

Steve Metalitz: I'm happy to address the - especially the RAA issues.

Elisa Cooper: Thank you, Steve.

Steve Metalitz: I think there are a lot of other issues involving the RA that maybe others would want it.

Man: I'm happy to.

The one point I think that needs to be made about the RA is the Board needs to know that this process of dropping something on us when we are large businesses away from counsel and we're being asked to speak authoritatively about substantive changes, it's broken and it does not need to happen again.

And they need to talk to Fadi or the staff, or whatever, and I'm happy to do that because this is ridiculous that we're being asked to get up at 7:00 this morning and sit in a room to talk about substantive stuff - you know, it's

ridiculous and they need to know that, and we need to make that message very clear to them.

Elisa Cooper: Okay.

So can both of you take that one?

Man: Yes.

Elisa Cooper: All right.

The next one is around organizational structure and the potential changes to that.

Anne Aikman-Scalese: Anne Aikman-Scalese. Thank you for recognizing me. I'm so - certainly don't want to take the lead in talking about that. The comment I wanted to make was at our table, and Tony was also at the same table, there was a lot of discussion in terms of the relationship between the GAC and the GNSO in terms of what's the status of GAC advice? How does it - you know, communications start earlier?

Certainly, the GAC use GAC advice as having equal weight to GNSO policy. And so that sort of - if you'll call it the scales of justice. It's - you know, you can imagine Lady Justice, and over here is the GAC advice and over here is the GNSO policy; that's their view of GAC advice. And how you, you know, have that exchange between those two organizations - have it occur earlier.

How the Board takes into account each side of those scales of justice is a huge question for the organization (unintelligible).

Christina Rosette: On the question of the organizational structure, I think the point I added was actually about organizational structures, right. You're making a lot of changes

in the organizational structure. We're not fully on top of those. It's more of a request for information and for - I think.

And Tony, I don't think - I'm (trying) to look at Tony. I don't think this is so much a position as checking the view that this is a request for information. You know, we're seeing offices being opened and learning about changes after the fact and don't really have the ability to fully understand or even keep pace.

And so, is there a way to have more communication about - like learning there are engagement centers - the whole new plan for that. Isn't this what we're talking about? The organizational realignment and how work is going to be distributed and who's responsible for things?

Tony Holmes: Well, I think in answer to that question - I would agree with you. And as Anne set out, there was some discussion and concern about that at our table.

And it isn't something that's new. I mean the questions that the GAC were asking were basically along the lines of, "Have you been aware that this is going to happen? Have you been engaged in the process? Do you understand what's happening?"

Because as they say, they don't. And our answer was we don't really either. So it's exactly the same point, yes.

Christina Rosette: But I mean, Elisa was asking if somebody wanted to address it. I was just trying to merge the point I made with this question, because I think they're exactly the same thing.

I'm happy to address it, but sounds like maybe Tony.

Elisa Cooper: (Unintelligible).

Tony Holmes: I'm fine, by the way.

Elisa Cooper: Okay, the next topic for discussion really has to do with the fact that it's becoming increasingly more difficult to participate in comment periods for a number of different factors. Is there somebody that feels passionately - I (unintelligible) - and Christina?

Christina Rosette: I do. But you know if there's someone else form another constituency you know who'd like to take the lead, I'm happy to yield.

Bill Smith: Sorry, Bill Smith. PayPal.

I have a point of procedure that I'd like to ask about, and that's the plural/singular issue is on the agenda. When are going to discuss it?

Elisa Cooper: As soon as we get to that. We're still working through...

Bill Smith: Okay. That's fine.

Elisa Cooper: Yes.

Bill Smith: I just want to know because it sounded like we would not discuss it.

Elisa Cooper: No. We are discussing it here. We are discussing that topic here. We are not going to be able to come to consensus here, but we're going to discuss that topic here.

Tony Holmes: The issue we had, Bill, was not discussing it. It was to take it to the Board before we've had a discussion. That was the issue. And within our constituency, we would need to follow-up on - as we always do, on what happens at the CSG meeting and have that discussion. That's what we haven't had.

Bill Smith: So then I have a further question, okay, regarding procedure, and that would be that we then are unable to establish a position in a meeting like this where we can all discuss things. That's what I'm hearing. We cannot establish a position unless we go back into our individual constituencies and do it. I think that is broken.

Tony Holmes: That's the way I believe it's always happened until now. We haven't had debates at the CSG level in that manner. I mean if that's what's been proposed, then I would suggest that we should talk about that probably separately to this meeting because that hasn't been the way it's been done in the past.

Man: This may just be something that - for the next meeting we need to change the order of these meetings. And, I would suggest that maybe perhaps we need to think about having this agenda for this meeting delivered - we have those constituency meetings first and then we have the CSG meeting after.

I mean that could be simply fix this with something like that, Bill. I mean I think we can. It's not as broken as it may be perceived. We can fix that.

Tony Holmes: If I can pull up on that?

