ICANN

Moderator: Glen de Saint Gery
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10:00 am CT

Coordinator: I'd like to remind all participants this conference is being recorded. If you have any objections you may disconnect at this time. You may begin.

Woman: Thank you very much. Good morning, good afternoon, good evening. This is the BC Members pre-Costa Rica conference call taking place on the 5th of March 2012.

On the call today we have Marilyn Cade, Neal Blair, Mickey O'Connor, Elisa Cooper, (Cecelia Lerman), Ron Andruff, Steve DelBianco, Philip Corwin, (Bryce Kune), (Isha Hassan), Janet O'Callaghan and (Angie Graves) and Chris Chaplow should join shortly.

Marilyn Cade: And did you catch (Angie) who's just joined I think?

(Angie Green): Yes.

Marilyn Cade: Oh great. Okay let me - it's Marilyn. Let me just say welcome to everyone and in particular (Cecelia) and (Bryce), welcome to the two of you. I think this is your first conference call. (Angie), welcome back.

We're going to have, the first segment is going to be focused on preparing for Costa Rica. And then we're going to turn the call over to Steve to help us focus on the policy preparation.

So what I'd like to do is just kind of review the information that you have in front of you that (Benedetta) has sent out to everyone by e-mail.

And we'll save of course the topic, the discussion about motions to when Steve is guiding they participation along with (John) and (Sayed).

And I don't think I - neither of the counselors have been able to join yet. Is that right?

Woman: That's right.

Marilyn Cade: Okay welcome Bill. I see Bill Smith has joined us as well. That will be very helpful as we talk about preparation.

So...

Man: So I'll go ahead and get started. Basically the agenda is something what I sent out. And it's just kind of basic...

Man: Hello?

Marilyn Cade: I'm not sure who's speaking right out.

James Baskin: This is Jim Baskin joining.

Man: (Unintelligible) round robin issues.

Marilyn Cade: (Jim), we're hearing another call in the background.

James Baskin: I'm going to put you on mute.

Marilyn Cade: Okay thanks. Thanks for joining. Let me just go ahead with this now. And (Angeli) welcome.

(Angeli):   Thanks.

Marilyn Cade: After I go through the - we get a few more people on then I'll just do an update for the purposes of the transcript on who's on. But let's - let me just start.

                        ICANN missed its deadline for posting the agenda and that is causing quite a bit of difficulty for everyone. But they now have an agenda posted.

                        A lot of the workshop agendas are not posted. (Benny) and I went through the posted schedule as of yesterday and (Benny) sent out an Excel spreadsheet where we tried to highlight the meetings that I could identify with her help that would be of particular interest to the BC.

                        It's not intended to discourage you from going to other meetings but it's intended to kind of be a cheat sheet for you.

                        And we also like to gather in that document where different members are going to volunteer to participate so when we do it debrief or as we encounter things that we think the BC needs to respond to in the public forum if some of you have attended particular meetings we can hear back from you.

The BC attendees are not intended to eliminate anyone. That's just who I could off the top of my head note would be interested in particular sections.

Many of the BC members arrive on Friday. And there is the possibility since Saturday morning does not start until 10:00 there is the possibility of our gathering informally for coffee.

I'm not promoting this idea but I am just noting that we could try to do that. I think it may be more effective to look toward the huddle on Saturday evening over drinks in the bar to catch up on anything in particular. But let me mention that and then when I finish my walk-through of the agenda come back to what members want to do.

Sunday we start out with a - so you should have two agendas in and probably have copies with you or available on your laptop in Costa Rica. One is the full schedule and the other is the Costa Rica meeting scheduled that (Benny) has done which is more in the form of an Excel spreadsheet.

Both the full schedule and a version of this is available - are available on the ICANN Web site.

The full schedule has all the links on it when agendas are posted or when documents are available.

And we don't provide the documents for the meeting but most of the members will be able to access those.

There will be Internet access in the room of course and power supplies. So you will be able to access those from the room and be able to look at the

documents in real-time if you haven't had a chance to look at them ahead of time.

On Sunday morning we will start with a CSG breakfast which starts at 7:30. And in that 7:30 to 8 o'clock timeframe we'll prepare for the meeting with the board, the CSG meeting with the board.

There are three topics for the CSG meeting that have been agreed by the chairs of the three constituencies. And that is first of all the implications, the need for further improvements in the guidebook in particular in the relation to the topics of concern to these three constituencies.

Sorry to be so obscure but that basically means defensive registrations at the second level and other forms of improvements that are in the document that the BC sent.

(Steve) posted that document to the spool membership after it posted. That letter has been submitted into the defensive registration public comments so the board will have access to it.

There were similar submissions into the defensive registration public comment. There were comments from (Sarah Deutsch) from Verizon, a member from Jeff Brueggeman, AT&T, a member from Steve on behalf of the BC.

Sorry, I am just looking down here. I was thinking I saw one more BC member who provided comments. But at this point I think that's it. Michael Croft and...

Steve DelBianco: Marilyn?

Marilyn Cade: ...Yahoo! did provide comments but they're not direct members of the BC.

Steve DelBianco: Marilyn this is Steve. I want to clarify one thing. As we said in our letter we also sent our letter directly to Steve Crocker and to Heather Dryden and to Rod Beckstrom.

Crocker wrote back acknowledging receipt of it thanking us for the letter so that those were directly accessible to the board and to the GAC.

Marilyn Cade: They were except that Steve has not distributed them to the board although I think Heather did.

Because there was up public comment process on (Steve) decided to rely on the staff distribution. So I'm assuming that this will be a topic of conversation. And I'll work with (Benny) so Steve and I can have a few extra copies available for any board members.

The board is typically really drowning in paper right before they come. So just to move on that's the first topic.

The second topic is improving further the accountability and transparency effectiveness.

And in particular this will be carried by the IPC who wants to talk to the board members about the negative implications of the ICANN staff failing to announce the RAA a documents in a timely manner and then to go on into a discussion about the importance of the RAA improvements to these three constituencies.

The third -- and we will again be preparing for this on Sunday morning.

The third topic is a further discussion, may be almost in the form of a statement that these three constituencies really want to urge the ICANN board and the staff to work more effectively with business and dealing with the external threats to the organization.

So the best of Saturday and Sunday is taken up with the usual agenda, a preparation for discussions with the board and the GAC, policy updates, et cetera.

I don't - I've asked (Benny) to go back to Glen and try to find out if there is - the original draft had a social drink, opening drink scheduled for Sunday night. But that is not on the present calendar. We're trying to verify whether that will take place or not.

If it does then we are likely to have some Costa Rica business colleagues that we would have a chance to meet for the first time at that informal ICANN opening drink.

Monday morning the opening plenary welcome ceremony should include the President of the country. At least that is on the tentative schedule right now and the minister for ITC and possibly the Minister for Science and technology.

There are a number - I'm not going to go through all of these but I am just going to note that there are things on this that I think members should take a look at the agenda when available and decide if they are particularly interested in them including the compliance program overview which is a 30 minute overview by (Maghay).

I didn't put it on there because we are going to have 30 minutes with her and her team on - at the CSG meeting on Tuesday morning. But if you're particularly focused on that topic you might want to drop into that 30 minute overview as well.

On Monday afternoon there's a particular - there's a series of workshops the review team, the Whois Review Team will be interacting with the community. So that's obviously particularly important to us.

There's also a session on ethics and conflicts of interest of particular importance to us.

And then finally we're going to end the day on Monday with a workshop called ICANN and the Internet Governance Landscape.

And I thought I would ask (Isha) to overview what it's about for everyone and then take some brief comments on that particular workshop before we go on. So (Isha) could I turn to you?

(Isha):   Yes of course. Thank you Marilyn. ICANN and the Internet Governance Landscape is a session that is shaped to raise awareness about some of the critical IG related events and processes that are going to take place this year.

So as we've had some back and forth on the BC list there is the wicket coming up and the WTSA as well as the Internet Governance Forum which is going through a process of review with the Commission on Science and Technology for Development Working Group on IGS improvements finalizing its report at this time.

So basically this panel is a mixture of government business, technical community and civil society. And the - we have Jeff Brueggeman from AT&T representing (unintelligible) ITT on that panel.

The moderators are Bill Graham and (Margaret Coomer). And the objective here is really to raise awareness about the wicket and the processes as well as the IGF improvement process on getting an opportunity for some people who may not be involved in the processes as in-depth as others to talk about them, to also raise awareness about some of the challenges from a business perspective that certain of the proposals that we're seeing come out in the preparations for the wicket, how they may impact business and to hear from the other stakeholders in terms of their priorities and concerns both for the IGF improvements as well as for the wicket and WTSA. So that's that session in a nutshell.

Marilyn Cade: And I would like to open it up for a few minutes because I know Bill was just personally in attendance at an ITU wicket council meeting and may have some high level observations he might like to make about that experience. Bill if you wanted to offer any comments?

Bill Smith: Sure. Like of ITU meetings it was surreal. What's clear is there are - well it's really one major camp I believe that is pushing for more and more Internet activity within the ITU and ultimately control of the Internet by the ITU.

And I believe it will be from technical standards all the way up to Internet governance including names, numbers, content and I believe the potential for impact to businesses is substantial.

I won't mention the nation states but I think we all knew - know sort of what the alignments are.

The folks interested in giving the IT more control or control of the Internet if not well organized there clearly is discussion that's happened behind the scenes. No surprise there.

There was a pretty unified front against some of this - some of the proposals. But all of those - all of the proposals are still on the table.

The other point I would mention is that while sector members have been invited to participate it's clear we are to be seen and not heard.

And though some of us have pushed the issue let's say and have made it so that we at least can speak and can make submissions but actually our submissions really are not taken seriously unless they are to be questioned very hard.

ISOC in particular was called on the carpet by of a few member states. And so it's very much what we have seen and what of have been expecting.

I believe the next two prep meetings will be very similar. And my expectation is that all of this will get decided in November, December at WTSA and the wicket in Dubai that we're going to see very little movement until then.

So that's - and I guess that's my report. I think we should continue to engage. I think it's important for businesses to speak with their government representatives when they can participate in your own nation's prep meetings leading up to a prep meeting or the wicket itself and potentially participate in the wicket as a member of your country's delegation.

This - I believe this is, you know, this is very important.

The last thing I'll say is that (Hamid Ventore) came in on the last day for about 15 minutes and made it clear to the members in the room that this, the wicket was not about Internet governance.

We weren't going to discuss Internet governance. And I stress governance but that that would be dealt with in 2013 in the World Telecommunications Policy Forum I think is the ITU name for that.

However when looking up the WTPF it turns out that March 9 is when the - of 2012 is when the process really starts for that.

So it - I was struck by the fact that he was so clear in a meeting that contained members of the Internet community that the ITU was going to address Internet governance in a major way.

And I believe his comments there gave tacit approval to member states and ITU staff to introduce things related to the Internet into the ITRs.

The other point I'll make is that ITU staff to a person believes that the Internet is already covered by the - within the ITU. They think it is within the ITU's remit and control at this point.

Marilyn Cade: Thank you Bill. I am - here's what I would propose. I'd like to propose we continue to share information on this as many members as possible participate in the workshop and then that we take this conversation up again in relation to how we can best interact within our range of work initiatives.

I'm - but I am kind of thinking I've heard from a few members that continuing to be aware of this and follow this is important to do because it certainly

affects what whether ICANN is going to be stable and productive if - so if nothing else.

So why don't we leave this topic at this point unless anyone wants to make another particular comment. Because I know are pushing the schedule. But I really welcome (Isha) your comments and Bill's. Does anyone else want to make it comment on this topic before I move on?

(Isha):   Marilyn actually it's (Isha). Can I just add two quick points?

Marilyn Cade: Yes please.

(Isha):   I'd like to underscore what Bill has says. We've heard from certain governments from around the world that they really do need business to be engaging at the national level in whatever process or dialogue is possible and that that would help very much in raising awareness about the challenges and options and what the proposals would be about and how it affects the Internet and the DNS and business in potentially.

I also just wanted to flag that we also have Theresa Swinehart from Verizon on the panel and Verizon is a VP member so I just wanted to make sure that I had put that out there as well. Thank you.

Marilyn Cade: Thanks. Well if I think of you all go back to the chair's column in the last newsletter you'll see that I've flagged these issues.

My column in this upcoming newsletter will sort of reinforce the fact that there's risk and business needs to show some leadership.

But I think the question of how we do it we're going to take up in a broader discussion with the BC realizing that there's a lot of work going on in key associations that are members and in some companies.

And this we may decide that what we want to do is follow and contribute to rather than take up a specific time slot. But let me leave that for discussion after we all participate in the workshop.

I just want to - so I mentioned one thing. On - at the breakfast on - I neglected to mention that the second half of the breakfast will include a dialogue with Bill Graham who is the board member that was elected with our help, our recruitment and our help from the non-contracted party stakeholder house.

And Bill does not have a good grasp of priorities of the CSG constituencies. And I have promised him that this 45 minutes will be focused his hearing from our members about our priorities. So if you miss part of the breakfast don't miss that part.

On Tuesday we go into the usual day, the Tuesday morning breakfast which will - we are hosting along with the other two constituencies with the full GAC.

So that's going to be about 70 people from the governments. And (Benny) will send around the questions that have been mutually agreed to between the GAC Chair and the CSG and myself.

They're merely meant for kicking off the discussion. But our primary agenda is to get acquainted with government folks that we don't know. And I will be asking for some volunteers to help with seating allocations.

We'll do assignments of the Chair of the GAC and the vice chairs of the GAC. And then we will randomly seat the rest of the gap members unless you in particular want to sit with a country in which case we're going to ask you to be available to greet them at the door and take them to your table.

We only - we're going to start at 8"15 and we have to end at 9:45. That means if you guys actually show up as close to 8:00 as possible you can get settled, pick a table and then be there to help greet the GAC guest.

We move from the breakfast quickly into the CSG meeting. And we will have two guest speakers, (Zabia) the CFO and (Maggie Surad). And then we go to our dialogue with the board for an hour.

Then we will disband, give you guys time to grab lunch. And then the BC will start meeting again at 1:30.

And (Benny) has shared with you a draft agenda, provide comments back on that agenda to us. And we'll try to take those into account.

We go from that in - we hope to have by the way Costa Rica business guest. And I'll be looking to some of you to help greet them if - once we get the confirmation about their participation.

We go from that to the meeting with the GAC and then we go to a social event with the board.