This whole issue is part of a bigger issue, and that is I think we made the point when we met with a couple of the Board members on Sunday that one of the problems we had is.

(Tony): That's on Sunday that one of the problems we had that on a lot of working groups, this group is getting one slow.

And we have very diverse views on some things and we are being viewed as though the CSG is just one group of people that can have one - be represented by one person.

I don't think that's the case on many issues. Because we do come at it from different perspectives and there's a strength there.

And there's a strength there and we need to be very careful if we go down the path of having a CSG meeting and defining positions, we are strengthening the argument against us having more than one person in any working group of any committee we're just one group of people.

So we need to debate that at length and take great care with that.

Elisa Cooper: I would also just add that is also a topic for this meeting and so we will definitely address that particular issue as well.

I think we're about to close on who will be taking the lead in the different discussion topics and the very last one is actually what (Tony) had just mentioned.

And it sounds like (Tony) would have been up, but I think you were already going to talk about organizational structure issue. John?

John Berard: I think it's okay if we change our mind in that regard, (Tony) is clearly more passionate about that, I heard it at breakfast this morning. I don't think we should lose that in our conversation with the board.

And I would suggest that (Tony) take the lead on the minimization of CSG participation. I would be more than happy to take his spot with regard to organization.

You know as a consultant you know mile wide inch deep, talk about anything and I would recommend that Steve or you take the public comment thing.

And if we're all agreed on that then we can jump into the substantive part of this conversation which is really where I think before (Bill) explodes we want to get to.

(Tony): Thanks John, good proposal, thank you.

Elisa Cooper: We are now moving to the second bullet point of this agenda which is really also what (Tony) had just mentioned, the fact that we're increasingly being asked to supply a single representative of the CSG when we often have three different perspectives.

So I will put this out there for question, comment, ideas about how we might address this. J Scott and then Ron.

J Scott Evans: You know I think that the way to address it is the fact that our side of the house is how it's really supposed to look, right? That's how it was all designed.

The registrars and the registries changed everything after the 2008 by saying oh we're all in agreement, we can just be a stakeholder group. But the reality is our side of the house is the way it is designed.

And we need to tell the board that because that's the way it's designed when they put these working groups together they need to be focusing on how the structure is on our side.

Because I think also as we go forward you're going to see a shift on the other side of the house because they're going to be forced by different voices coming in to those groups to be more reflective of our side of the house.

And I think that's the way to frame it.

Elisa Cooper: Let's see, I had Ron then Kristina, then Ellen then Steve, anyone else in the queue, Wolf, anyone else, okay. Moving on with Ron.

Ron Andruff: Ron Andruff, BC, I think that historically we've gone through now many changes within the body of ICANN and the GNSO and this last iteration was kind of eleventh hour, you know if you don't get it done within these certain days we at the board are going to make a decision.

And as I understand it we kind of threw all this thing together at the eleventh hour and fifty ninth minute and we had this house system.

Now we're coming up for GNSO review and we have to now rethink all of this one more time or at least have a look at it. So I think there's an opportunity here insomuch as to state historically what happened.

And to be very clear that this was not a decision, we were all very separate constituencies, all the sudden we found ourselves all in the same boat, a little bit like Life of Pi.

And now here we are coming up to review and we may actually change the structure so please do not get confused because of what you think we might be - particularly new board members coming on not having any historical reference. Thank you.

Elisa Cooper: Kristina, then I have Ellen and then Steve and then Wolf.

Kristina: Thank Elisa. From a kind of philosophical perspective I feel quite strongly that to the extent that we can ditch those requests that we should. We have spent historically at least even within the past six weeks an absurd amount of time at the leadership level in trying to figure out who is from which constituency is going to be put forward at the constituency level which means you have to convince somebody from the constituency level to volunteer.

With the understanding that they may or may not be selected and if they are selected then they're going to have the added burden of having to report back to three constituencies, gather input from each of them and then report on.

So as a philosophical point to the extent that we can continue to resist I think we should. I think Ron makes an excellent point.

If - I would also note that in terms of communicating this to the board, to me it can seem to be completely anesthetical to their entire kind of mission of global stakeholder engagement that they seem to be engaged on.

You're going to bring all of these people into the process only to tell them that any view you may or - any view you have is by definition because of how we've decided to structure you, going to be deluded.

The - but having said that if the signal we get is too bad, deal with it, I think we do need to identify a process through which we can in fact deal with it in a way that is not as time consuming, whether that means that we identify one person from each constituency when these requests come in.

It's that team that is responsible for kind of coordinating, making a recommendation to CSG leadership as to how it should go forward.

I'm sure there are other ways to do it but you know quite candidly it really bothers me that time that could have and should have been spent putting in public comments on issues that were of importance to the IVC was instead having to be spent on figuring out who was going to be put forward to which panel or working group.

Elisa Cooper: I second that.

Ellen Shankman: I think that - Ellen Shankman - I think that part of the problem or the push for that comes from the fact that the board is continuing to feel overwhelmed and

I think they're trying to find ways to funnel the information to them so that they can pay attention to us.

And I think the how that they have picked from that is we'll just send them one of yours. I think instead what we have to focus is that we understand their target is that they do want to hear from all the different voices.

But it's very important that that target and that what remain the target. But then we suggest a different how and they will be that instead of putting pressure on the CSG to come up with one representative they could put more pressure on staff to identify the issues of the various constituencies and funnel that to them.

So that that information is available to them rather than focusing on us, so I think if we say we appreciate the target but they've picked the wrong how and we have a different how for that.

That may be a way of approaching it.

Elisa Cooper: So in the queue I have Steve, Wolf, Zahid, J Scott and Marilyn and then we may need to move on after that, is there anyone else to be in the queue? And (Tony), so after that we'll move on to the next topic.

Steve Del Bianco: Thanks Elisa, Steve Del Bianco. On Sunday afternoon Steve Crocker, chair of the board was meeting with GNSO and he opened by talking about his surprise at how complex GNSO is.

He used the phrase the CSG is actually a layer between non-contracted parties and it's a layer that includes NCSG and the three of us.

(Valia) took a moment later in the interaction to clarify, he said it's not a layer at all. But by that time Crocker had moved on to other topics and they weren't paying attention on it.

So I invite us today politely and respectfully clarify that the CSG isn't a layer at all, it should be a common label given the DCIP and ISPC, it is a common label because we all have commercial interest.

It is not a layer. If we can get them and invite them to always consider that the non-contract house has four constituencies in it and you should always ask for all four to participate just like the contract side has two.

So you should always ask for the participation of the individual stakeholder groups, it just isn't productive to think of it as a layer. It imposes an extra level of consensus or abstraction that it doesn't help at all.

It's far more beneficial for the board to hear from the perspective of the groups, so given that Steve Crocker opened this door, he's an engineer. He's an engineer who sees it in the structural way. We just need to clarify that it isn't a structural element.

And since it's not a structural element please stop using it as the avenue to make requests. And if we can correct that misperception we might solve this problem that way.

Elisa Cooper: Wolf?

Wolf Ulrich Knoben: Thanks Elisa, Wolf Knoben speaking, I think there is two points, one is of course if you're talking about minimization of communicating this is minimal amount of people here across the board.

It's the same within - as like in the council where that the council chair is you know is allowed to talk on behalf of the council.

So it's on the one hand it's a question of trusting internally, basically within CSG parties, the different parties. There may be cases where we can find compositions very easily.

It has been shown in the past, you can find it. There are other cases where we have different views. And the question is if somebody goes to the - as a GSG representative to the board or to whomever, that's - we could trust him that in cases where items are talked about which are not coordinated and coordinated as in CSG as she brings it up and says well we have in the background we have different parties here.

And I have to go back to that, that would be one point if you could come to that. However it's not easy and I understand that there may be a lack of trust sometimes.

So far we have to educate every time the board and others that we are of different views, that we have different constituencies and they have to be educated as we are doing in the council at all. Thanks.

Elisa Cooper: I will just add recently this issue came up and we decided not to put forth a single representative, we put forth two and both were accepted.

So just to put that out there. Zahid?

Zahid Jamil: Simply accept both points and then maybe bringing up the single floor at the board meeting might be a good idea to say well no, we can't discuss it because we've got to go back, that's a good way to demonstrate it.

So maybe get that out there but doesn't really get it out there, proves two points, not one.

Two data points, one at the GAC GNSO meeting when they were presenting what the GNSO looks like it was interesting to see how we were all three of us, the CGS constituents put into one little box.

It may be an interesting thing to go back and say well we want ot comment on that sort of representation of ourselves and maybe use that as a sounding board.

The second is Bruce Tonkin at the GNSO meeting, at the board and GNSO sort of talked about the stalemate, that they didn't feel like they should keep sending stuff to the GNSO, they have to sort of bypass, and that was the justification.

You know there's inefficient and the fact that there's always a stalemate. Now using that it's important to sort of bring to the floor that there's a disenfranchisement within these - you know at least our community where if you had both were used, representation not the same in all the same issues.

And then move forward just talking about how you know we need to restructure the review and I'm going to explain why I think that's important. Within the council there is an attempt by the contracted party's house to say well if it's reviewed it doesn't mean a restructuring.

And that's been repeated again and again and again and I think we may have to get ready with our own plans and attorney within the CSG to say no, I think when there's review I think it's very clear at least we consider there is a need for restructuring.

Maybe we should discuss what kind of plans and how we're going to get to that and what we see as a restructuring, as an idea of restructuring as far as we're concerned. Thanks.

Elisa Cooper: And J Scott, thank you for being patient.

J Scott Evans: A couple of things, first with regard to Kristina's issue of how do we deal with this going forward, I think we always put forward as many as we want to and we just tell them that's the way it's going to be.

Secondly, why don't we send a request to the SCI and tell them this is a problem and we want an answer. Ron and I are both on the SCI and we tell them this is a problem, here's the solution.