And this is a great opportunity that I got the board to agree to. They have not done these social events for at least one meeting. And it's going to be a great opportunity for our members and the other CSG members.

I'm not going to go through the rest of the agenda other than to remind you that we have in our scheduled on Wednesday during the lunch hour. And (Benny) will advise you guys of where the location is. And we will go through BC comments on the public forum.

Right now there are no topics posted for the public forum. And if any of you have topics that you would like me to send to (Faliz) I would really welcome hearing from you.

((Crosstalk))

There was supposed to be an update on Monday on the agenda on the CEO selection process. But as I am looking at the revised agenda I don't see that on there. So that may mean that our opportunity to say anything about that will end up being Thursday during the public forum.

Any questions about the agenda or our program?

Elisa Cooper: Marilyn this is Elisa. So will (Benny) be sending a document containing some of this information in terms of the start times for the breakfast and locations and so forth?

Marilyn Cade: That's all and one of the attachment sheets she sent. But let me make sure, maybe some of you didn't get it. (Benny) can you just review the attachment list that you - a list of...

((Crosstalk))

(Benny):   Sure I mean the schedule for BC members for Costa Rica we have all of - I added all of the BC events with their locations. The only one that isn't

confirmed is the reception of the board because we don't yet have the location.

Elisa Cooper: Okay I didn't receive it. It must be stuck in my spam filter.

Marilyn Cade: It could be Elisa because it's got a lot - it's got a number of PDFs in it.

Elisa Cooper: Okay.

Marilyn Cade: So is there anyone else who didn't get that list of documents?

                   (Benny) if you'll just separate them and send them - resend them to Elisa?

Elisa Cooper: Sure of course.

Marilyn Cade: Thanks. Okay. So I have asked (Benny) to try to find a room for an ExCom debrief on Friday after the board finishes meeting so that any members who were there can come and join ExCom for us to do a kind of a quick debrief.

                   It's something that the ALAC does and it's -I -do does the ccNSO. And I'd like to start doing this just for whoever's there so we can sort of take stock of what we've accomplished and what we think the major to dos are coming out of the resolutions. And then we can post those and I hope begin to then follow-up on those for our follow-up calls.

                   It's totally voluntary and depending on the number of people who RSVP I may even try to just get a table where we could all have lunch.

                   It'll be an informal discussion but we will take notes at the inputs of the members. That I think covers my planning overview other than we will have

published copies of the Meet the BC. And there will be a four-page newsletter which is a little bit shorter I think than our newsletter in the past.

But it will include the updated chart that we published last time. And it will include thumbnail photos of all of the board. So it'll be a very nice handout for you to have to share with GAC members and for you to have to share with board members as well.

Any comments we go on to Steve for a discussion about the - what's coming up on the policy front which is quite amazing?

Okay then let me say at this point unless some of us decide to get together for drinks or coffee on Saturday then I will look forward to seeing everyone that's there for this Saturday and Sunday meetings.

Don't feel like you have to come to all the meetings. And if you have any question except if you're a counselor or an officer in which case you have to come.

But if you have any questions those of you from the members about any of the agenda items on Saturday and Sunday send me an email and Steve or I'll try to get back to you and help walk you through what the content is in the event that - because I know some of you are new.

And at this point Steve I'm going to turn to you.

Steve DelBianco: Okay thanks Marilyn. Folks yesterday I sent out the policy calendar. And I was hoping to walk through that quickly.

I realize there are 11 items under Channel 1. Those are the public comments. But only half of them need to be addressed at all on this morning's call.

The first is budget frameworks. We're now in to reply comments for the next three weeks. Chris Chaplow are you with us on the call?

Chris Chaplow: Yes I'm on Steve.

Steve DelBianco: Chris this is something they've handled for us and done a superb job. You a filed an initial comment for the BC. The question is do you believe we need to file a reply a comment for the comments others are put in addressing any things we either want to support or disagree with?

Chris Chaplow: Thanks Steve yes. And the short answer there is yes. What we filed was very much a placeholder because we were sort of on a work in progress in the CSG group where we've divided up all the items between us.

And there's been some interesting comments as well that will be worth commenting on the ccNSO group amongst others.

I think there was only about six comments there on their. So again it wasn't particularly heavily trafficked but yes short answer yes.

Steve DelBianco: Great. And these are reply contents are ordinarily much briefer because we're only supposed to reply to other comments that were made during the initial comment period. We're not supposed to introduce new topics.

I mean this is a new development at ICANN this notion of an initial comment period followed by the 21 days of reply comments...

Chris Chaplow: That's correct.

Steve DelBianco: ...on their Web site that during the reply comment period that they would not consider new items that you brought up. They would only consider reactions to other people's comments.

Chris Chaplow: That's correct Steve. We're sort of feeling our way a little bit with this one. It's a little bit chaotic. I've checked some of the back ones and one of them - I can't remember which one now. I think it was the Whois.cat closed completely for the reply period.

                  And another one just seemed to keep going open and people were posting comments instead of applies. And so we're all feeling our way a bit with this.

Steve DelBianco: Thanks Chris. Any questions for Chris on the budget framework?

Marilyn Cade: No but I have a - Steve I have a global comment and for the members. I do want you to start thinking before in time for us to make a comment during the public forum, is this approach working for us? Because ICANN implemented this change without a whole lot of agreement from the community. There wasn't really a lot of participation in how they were going to implement (reply round).

                  So I think we ought to be asking ourselves -- those of you who particularly are actively involved in posting comments -- does this work for you?

                  (Ayesha) and some of the association folks in particular, but also the company folks, not asking you to tell me today, but think about whether it's working, okay?

Steve DelBianco: Great. The second one on there is defensive applications when you (detail these). And this is a (public comment) on the top level.

Marilyn described earlier on the call how the (BC) subject to the comment period, we did send in a comment on defensive applications at the top level and also referenced our implementation improvements for the second level as well.

So those were put in. We are now in the reply phase. And so the same point applies to what Chris was just discussing. And we have to take a look at comments others have submitted and determine whether the (BC) would like to support things that others have said, or disagree with arguments that could persuade staff not to accept our initial comments.

So I think we're going to need to assess that. That closes March the 20th.

And again, this is not just the (BC), any (BC) member who's interested. This would be a great chance in a reply comment to say, "Me too, we agree, we disagree." It's not as much work as the initial comments since you're not supposed to plow new ground.

Let me skip to Number 4. Four is a draft roadmap from the Security and Stability Advisory Committee on a new protocol for Whois. I mean, we keep discussing how to make Whois more accurate, more accessible, make it thick Whois. But at the same time there's a parallel effort -- it's been like seven years in the making -- of replacing the entire protocol for Whois with something new.

Now initial comments for this draft roadmap close on the 18th of March. I know we have several people on this call in the (BC) who are really active in

Whois. And we need a lead to dive into that draft roadmap to see whether the (BC) wants to get in early on things that that protocol needs to do to accommodate the concerns that our members have.

Any volunteers that can take a look at Item 4?

Marilyn Cade: Steve, can we talk about this for a minute before we wrap up the volunteers? This is Marilyn.

Steve DelBianco: Sure, go ahead.

Marilyn Cade: First of all, you know, maybe we ought to understand just a bit more about what this is. As I understand it, this is a second IETF initiated. And it is focused on Port 43. But I may soon be extending myself past any knowledge base.