And we want you to tell the board and the GNSO this is the solution and this is the fix. I mean I don't think we need to be reactive. I think we need to be proactive and we need to tell them the way we want it, and that that's supposedly the way this system is designed, right?

We self identify solutions and we tell them what that solution is and I think we'd be proactive and do that.

Ron Andruff: If I may just respond as I'm the chair, sorry, I'm over here, it's Ron, for the record I'm the chair of the SCI. And all we need is one of our councilors to bring it up at the council meeting and say we want to bring this issue forward and we'd like to have the SCI talk about it, it comes to our office then and then we deal with it in terms of we have all fo the members of the community there which I would assume will agree with this.

And then we send it back to the GNSO council which approves it and they take it to the board. So it's a very strong way to take it - it's a good step and I like the idea so that would be something I would certainly support.

Elisa Cooper: Yeah so what I would suggest is that we take this back to our individual constituencies and if we all agree that is something we want to do we'll take this forward.

We'll take this to the list, hopefully it will be pretty straight forward and we'll be able to do something like this.

Ron Andruff: but the short term solution is we resist by every time we're asked for a representative we do what we want to do, right? And if we get three volunteers we put three names forward.

And if they say no, we say we put three names forward and we just push, push, push. We self define how this is going to be, we don't allow them to impose on us anything.

Elisa Cooper: Mark?

Mark: I would just add that in the short term you know having two or three representatives is better than what we have now but in the long term it's not the solution because basically doing it that way is just makes our voice diluted.

Because to the extent that you have you know two representatives and they're each kind of expressing a different view, it just comes through more as noise or it could be perceived as well they don't even really agree in the CSG, so you know maybe it's not really a strong opinion or maybe it's not as valid.

And you know I think the - while it's good in the short term the emphasis needs to be on changing the perception of the CSG as one entity instead of having it be one entity with just two or three representatives.

Elisa Cooper: I just see a couple heads shaking, Zahid?

Zahid Jamil: I just think if we have three people saying similar things, that helps I mean from the council, when we're sitting over there and there's only one person or two people saying something.

And they have the whole of the NCSG and the registrar, registry groups saying something identifying that that doesn't really help us.

So having three voices within their independently defining it maybe from the same end sheet is really helpful.

So I think I would defer with the last point made.

(Tony): So it's been good input on this and Wolf raised the issue of trust. And I think that in this group there has been a lot of trust and certainly some of the dialogue I've been involved in in the past has been the desire to try and move towards some comprehensive (fever) that we can all support.

That's actually happened, unfortunately that's worked against us to some degree. Because more and more now we're just viewed as one group, then one person, then there is only one view.

We know that isn't the case and one of the clear examples of the way we view things slightly differently is the whole issue of the gTLD program, because I've sat back and watched a growth in the membership of the IPC, quite rightly so.

There are some real upfront worries, concerns and fears that have fueled that group and they've grown in membership and participation and raised all of those issues.

What's going to happen as we move down to the pipe and we get to almost the pointy end, where these things actually go in the roof, that's when we as ISPs are really on the hit line.

Because we are the people that again are going to get all of our customers coming along with their problems at that stage. And I believe if it goes wrong

in any way whatsoever you're going to see a significant growth in the ISP membership.

Because they're going to be rushing in saying what the hell's happened here, we need to fix this. So we do view things differently, we have a different responsibility and a different way of operating.

And we mustn't lose that diversity and the strength of that by being viewed as one group. So I'll try and represent your views on this but any additional comments that come from the floor, please feel free when we get to that part of the program.

Elisa Cooper: So just to confirm we'll take this as an action item to go back to our individual constituencies and see if we can move forward with suggestion made by J Scott.

Man: Can we at least have consensus of clarifying that the CSG is not an entity and it is not a layer? If we have consensus to say that to the board in the next hour we should do so.

(Tony): I've written it down.

Elisa Cooper: Let's see, I think we are now moving on to the next topic of discussion which is - oh I'm sorry, John.

John Berard: John Berard with the business constituency, being respectful I think of (Tony)'s point, and the urge that the board would have to ask for a GNSO council perspective as opposed to a contracted parties and non-contracted parties.

So getting one view instead of two, getting one view instead of three, getting one view instead of eight, that will be the board's urge in perpetuity.

I think it would be important for us as the CSG to decide that consensus and unanimity in the currently designed CSG are the same.

So two out of three is - doesn't qualify right? So when we shouldn't talk about consensus in the CSG. We should talk about unanimity in the CSG.

Man: I would just like to build upon Steve's point. I mean there is - I feel there is a misconception from the board and they feed the CSG status. Because the most stakeholder approach, well who are the most stakeholders?

The government by the sector is also society and the technical community, that's what I see. When it comes to the private sector, I see that the contracted parties in terms of the significance they have in the market they are insignificant vis-à-vis the interest they affect which us, I mean the CSG, the commercial stakeholder group reflects most part of the market that is affected by the contracted parties.

And when the board looks at the private sector, they give much more weight to the votes in the - from the contracted parties, I mean the present structure of the GNSO is flawed.

And this is a perception from the board that is strong by the structure. And this I think we should voice and I think is the line of the - Steve's comment, I don't know if it is the same way.

Elisa Cooper: Any other thoughts, comments? John.

John Berard: At the meeting between the GNSO council and the board over the weekend (Ray) who is the structural improvements committee board chair gave us some advice with regard to helping the work of the ATRT to review.

Specifically around the following a discussion that we had in which it was clear that we agreed, the council members agreed that perhaps consensus

was too far abridge and so what Ray has suggested and what I am trying to foment among the councilors now is to forward some areas that we would encourage (cute) and his team to take a look at with regard to the GNSO review as it relates to the council.

And some of these issues will I think emerge from that exercise. But there are folks who believe that impass is a legitimate outcome of consultation and it might be that even if we pose the - if we point the ATRT two in the right - even in the right direction that we would still might not cross that bridge.

I don't know, but we're willing to try, at least I'm willing to try.

Elisa Cooper: Okay, Zahid and then Marilyn and then we should probably move on and discuss really the next few bullets are really all around the same topic.

It's really - are there things where we are in agreement, are there positions we can take as the CSG, is that even something we want to do?

So Zahid?

Zahid Jamil: Thanks parlaying from John, Bruce actually in conjunction with the issue of reviews said you know that was an interesting thing that was done in the previous review, the GNSO reviewed itself like a self review.

And what I'm thinking about is should the CSG constituents or the CSG together come up with its own review and its own position as to where it feels the GNSO is right now and where we feel it needs to go.

Elisa Cooper: Thanks Zahid, Marilyn?

Marilyn Cade: I think I see Philip Sheppard's face somewhere around here and I know he's speaking a little bit later. Philip and I were actually on - it's Marilyn Cade for

the transcript, Philip and I were actually on the council, Bruce was the chair at the time.

We did a council review, we actually didn't review the GNSO, I just want to make that distinction because this review, subsequent lists, subsequent review actually reviewed the structure.

And we were reviewing the work of the council much more than we were looking at structure. The self reviews, so I just wanted to clarify, I think Bruce wasn't perhaps as clear about that.

My comment was going to be about the usefulness of the ATRT to open comment process for us in relation to these issues and just to mention if you haven't had a chance to look at the fact that there is a call for comments on other things that should be added to the ATRT in addition to what John just said, maybe in our constituencies this afternoon we would want to look at whether there's a way to use the open comment process about things that should be added to the ATRT to - or prioritized that are about this angst that we're feeling.

It may be a path forward and the reason I mention it is there's a very different priority and set of resources and I don't think there's as much what I call as hostility against certain groups.

Elisa Cooper: Thanks Marilyn. All right, let's dive in to the real meat, we do have some time. So I think we already have some substantive discussion about this issue of singular versus plural TLD so perhaps we can start off there.

It doesn't sound like we're going to be able to come to consensus but maybe that's something we can each take back.

I think I know the position of the BC is that we do feel that there is an issue with the singular versus plural. I don't know if there's a position in IPC and it sounds like there's not in ISP. Steve.

Steve Metalitz: Steve Metalitz, I don't think we discussed this within IPC but my question is for - I agree, this is a problem. What do we think should be done to solve this problem?

What would we be wanting the board to do? Because as people have said they're kind of washing their hands of it and given the pressure to move forward on the new gTLD program I think if we are going to raise this not today we need to have a solution. Thanks.

Elisa Cooper: Okay so I have Steve, Mark, Marilyn and Ron and (Bill).

Steve Del Bianco: Thank you, and to call it a position is giving too much credit. We have concerns, we have four articulated concerns, it's not a position the way the listed eight items coming out of Toronto were, that was a position.

And (Tony), your benefit the concerns were we think consumers will be confused between singular and plural, we think that it's an extra set of two dozen defensive registrations to send it to.

Number three is it's an awful precedent for the next round, when the plural or singular of anything currently delegated is fair game.

And finally we think that whole confusion mess will look like (unintelligible) on the gTLD expansion and we have the agreement of the CEO, emphatic agreement that that's a huge concern.

So (Tony) there are questions and concerns, if you had to say what is the solution, keep in mind that the guidebook provided only one solution for that.

And that was that the applicants themselves could file objections for string confusion.

Do you guys happen to know how many of the 24 had confusion objections? Only seven. How could dot pet not object to dot pets and vice versa, or it's possible that they just didn't have the time in the two weeks between the contention set announcements and the closing of the objection window.

I don't know, but as a community, forget the applicants, as a community the concerns I raised have nothing to do with the applicants, as a community we want to raise that. And I think that it's fair to simply say we don't have a position but we have concerns and we are asking the board what can be done?

If these concerns are valid and Mr. Chairman if you share our concerns in any way, and I know we'll get a few heads nodding, if you share our concerns what can be done?