So the heading is a bit, I think, wrong in that it says a Whois replacement, right? But I'm wondering does anyone on the call have any technical resources that are potentially focused on this? Or should we maybe reach out to Patrick Falstrom as the Chair of the SSAC?

He will be speaking to us. That'll be too late. But I could reach out to him now and ask him to share some information with us.

Steve DelBianco: This comment period, Marilyn, ends 18th of March. So I guess we would have time to do a dialogue with Patrick.

I read the first couple pages of this new protocol and it's intended to address interoperability, the naming of the Whois services, and to make sure that

they're available for data in multiple scripts and encodings, including the IDN encoding.

So it's highly technical. As you correctly said, it comes from IETF. And it's not apparent to me that there are policy implications that overlap with a lot of the (BC)'s concerns in the past.

Marilyn Cade: There will be because the IETF normally doesn't set policy. So the question of display and access and other things potentially - there potentially could be implications.

I don't hear anyone jumping up and down, so should I just email Patrick and copy you and see if Patrick could give us some insights we could post to the membership?

Steve DelBianco: Yes, by all means. And we're interested to know the overlap on policy.

Are there any other (BC) members who so inclined to give that look?

Bill Smith: So Steve, this is Bill Smith. I have been participating on the IETF list, which is doing (WEIRDS), is the name of it, would be a replacement for Whois.

I doubt that this service would continue to work on Port 43. Port 43 - the protocol for Port 43 has been around forever and I doubt that the IETF will want to change it and I'm not sure that it can be changed in a backwards compatible way to deal with the new requirements.

You're correct that what the IETF is talking about -- and I think what SSAC is talking about -- is a mechanism - a technical mechanism to deal with internationalized domain names and internationalized Whois information.

I had an opportunity to read through some of the SSAC. I haven't read it in great detail but their report. And have to say I agree with everything that I did read in it.

There are some - I'd say there is policy overlap with the protocol if the protocol supports things like rate limiting or access control. Those are policy decisions, in my opinion. The fact that the protocol may or may not be able to support it is - or how it chooses to support those things is a technical decision.

So I think there is overlap between the two. I would say that there is good representation from ICANN staff in the (WEIRDS) work. Jim Galvin is participating, though he -- like I -- have limited time to do it.

The other thing I would say is that I think the number community is going to prevail within the IETF and their stuff will be developed first.

There is a potential -- and I would say I think it's very small potential -- that this new protocol, while it will work for the (RIR)s, we may have problems using it with names. But I think that's a very small probability.

But the IETF appears and the area director there appears insistent on doing this in a sequential manner. Numbers first, names second.

Steve DelBianco: Well Bill, that's a fabulous report, but it indicates maybe now might be the time before the 18th of March to register our concerns for when they get into names to be sure that nothing they do in the numbers phase would get in the way of the policy-friendly alternatives we need when they make it to names.

Is there any possibility we could get you to draft a few of those spots so the (BC) can take a look at them in preparation for filing on the 18th? Of course we'll still review it with Patrick Falstrom to see if he has any guidance as well.

Bill Smith: I can (unintelligible).

(Angie Graves):   And this is (Angie Graves). I'm glad to lend a hand to you with your draft of - got technical background that would be helpful and can ramp up on some Whois reading if that would be helpful. This is (Angie Graves).

Steve DelBianco: Fantastic.

Bill Smith: I can attempt - Steve, I am way oversubscribed at the moment.

Steve DelBianco: Would you be willing to take the first step at it by quickly scanning that 20-page SSAC document?

Bill Smith: Yes, that I will do. As I said though, I actually - I have no - having done that already, I have no substantive comments. I believe everything that is in there is appropriate.

But I'll review it again and see if I have any...

Steve DelBianco: And it may just be folks that we end up raising a caution flag that access control and the migration of the protocol to cover names are areas where the (BC) has concerns about accessibility and accuracy of Whois data.

It could be as simple as that.

Bill Smith: Personally I have no idea how access control could or would work. It's...

Steve DelBianco: They move away from port and go to an API, so it's web-based. And I don't know how it's going to affect us either.

Bill Smith: But, I mean, attempting to limit access from the 7 billion people on the planet, I just don't know how you do (that).

And anytime I raise the question on any of the calls I'm told it's a nonissue. Yet I come from the identity space and this is the, you know, it is the biggest problem that people have when attempting to do real identity.

Steve DelBianco: Well I don't want to put work on your shoulders that you can't handle. But between you and (Nancy) can we at least do a draft of our questions and concerns? And there are other folks who aren't on the call today who also are very familiar with Whois and we can have them look at it as well.

Bill Smith: Okay.

Marilyn Cade: It's Marilyn. Jim is on the phone though and Jim has a very technical background, Jim Baskin.

When I looked at this I thought that mostly we would have questions about how certain things would be implemented. And also the interface into the rest of the Whois work including, Bill, the recommendations that the Whois Review Team has made. So...

Bill Smith: Again, my read of the SSAC Report, it fits perfectly within what we are recommending, the Review Team's recommending.

Marilyn Cade: Right. But there's the open question about how are - where are the policy recommendations going to be developed?

Steve DelBianco: So they try not to do any policy in here. They're deliberately...

Mikey O'Connor: There is policy.

Bill Smith: Exactly. The SSAC report does not talk about policy in my mind.

Mikey O'Connor: On Page 6. Policies that apply to the domain name Whois service should be related to the Whois data itself, (DRND) Policy 1, data to be included; 2, annual Whois Data Reminder Policy; 3, policy that requires registrars to investigate reports, policies applicable to the (DNRD-DS) might include, 1, acceptable terms of use; 2, service levels availability update, 3. It's all on the bottom of Page 6.

Marilyn Cade: All right. And it's Marilyn. That was Mikey, for the record.

                          Also if you look at Recommendations number 3, Recommendations 2 and 3, there's some interesting stuff in there that says the Whois service must discouraging the harvesting and mining of its data, which I think is a policy.

                          So maybe if - we have limited time. But since (Angie)'s volunteered, maybe if we could even just do a brainstorming call and get Jim to join and I will try to join if it's tomorrow, (Angie). If we could even get 30 minutes of your time, Bill, and maybe Mikey's, we could identify some questions that could go into a comment.

James Baskin: Marilyn, this is Jim.

Bill Smith: (Unintelligible) I read those things, okay. And I don't believe SSAC is attempting to set policy. It just says it should do these things. I have no objections to any of the stuff that Mikey read or other folks read.

Steve DelBianco: We might take this up on a separate call then because this is an implementation document. It's a draft implementation document by staff drawing upon the work of IETF and SSAC.

But the board has tasked staff to start to lay out how to implement the new (WEIRDS) protocol. So it's moving, this train is moving. So it's incumbent on us to raise questions and concerns early.

And it's fabulous that we have so much expertise. We're going to have to try to coalesce that and it would be great to get at least a stab in writing. It looks like we have three or four volunteers that are interested, so I'll have to follow up to see if we can organize the call or a draft.

Marilyn Cade: Steve, I just need to clarify something though for Bill. Sometimes we need to weigh in positively or negative voices will drown out the possibility of something moving forward.

That was more of why I was thinking we might need to weigh in, not to object to it.

Steve DelBianco: Marilyn, let me ask. This might be a new vocabulary item for ICANN, this notion of a roadmap. Is it something that's meant to be preliminary to a full-blown staff implementation plan?

Marilyn Cade: Right.

Steve DelBianco: And if so will there be other opportunities for us to deep dive on the implementation plan? Or they call it a roadmap in order to just change the way we think of it as an implementation plan.

Marilyn Cade: So maybe we could add that as a question. (Angie), maybe we could add that as a question.

Because I think that (Angeli) -- who's on the phone as well from Better Business Bureau -- is probably going to be, you know, more people who are interested (unintelligible) who is may find themselves interested in the substance once it evolves.

So I'll volunteer to participate on a brainstorming call with others, will get (Bennie) to set it up. Steve, if you can give us a little bit of your time to kick it off.

James Baskin: Marilyn, this is Jim Baskin. When you mentioned my name a few minutes ago I tried to go off mute and disconnected myself. But I came back right away.

I will be - will make myself available to participate.

Steve DelBianco: All right, thank you.

Let's move on. Number 6, Elisa Cooper, you're on the call. Could you give us a sense for the current status of the comments you're preparing with the assistance of some other folks on the call on the Review Team, the Affirmation Review Team on Whois policy?

Elisa Cooper: Yes, so we've completed a number of drafts with input coming from a number of different members. And we are scheduled to meet this Wednesday to

review some comments that we've received over the weekend and late last week.

And my plan is to have a revised version actually that includes the comments I've received so that we can review that on this Wednesday call. And then hopefully - I'm hoping that on this call on Wednesday we can come to some consensus and get very close to really a final draft.

I think we're doing okay on time because we do have until the 18th. But I'd like to, you know, wrap that up this week if that's at all possible.

Steve DelBianco: And to help you achieve that, Elisa, let me just ask everyone on this call, please read the latest draft that Elisa circulated. And now is the time to be reviewing and commenting on it. Don't wait until the end because then your edits are not going to be sufficiently reviewed by everyone else.

Please get them in early. This comment is due on the 18th of March.

Thanks, Elisa, for your leadership on that. Any other comments from the group on...

Great, let's jump to Number 8.

This is good old-fashioned IRTP, Inter-Registrar Transfer Policy B. And there's a notion here about a (PDP) on the status messages, which is just one small recommendation that came out of the IRTP B working group.

Mikey, you're on the phone. Chris Chaplow, you guys were very active on these Inter-Registrar Transfers. Do you have any guidance to us as to the

relative importance of the status messages in Whois? And anything you would want to (seat) us with in terms of coming up with a comment?

Mikey O'Connor: This is Mikey. I'm actually a little surprised to see this turn into a (PDP), but there you go. The notion was that right now the way registrars and registries hand back status messages - especially things like registry locks and registrar locks -- are pretty hard for regular people to understand. And they're also not consistent, which makes it hard even for registrars to automate stuff because they don't get consistent messages back.

And so the idea was to make those a bit more consistent. And it's all sort of technical and usability problems at the same time.

I think Chris and I were pretty keen on this idea. (Unintelligible).

Man: (That's right), Mikey, sorry.

Mikey O'Connor: Did you want to - did I put words in your mouth?

Man: Well yes, it's - rationalizing these messages, it didn't seem like it was a major exercise.

Mikey O'Connor: Yes.

Man: And it was almost a common sense exercise combined with education, you know, and informatory document to help everybody translate them into English or whatever is their language. And I didn't know where the (PDP) came from either. But (unintelligible)...

Steve DelBianco: They finished the (PDP) and this is an implementation of the (PDP) on IRTP Part B. And that's why they (unintelligible)...

Mikey O'Connor: (Unintelligible).

Steve DelBianco: ...as a (PDP) item.

Man: Not another (PDP)?

Steve DelBianco: That's correct.

Man: Oh good, good, okay. Well we support it, in short.

Mikey O'Connor: Yes. Yes, then I think that we're pretty enthusiastic in our support. It's a pretty low cost effort and it will pay big dividends for those of us that use the Whois in various ways.

So I think...

Marilyn Cade: Steve, it's Marilyn. Could I ask the two for a question? And it probably extends to Bill and others who were on the - it seemed to me -- when I read it -- that this is totally consistent with some of the recommendations of the Whois Review Team in terms of, you know, sort of leaning toward having consistent notices and consistent easy-to-understand information.

Even though the recommendations might not have been that specific, the direction this is going in seemed to me to be very consistent with what we want from the overall changes and improvements to Whois.

Steve DelBianco: Marilyn, that may entirely be true. But if the previous experience is any guide, the last IRTP Part B item was the locks, the registrar locks. And Phil Corwin and I took that on of examining staff's implementation plan and comparing it to the working group's report, the one that Mikey and Chris worked so hard on.

And Phil and I identified a couple of areas where it was consistent and maybe a couple where it wasn't so consistent. And that's why it's so important to just double-check and compare what staff is saying they want to do to what the working group suggested that staff do.

It doesn't take that much time, it's a few hours of work. And our comment would end up being relatively brief if we simply concluded that they were implementing pretty much what we asked for.

So Mikey and Chris -- with the most possible knowledge in this area -- is there a chance to enlist your volunteer spirit here to give a quick review of that and draft a comment for the (BC)?

Mikey O'Connor: This is Mikey. I can do that.

Steve DelBianco: You're fabulous, Mikey. Thank you, appreciate it.

All right, let's move on to Number 10. Ten is something I've discussed with all of you before. I won't get into too many details on it.

This is that draft advice coming up with definitions and targets to evaluate the new gTLD program.

If you recall the Affirmation of Commitments and the Board both want to look at whether the new gTLD Program improves consumer trust, improves consumer choice and increases competition.

So the working group -- and John Berard's on it with me -- we've spent almost four months on this and came up with about 37 different metrics to associate with consumer trust, choice and competition. A number of you in the (BC) have given us some ideas to strengthen them. But it's a pretty good list and it includes aggressive three-year targets for reducing the amount of spam compared to legacy gTLDs.

And I'll just throw one out. We suggested that in the third year after these new gTLDs are out, that the new gTLDs should have no more than 15% of domains be considered as defensive registration.

How do we measure defensive? You'll have to read the advice to see that because we've put together some controversial ways of assessing it.

We're going to be discussing it in Costa Rica. It'll come up on the weekend session with GNSO. The GAC has asked for a briefing. The work team is going to give a presentation of 90 minutes in a workshop at 11:00 on Wednesday. And the IPC has asked me to come in and give them a briefing on (unintelligible).

There's a lot of interest here and in Washington -- both at NTIA and the US Patent and Trademark Office -- because they spotted those metrics in there about defensive registration.

So I'll stop there and see if there's any questions or if there's a desire for the (BC) to have me walk through that presentation during the (BC) session on Tuesday.

Marilyn Cade: I think I was planning for - the thing I need to be careful about, Steve -- it's Marilyn speaking for the record -- is we're (going to) very limited time I really think the members need to attend the workshop, and so I put that as a priority.

Do members think we need a very high level introduction before the workshop?

Steve DelBianco: Members can attend, it would be so helpful. In Dakar we didn't have strong (BC) attendance. And I can tell you that that hurts us because some of the NCUC members want to take out some of the metrics we have in there on adherence to national law in terms of consumer trust.

By the same token, we're probably going to see a lot of pushback on the idea that defensive registrations are defined the way we did.

Marilyn Cade: Would you mind if...