And you know it would be crazy to just hope that the GAC is going to save us with advice on singular and plural, I highly doubt it.

I read their writing and I haven't seen any category called singular plural on the GAC, you've just begun to think about it.

So (Tony), watching what happened in Toronto when the ISPs found a way to get comfortable with the list of eight, six of the eight items that we came out of Toronto were implemented.

Not perfectly, but six of the eight including the public interest commitments, including requirements to use the RAA, I mean we scored more progress by coming together in a way we found that we could come together than we have ever done before since Toronto.

And it's a tribute to you guys because you got comfortable with a certain kind of a language where you didn't quite endorse all of the solutions, but you know what you said at the time, you said we agree with the expression of the problem.

And you endorsed the need for a solution without identifying...

Elisa Cooper: ...everyone for coming today.

Steve: That's the expression of the problem.

And you endorse the need for a solution without agreeing with the specifics of each solution. That was so valuable. And I would just invite you to think about the same kind of formulation for today.

Man: Thanks Steve. That's really helpful (unintelligible) we got an explanation. I said we haven't discussed this and this is only a sort of personal (talk). One of the (unintelligible) what you would actually say is a solution because I struggled (unintelligible), you're struggling w/a similar issue there.

Steve: I believe that if the panel comes back -- remember I said that seven o them did say they have an objection. Seven of the applicants objected. If the panel comes back ruling for any of the seven then they would be effectively overturning all 24. It is the same thing.

So the one solution is to wait and see if the objector panel says that any of these seven, the kid and kids, home and homes. Because how could home and home be confusingly similar but not fan and fan, deal and deal?

So there's one idea that we would invite the board to say that if the arbitration panel comes back and says, "No, they really are similar. You guys messed this up," well then all 24 go back to the drawing board.

Man: OK, you've obviously discussed this more than we have but that's useful
                  input. Thank you.

Elisa Cooper: Let's see. Actually, I know Marilyn was next but I think maybe Bill had had his
                  hand up before. OK, Marilyn? And then it'll be Bill.

Marilyn: I'm going to be very quick. I personally think that this needs to be put out to
                  public comment and I don't agree that the board - (what) I agree is that
                  (Foddy) has said that they, ICANN staff, cannot interfere in the process. The
                  reason I say that is I've had extensive conversations with him and extensive
                  conversations with board members. Many board members are very much
                  (divide). I think it should go out for public comment.

                  So that's my personal, individual point of view. But I'm just going to flag
                  something. I'd like us to consider putting into our agenda not for work today
                  but trying to access the effectiveness of the objection process at some point
                  after and cost of them and the - because I have to tell you guys, if you spend
                  any time reading the objections, which I have, and then look at the panel and
                  the options that are available, I think you basically, you know, any sane
                  person would think that the series of mechanisms didn't work and maybe we
                  could just flag that for later work -- obviously not now -- and after we see what
                  the (unintelligible) objection process is.

Elisa Cooper: Bill.

Bill Smith: Sure. Bill Smith, PayPal. So I am a child of the 50s, 60s and 70s and I
                  remember a phrase, "The whole world is watching." The whole world is
                  watching ICANN at this very moment. I think someone, and I would be happy
                  to do it if I'm in this session, but to stand up basically and say that common
                  sense dictates the board act and a failure to do so may demonstrate that
                  ICANN is not in an appropriate steward of the DNS. This is so obvious. It
                  makes no sense how a panel who was supposed to come up with contention
                  sets or, you know, things that are potentially confusing to humans -- not

machines, humans -- could not see that a singular and a plural are actually confusing as a TLD.

Further, if you just go one step beyond that and you say, "Well, there will be another round," I think people have already pointed out then there will be people who will simply apply for either the singular or the plural of something that's already been delegated. And that facilitates, in essence, cyber squatting at the top level. That's insanity and if this organization -- I'm not saying (CFG) as an organization but this organization, ICANN -- cannot see that this is so obvious and act on it and a timely, agile manner. There's something very wrong.

Elisa Cooper: Let's see. I have (Vaheed) and then J. Scott. And then maybe we'll see if there are any other areas because it seems like this is a particular topic that many feel passionate about but we're not going to be able to come to consensus today. But it is something that I think if we can all go back to our respective constituencies and then we take it to the list and see if we can have a joint position on this.

(Vaheed) and then J. Scott.

(Vaheed):   Thanks. So the insanity plea. I like the insanity plea bit. We can try that but on a basic level, you know, I'm so glad to see that now that I look at these issues cropping up, thank God the way the AOC is written the way it's written because this is a commitment that ICANN made in the AOC and its violation by the board of a very simple concept of consumer protection. So that's the imperative why the ICANN board should be doing something about it.