Steve DelBianco: So it'll be so helpful -- as Marilyn said -- to have (BC) members back us up in a public discussion.

Marilyn Cade: Would you remind us again when it is, Steve?

Steve DelBianco: Great. It's Wednesday from 11 to 12:30.

Marilyn Cade: Okay. So we have it as a priority on your list. And I don't actually think there's - the Board is meeting with a Whois Team, which some people will want to go to.

There's a session I'm going to go to on consensus building a few best practices, but I think that is the priority for us really for all of the (BC) members.

So maybe we could put you on for a ten minute introduction on the agenda? (Bennie) will update the agenda as needed to make sure we do that.

But try to encourage members to come and interact because I really support Steve's perception. We need audience interaction.

Steve DelBianco: Great. Thanks a lot. Any other comments on Number 10?

Okay, last one is Number 11. This was just added. It's not on the official public comment list.

But I've been attending for the (BC) on a working group that's run by Jeff Neuman of the Registry Constituency. It's a working group to look at answering the GAC's request for protections for the Red Cross and the International Olympics.

And they're not your ordinary trademarks. These are protected by treaty and by national law. And the GAC insisted that not only should ICANN protect them at the top level, but protect them at the second level.

Now been on all those working group calls, we had a particularly interesting call on Friday because the GAC joined a call with the working group. I think

that's a first. I hope it's not the last. And the GAC was very appreciative of the hard work that was done by the working group so far to try to make sure that if the Olympics or Red Cross actually wanted (.redcross) or (.olympics) that we have to change the guidebook to allow that.

So to be clear, the Board -- back in June -- told staff to put Olympics and Red Cross on the reserve name (list). But if they do that, then the Red Cross and the Olympics themselves couldn't even get them.

So this working group came up with a recommendation on how the Red Cross and Olympics could have them at the top level. And we also suggested that other strings would have to go through a string similarity test against those two words.

And finally, if the applicant -- like Olympic Airways -- if in fact they could get a Letter of Non-Objection from the Olympics, then they would be allowed to get (.olympicair).

That's all well and good. But I have to tell you, there's a lot of trouble brewing on this working group because what the GAC is really interested in is second-level protection, virtually all strings like Red Cross and Olympics in all languages.

And the working group is only now turning to that and hasn't got a recommendation yet.

So that comment period has just opened. Staff is really unhappy with the whole notion of the working group having a direct call with the GAC like that. And I believe that staff is bristling a bit because the working group identified

that staff implementation had a few loopholes in it or had a few flaws - to use Jeff Neuman's phrase.

So I believe that Council will probably take this up. I'll turn to Council next, as Benedetta was good enough to include two potential draft motions for the Council meeting on Wednesday, one on the cross-constituency working group and one the potential for a (PDP) on thick Whois.

But in addition, I fully expect Council to take up a resolution on the Olympics and Red Cross at top level because there's a lot of timing pressure. The working group seems to think that it's important before the window closes to indicate the rules for Olympics and Red Cross at the top level.

And this would, of course, allow them to put their applications in if they want them. But it would also make sure to ward away other applicants whose top level strings would fail a string similarity test against the words Red Cross, Red Crescent or Olympiad.

So I'll stop there and take questions on the Red Cross and Olympics first, and then we can turn to any Council topics.

Mikey O'Connor: This is Mikey.

Marilyn Cade: And this is Marilyn.

Steve DelBianco: Mikey first, then Marilyn.

Mikey O'Connor: If you're not subscribed to the ALAC or the at-large general list let me know, Steve, that. This topic erupted on that list after that call on Friday. And the

ALAC - I wasn't paying very close attention to the position that they took, but they got into quite a tussle with Jeff Neuman over this.

So if you're not on that list let me know and I'll forward the emails to you.

Marilyn Cade: Would you forward it to me too, Mikey? And others may be interested. Is it something that's suitable to post to the (BC) private list?

Mikey O'Connor: Oh, it's public stuff. I could just post it to the regular list.

Marilyn Cade: Yes.

Mikey O'Connor: It's just - it's one...

Steve DelBianco: Yes, Konstantinos Komaitis is very active on the working group, as is Alan Greenberg. So there are a number -- not ALAC per se -- but a number of folks from that contingent are very concerned. They're afraid that these protections for Red Cross and Olympics at the second level could end up becoming protections for trademark holders or the clearinghouse records at the second level.

And that's just beginning to bubble to the surface and it shows up on the list.

But Mikey, please do circulate that. And Marilyn?

Marilyn Cade: I just wanted to comment that I think this is something that the (BC) should both be involved in and also support the government's view.

The governments did a - supported by the Red Cross and the Olympic Committee, did a strong analysis of the limitations and unique rights that are established by national laws and by international treaties.

So it's going to be very difficult, this argument that Wendy and others put forward that this is the nose under the camel's tent, I think that's very, very difficult to justify since the - really the unique protection for these names does not exist for any other strings.

But I think it's also -- and Steve, thank you for referencing this -- but it's a very highly volatile - sensitive is the better world. It's a highly sensitive issue for the GAC because it was provided as GAC advice and then ended up being sent to the Council. And there was a little bit of tussle about whether that was acceptable to the GAC on how it was handled.

Steve DelBianco: Marilyn, let me comment on that. The GAC members that were on the call Friday seemed appreciative of the fact that once Council got its hands on it it found some flaws in what staff had done pursuant to the Board.

Marilyn Cade: Right.

Steve DelBianco: (Unintelligible) because the Red Cross and Olympics -- under the staff proposal -- wouldn't be allowed to get (.redcross) and (.olympics). Nobody would ever be allowed to get them.

So I think that we're in a good place because Council looks as if we're being responsive at least at the top level. About to run into a buzz saw next Wednesday because the NCUC is likely to vote against these top level modifications.

That'll - I don't think that'll kill it through Council. It'll still get through Council. But it'll be important for the BC to express support vocally as well as with our votes next Wednesday. And as you say, perhaps to communicate that publicly to the GAC so they understand that we support their protection at the second level as well.

Any other comments on this? Great. And the other two - as I mentioned earlier, the other two items that are probably going to be motions or the cross community and the notion of a thick Whois PDP.

And if you recall on our previous member discussion, we were very concerned that the beginning of a PDP on thick Whois might be used as an excuse by the RAA or registrar accreditation agreement amendments process.

I honestly haven't been following that and it isn't public. Do we still believe that a PDP on thick Whois would be a significant risk to getting a stronger RAA and if so, what should we do about it? Any comments on this call?

James Baskin: So it's Jim Baskin. I was one of the people that brought that up on the other call. And I still believe that starting any Whois PDP at this point could jeopardize the current RAA negotiations in the area of Whois. And although because we get very little information about what's happening there, it's hard to tell what really might be the results of having a PDP but I'm still concerned about just starting a PDP at this time.

Steve DelBianco: Thanks Jim.

James Baskin: And I wouldn't want that to come across as a belief that there should never be a PDP on Whois but it's just the timing of it.

Steve DelBianco: Great. And when it comes to timing, we may not be able to ask for yet another deferral next Wednesday. So more than likely we may have to organize a withdrawal of the motion be the maker. We may have to organize a very carefully worded no vote if in fact we determine that it still puts the RAA at risk.

I actually don't think we'll know very much until we get an inside look at what the RAA negotiations are all about. Is there anyone on the call that can update us on the RAA negotiations? (Mark Monitor), I'm looking at you.