You know, there may be litigation coming out of this. Maybe FTC might step in. I don't know. But it's definitely something they should do. Now what's the solution? The solution might be -- and here's a couple of idea -- that if people were to write letters to the board - now this is something that's been done before, even during these last few months or weeks. Write a letter to the

board, which prompts them to send the issue to GNS or the GAC possibly asking them what they think and then we can feed back in maybe one of the solutions. I don't know but we should try and propose something if we go in there. Thanks.

Elisa Cooper: J. Scott and then I think Mark had a quick area that he wanted to bring up. And then let's open it up for other areas, possibly any positions we might have on the RA or the RAA or any other policies.

J. Scott Evans: This is for Tony's benefit, just to note know that the (IRK) spent at least 20 hours on this particular issue because we thought it was going to be the other problem, where (marks) like (Audi) and Aldi -- a car and a grocery store both from Germany -- we be found confusingly similar when they exist in the real world. Hours we spent on this. And I'm (unintelligible) that we are on the other end of the spectrum now. And so I think that the fact that when we're dealing with the very people who are concerned about rights protections mechanisms dealt with this so in-depthly to try and structure it where it would work that we find ourselves on the other end is a huge problem. And the optics of that, as Bill has pointed out, is this could be viewed as a systemic failure of the entire process and I think that's the message I think the board needs to hear. This can be viewed of a systemic failure of not just the gTLD program but the model of decision-making and stewardship that you've been given. And that's how we need to think about this.

Elisa Cooper: Thanks J. Scott. Mark and then Tony.

Mark: First I'd like to just say that I agree with J. Scott and Bill and Steve but also, I mean, again, this is not an issue -- that's like saying gravity is an issue. This is clearly a problem and I have never ever in my long time being involved with ICANN have ever seen a problem that has had more universal agreements with every party and every constituency. And, you know, no matter how many people you talk to every single person you talk to, whether it's (unintelligible) or anybody, says, "This is a problem. It's actually ridiculous. It's not even

about the guidebook or the (unintelligible) algorithm, which it violates anyway, but I mean, it's just pure commonsense. This is absolutely ludicrous." And to echo with J. Scott said it just makes the entire process look like a (farce). And if when we discuss with the GAC reps today at breakfast they were asking about it but it's not even on their radar.

So again, like Steve said, we can't rely on them. And I think this is an issue where it's so obvious to everybody that it's almost so obvious that no one's saying anything. We need to say something and, you know, I don't think so much discussion is needed. In general I agree with you that things should be discussed first but this is not an issue -- this is an obvious problem that there's almost a universal agreement on and someone needs to stand up and say something about it and be the voice that, you know, gives a voice to what everyone knows is an incredibly obvious problem with an incredibly obvious solution -- just throw them in the contention where they belong.

Elisa Cooper: Well, perhaps the public comments on Thursday is the place where we can all have our voice heard. And so I would encourage all of us...

Mark: That's a great idea.

Elisa Cooper: ...(unintelligible) and really state this firmly. Jonathan?

Jonathan: Just quickly, a slightly different perspective. I think we could also view this an empathy building exercise. We've been talking about defensive (registrations) for so long. I mean, I think the first time we see a $185,000 defensive TLD application it will be a very empathy building exercise and bring in a whole new community, you know, in the electrical property perfection. So, you know, we should feed that out there as a possibility.

Man: (Unintelligible). This morning in the breakfast they were talking about that we have in the past some experience about (unintelligible) with dot-com and (that CO) and maybe we can take advantage of this experience to analyze this

new situation. Because (unintelligible) we see all these problems from the perspective of the trademark issues but maybe we should look at this problem from a different perspective.

Elisa Cooper: Ron.

Ron: Thank you. I would like to just respond back early to what Steve asked there -- how do we solve the problem? And I think it's an obvious one that's been stated a couple of times but just to be clear, the board was forced - they told the staff that, "You need to go and make some contract negotiations or contact amendments." And all of sudden the guidebook was closed but now we have contract amendments, meaning their registry agreement is being renegotiated - not renegotiated, but new elements being bought in.

So in the same way, a precedent is there, that the guidebook closed but this issue has been well-stated. It's common sense. There should not be a problem here. I don't think it needs to be put in public forum -- I think it just needs an instruction and be changed and we move on. Because I think it's a lot of froth and a lot of frustration and it is well-said that it's at the top of everybody's mind but it's not getting voiced.

So we can do it in a public forum but it really needs to be dealt with just very quickly and cleanly and move past it because otherwise I think there's bigger issues we have to fight. Thank you.

Man: OK, so as far as this discussion's gone it's certainly been helpful for us, listening to some of the comments that have been made. And just to (return), my point was never about the issue -- my point is about throwing in something that we take the board or in a session with the (CFG). It hasn't been discussed. And whether it's this issue or whether it's, for instance, the other issue that I could have bought up here about the (ITO) discussion in the GNSO but I don't think that's the ideal way to do it. But I do think we should

take a real opportunity, again, to raise it and certainly it's something that needs to be discussed and we will discuss it.