Elisa Cooper: Yes. I can.

Steve DelBianco: Okay. Please do. Thanks.

Elisa Cooper: Oh, I'm sorry. You wanted me to - I'm sorry. You want me to provide you the update right now?

Steve DelBianco: If you could Elisa. Would that be convenient for you?

Elisa Cooper: You know, I actually haven't read what has been just posted. So I'm really not comfortable at this point giving the update.

Steve DelBianco: Not a problem. In the next couple of days or at least before early next week it'd be great to hear whether you still think we have a legitimate concern that the RAA improvements on Whois accuracy and validation might be deferred or taken out of the RA amendments if Council decides to start a PDP. That's where we perceive the risk Elisa. And anything you can do to say whether that risk is a genuine risk or we don't need to worry about it.

Elisa Cooper: Okay.

Steve DelBianco: To really guide our discussion on Council next Wednesday.

Elisa Cooper: Okay.

Steve DelBianco: Fantastic. Thanks a lot. Marilyn that's all I had on policy. Back to you.

Marilyn Cade: So the two quick updates I wanted to provide. I wanted to just (go) over again verbally the three questions. I have them - the three topics. I have them in front of me. I reviewed them but I want to read them in detail that we will be talking to the Board about.

It's called - and then I will post them. New gTLD implementation issued of impact to these constituencies' members and the wider business community. As I said earlier, that'll be a focus on for the BC the submission we made and discussions about defensive registrations.

The second is accountability and transparency, the RAA and associated challenges. The third is addressing ICANN's external credibility challenges, strengthening interactions with these constituencies.

I've done a list of other topics that I will include in this for the BC to look at that I think generally we have broader topics, not just these three, and members of course from the floor are free to raise any other questions that they want - or any other topics as time permits. We may get questions from the Board as well. But we don't have those yet.

Finally, I wanted to mention before I opened this for an open mic for a few minutes. I wanted to mention that on your schedule, the one that (Benny) did with the yellow highlights, Wednesday morning there is a informal no host

breakfast in the venue restaurant with the ALAC at 7:15 and from 8:00 to 9:00 a formal - not a formal but a meeting in a room with the ALAC members.

On the agenda it's shown as BC. That'll be changed to CSG. But I hope we'll have a number of BC members who can plan to come to that and join the discussion. That's an effort for us to try to identify areas of consistency where we have some congruency with the broader ALAC even where - and some areas where we may be able to work together with them on.

There are some areas of inconsistency as well including some of the issues that they're focused on, which are creating a new IGF ICANN Academy, other things. But there are a number of issues where I think we can try to figure out where we can work with the ALAC.

And so we'll be following up on the discussion we had when we had breakfast with the ALAC and talking about what does it mean for ICANN to act in the public interest and how might this - the ALAC and this group of constituencies work together.

Steve DelBianco: Marilyn, Steve. Could I make one quick comment to support you on that?

Marilyn Cade: (Sure).

Steve DelBianco: The ALAC - two leaders of the ALAC are Cheryl Langdon-Orr and Olivier Crepin-LeBlond. And they have been on every single call for this Consumer Trust Working Group. And you couldn't have asked for better support. They've supported all of the BC definitions and metrics.

They've been in lockstep with us. So that could be pointed to as a great example of cooperation between business interests and the ALAC. And I hope we can continue.

Marilyn Cade: Fantastic. I will just say this call is being transcribed so I'll say this as tactfully as I can. Those are two very rational long-term leaders in the community. It's good to get to know all of the leaders and see where we can support the commonality because there are - there may be some other challenges emerging there. Hope that was tactfully said.

Let me open this up for our last 12 minutes for any other topics that members want to talk about before we part or any questions that members have.

James Baskin: This is Jim Baskin. I've got a couple of things. We don't have to cover them both at once. If I may.

Marilyn Cade: Please Jim. Go ahead.

James Baskin: Okay. Maybe it's been posted somewhere but are there any documents or descriptions of the arrival logistics airport and transportation for Costa Rica.

Marilyn Cade: Let me ask (Benny) to research, if you will please, the host Web site. And if you don't find the information there (Benny), would you interface with Glen on that topic?

Steve DelBianco: ICANN staff is telling ICANN employees to pay their departure tax at the hotel and not try to pay your departure tax at the airport when you leave.

James Baskin: That's the backend. This is Jim. I'm more interested right now in the front end of when you land what are you going to go through and what do you need to do to get to the hotel safely.

Marilyn Cade: Safely shouldn't be a problem Jim. I think the - I think it's a very different environment than we've experienced maybe in a couple of others. But (Benny) - I will follow up with (Benny) and we'll find out what's on the Web site and put together something for the members that she'll post.

James Baskin: That's great. Thank you. The other item is regarding the RAA but let me have anybody else make any comments about other things before we get back to that one.

Marilyn Cade: I think you're up.

James Baskin: Okay. On the RAA, the only things that I've been hearing - I'm very thankful for those that have posted whatever they could find including the links to the little bit of information there is about what's happening in the RAA discussions.

But the one thing that I keep hearing and even something that you had posted Marilyn that there's concern about the way the staff is dealing with the RAA negotiations. That they've been causing problems. And in a vacuum that doesn't, you know, it's not clear who's making those accusations and why they're - people think that there's a problem.

Man: Oh, yeah, yeah. (Tom), I'm on a...

Marilyn Cade: So I'm going to have to ask you to restate the - would you don't mind just restating the accusations are...

James Baskin: Well there's been concerns. I won't - let's not call them accusations. They're - people have expressed concerns that the ICANN staff is causing problems in the RAA negotiations or is being a roadblock or something. But no specific details about what is the concern. And if these concerns are coming from the registrars, then maybe they're not really valid concerns from out side.

I mean if the staff is just being hardnosed or taking a hard line on the negotiations for instance with the Whois and that's delaying things because the registrars are unwilling to discuss it, then that's not necessarily the staff acting badly.

But if - I'm just hearing these, you know, these sound bites that say staff is doing something wrong. Even - and you even quoted something yourself in a recent email. Just, you know, that staff is doing something wrong.

Marilyn Cade: You know, I think I'll respond to what my understanding is, not being a party to the negotiations but talking to different parties who are. I think the negotiations have perhaps been a little more staff driven than either of the two parties expected.

You may recall that Avri and I and a few others much, much earlier proposed that there be informal observers allowed to the negotiation and that was not supported by the registrars at all. And I don't think supported by - there wasn't any interest in that from the ICAN legal staff as well.

But, you know, I think Jim the failure to have met the deadline, which is - there are people who haven't been able to justify travel because they were expecting that they would be getting this document and commenting on it.

And I think - I don't know if wrong is the right term as much as the question is what are the roadblocks that have prevented the publication of draft materials so that they could be thoroughly reviewed.

We're not going to - as the BC, we won't go into this meeting with sufficient time to have any kind of a BC perspective on this because the material is not published on time.

James Baskin: That's correct. I understand that but there seem to be people pointing fingers at staff for these kinds of problems and it isn't necessarily a one sided issue that, you know, maybe staff would like to publish something but the registrars don't want anything published yet. But is that staff's problem or fault?

Marilyn Cade: I don't have any indication from my informal discussions that that has been the nature of the delay. But that the failure to have documents and materials available have contributed to the delay.