And also, if we can find a way forward that all of us support that's great but let's not just go rushing ahead and circumventing the way that this group has worked in the past because that argues very much against some of the other points that have been raised on the agenda and the way we're currently viewed as one group. So it's the linkage without the cause (made) that concern. Thanks.

Elisa Cooper: All right. I think we are sort of drawing close on our time here. We have a few minutes for Philip Sheppard. Is he here? Yes. Oh, sorry John.

Man: My suspicion, as has been said, that the answer to many of the questions that we will pose will have you seeing the evolution of myICANN and the coming - not (back) if you like, but my suspicion is that the presentation of real-time project data, visualized project data for every project at ICANN, will be offered up as a solution to some of the problems that we will be surfacing. And so I guess my question is what we will say if we are told that myICANN seeks to solve whatever particular problem we're raising at that moment.

Elisa Cooper: (Unintelligible) I think we need to get the money saved up (unintelligible).

Elisa Cooper: OK, I think we have maybe five minutes.

Philip Sheppard: Then I will do my very best to whiz through this in five minutes. A lot of it is (unintelligible) stuff to you so that will be relatively easy. (That's) the point I'm going to go through and I will spend time on the key ones.

So thank you for (unintelligible) be here and just a quick reminder as to why the brand registry Group A self-identified as a specific group within the new (unintelligible) because as you know, we didn't know before but we do know now. It's about one-third of all applicants submitted by branders, so (pretty

much they're) brand product or service. And therefore there are some common interests that we share and it is that that has been a focus and the reason for the group wanting to come together and expand.

We have come up with some definitions of what we mean by brand registries and they're accumulative. So it's owners of a brand, identical pre-existing trademark, furtherance of (unintelligible) the operations business interests, main business (unintelligible) are typically outside the main (aim) industry and single entity, single user. And what we're not is single-register and single user dynamics. So we're not wading into that particular set of issues.

We've come up with a vision and mission. Our vision is terribly simple. It's to create Internet environments built on trust and that was part of the reason we had the discussion with the GAC earlier this week -- they wanted to explain to them that maybe we're looking like the sort of Internet that these guys would like because trust is the starting point for the brands that are now converting themselves into the TLDs as one part of their marketing offer.

And we have a mission statement. And I won't go through it all in detail but just to say it has had four audiences. And there's essentially common interest in (RA) members. With respect to ICANN we are looking to champion policies about trust and we recognize as an essential stakeholder with a small S by ICANN. (Unintelligible) is governments and public bodies. We'd like to keep a dialogue with them and be seen as a key (unintelligible) the GAC and others. And of course to our end users, to be recognized as a space that is delivering the consumer protection in e-commerce that they would like.

Areas of difference to other registries. Typically what we're asking of ICANN now is a process or application. We will be asking of ICANN at its post-delegation and who else we'll be talking to. This is a list of issues that identified within the existing registry agreement and I'll summarize these in a slide a bit later. But our solution to a whole list of concerns with the registry agreement is quite simple -- we think we should, based on the starting point

of that, have a specific template registry agreement that is geared towards dot brands and that would helps ICANN have one negotiation now with a good starting point, rather than 300 negotiations on some fundamental points of the registry agreement.

Part of what we're doing in terms of advocacy (after the degradation) is going to be the (unintelligible) in terms of interaction within ICANN, common interests in members, policy development, et cetera. And as a group - why has (unintelligible) stopped? My slide (has) frozen.

OK, so advocacy to governments and public bodies will also continue after that. And a little word on structure. What we are planning on doing is forming initially as a not-for-profit organization so we'll have a legal identity that will allow us to (unintelligible), (develop business) stock employment and we're looking at options in terms of where that would be registered.

And then subsequently, we look at the ways in which we can dialogue with ICANN. Now, we could just do that from outside or we could a new constituency. Lobbying from outside is possible with no ICANN support and (unintelligible) uncertainty I think from ICANN in terms of (unintelligible) - it's not quite the way that it works. So the likelihood is that we will become a new constituency. That goes back to the discussion you were having earlier. And of course, (unintelligible) that constituency is within the registry stakeholders group.

It's sort of possible now with a few tweaks to the charter or the registry stakeholder agreement and that's some issues we're discussion with ICANN staff, with the stakeholder agreement (unintelligible) also.

Issues with the RA. Converting a summarized, I think, in these phrases, that registrant protection is not relevant where there are no registrants. Failure of protection is not relevant where there are no victims of failure. And also, there are some significant issues to do with privacy and compliance within the

audits that they are. So those are some three key buckets of things which reflect in our suggestion for having a specific registry template.

The other broader (unintelligible) is (that) the world is changing and so we're looking at it to know if we're becoming a (constituency) there that could also mean that the whole way of stakeholder interaction needs to change and recognize should we look at being a new stakeholder group ourselves. And that's a part of a later reform process. So those sort of questions just sort of being asked. And that, I think, is it.

Elisa Cooper: Thank you Philip.

So, we are now off to speak with the board. We are in room Grand Hall A and we are to meet with them in ten minutes so we should move up there. And I'll see you up there.

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