James Baskin: Yeah. Well okay. It's just - I - the main thrust of my question was the only thing I seem to be hearing about the process is staff is it's staff thing. It's a staff thing. And but without any further explanation, I can't tell whether it's - that misinformation or not.

Bill Smith: Marilyn and Steve, this is Bill Smith. I had an opportunity to speak with a registrar last week - late last week. And my impression is that the registrars and this is not based on statements made by that registrar but perception. But I believe registrars are extremely reluctant to accept verification of Whois data on the way in.

And I think this is a principle position on their part. I offer a number of suggestions to the registrar in question about how they might be able to do

verification. And each one of those was turned down especially when I, you know - as an example, I said assume that the verification is cost neutral to you. And they wouldn't go past that.

Marilyn Cade: So I think both of those things are consistent with what I've been hearing but failure to put out a document and if the registrars don't accept it, then ICANN still needs to publish a document which proposes - which describes the status, what they've been able to negotiate and what they haven't.

And that's what I was commenting on Jim, not on the - to Bill's point of, you know, here's an example of what registrars are not willing to accept but the idea that we have to get to publishing something early enough for the rest of us to provide comments on.

Bill Smith: Again, this is Bill. That may be the case that ICANN staff had the ability or should have published something. I know that the indication was that they would but their hands may be tied. We don't know.

((Crosstalk))

Bill Smith: In the negotiations it may have been decided and, you know, the framework for them that nothing would be released unless both parties agreed to it.

James Baskin: Exactly. And if that's the case then you can't just say it's staff's problem. But we don't have any way to know.

Marilyn Cade: So what's your proposal Jim? That we ask?

James Baskin: I guess that we ask and that we - and that we even demand that some form of communication that makes - that, you know, has some content - some real content in it is made.

Marilyn Cade: Well we have a - we have something published now. It's not a - it's not - there's not much substance that I could discern. But I mean I can certainly convey - I can certainly convey to Kurt that we're looking for - well I think first of all we need to go read what's published right now.

James Baskin: Right.

Marilyn Cade: And then see if we feel that we need to say something more strongly. Right now this topic is on the Board discussion with the IPC leading that discussion. And on Sunday morning we'll be talking through what those talking points are.

James Baskin: Yeah. But this ties directly into our discussion a moment ago about the GNSO - the Council and the Whois PDP proposal. And, you know, I think it was Bill I think that just said the one thing that he's been able to get out of the registry - registrar - a registrar is that the Whois is a sticking point.

                  And that makes it even more, you know, of a concern to me that we don't throw Who is into a PDP right now because that will just - that'll do nothing but assist the current position of the registrars that they don't want to talk about any changes to Whois especially the verification of registrants.

                  That's the big thing. I mean thick or thin, you know, as long as we can have the data in a consistent form, the thick or thin isn't - is the issue. It's the validity of the data.

Mikey O'Connor:	This is Mikey. I was in that working group and I tend to agree with Jim that the working group's intent with the thick think was mostly technical. You know, it was an operational improvement. It was not intended to collide with policymaking at that level.

And I would support the notion that we wait on PDP until the RAA negotiation is cleared up because it would be a terrible shame to accidentally put a spanner in the works with what was really intended by the working group as much more of an operational issue.

Marilyn Cade:	Who made that - Steve, I know (John) got called away and I don't think they've been able to join us. Maybe we should - I don't recall who made the motion but we'd have to ask the motion maker, so to speak, to withdraw the motion.

James Baskin:	It was the chair and he already told whoever on our group talked to him that he wasn't going to hold it back before. It's coming from the registrars. Coming from the Chair of the GNSO who's the registrar.

Marilyn Cade:	Right. Right.

James Baskin:	And if I'm reading this right, he's going to push this as hard as he can because it's to the advantage of the registrars to muck up the works by having a PDP get started.

Steve DelBianco:	You still have the - in fact it's David Taylor...

((Crosstalk))

Steve DelBianco: ...amendment that said whereas nothing in this motion is intended to prejudice migration to thick Whois through contractual means. And I don't know for sure if Stephane accepted that amended. But does that amended really scratch the itch that we have Jim?

James Baskin: Not really. I mean if we could be absolutely - if we could make it perfectly clear that any thick Whois PDP has - should have no impact on the resolution of the accuracy issue in this RAA negotiation, then we could probably live with a thick Whois PDP.

But if the two of them get anywhere - any way tied together and there's any, you know, push or impetus for the negotiators to say well, there's something happening with PDP and we shouldn't touch it right now. I'm now - sorry - something happening with Whois and the PDP, we shouldn't touch Whois discussion, then we lose.

Marilyn Cade: Yeah. Yeah but this resolution is limited to the two legacy gTLDs that don't have thick Whois. Right?

James Baskin: The...

Marilyn Cade: Dot net and .com. Right.

James Baskin: ...PDP?

Marilyn Cade: Yes.

Steve DelBianco: Yeah.

James Baskin: Yeah. But still, you know, the effort is to unify to come up with a common RAA for everything. And as long as we keep talking about well this is just for them, just for those two, then we're continuing to keep a broken system in place.

Marilyn Cade: Well let me - but let me see if I understand this and people need to correct me - well, and then we may need to take this up because we're running out of time.

                  The new gTLDs - all of the new gTLDs IDN and otherwise are required to have thick Whois.

James Baskin: Okay.

Marilyn Cade: All of the legacy gTLD - all of the existing gTLDs including the initial legacy gTLDs except for .com and .net have thick Whois. This PDP - this initial effort was to force the - to support moving to a thick Whois for .net and .com, which actually is in the interest of business. It's true that accuracy is our priority but thick Whois is more likely to be easier for business to deal with than thin Whois.

                  The RAA is more broadly - has a broader - you know, it's sounding to me like we need a kind of a two-pronged approach Steve. Something about making sure that this is an extremely - if we can't postpone it as some of our members want, we need to figure out if we can really limit it significantly, which means we need to put people on the drafting team on the TOR. And...

Mikey O'Connor: The recommendation is actually limited to just the way you said Marilyn.

Marilyn Cade: Right.

Mikey O'Connor: So it - I think that one of the ways out of this pickle might be to put an amendment in similar to Taylor's that says this PDP won't start until after the RAA negotiations are complete. That way dodge the issue...

Steve DelBianco: Right.

Mikey O'Connor: ...that Jim is raising.

Steve DelBianco: And I'm going to check with Berard because we had asked him to make that sort of recommendation to Stephane and pursue that again as a better strategy.

Marilyn Cade: Do we have time to make a - I mean that would be great but we'll have to - we missed the deadline on motions I think. And we'd have to approach this with getting an agreement to allow a new motion and getting it accepted as a friendly - as a friendly motion.

Steve DelBianco: That's right.

Marilyn Cade: Okay.

Mikey O'Connor: Could...

Steve DelBianco: I'll follow up with...

Mikey O'Connor: ...Taylor (be) the friendly amendment? I mean...

Marilyn Cade: Well Taylor met the deadline I think on his...

Mikey O'Connor: Right. So could he be the friendly amender?

Marilyn Cade: Oh, asking him to modify his existing friendly amendment.

Mikey O'Connor: Right.

Marilyn Cade: Brilliant.

Steve DelBianco: Great idea Mikey. I'll write that up and get it over to (John) and Zahid right away.

James Baskin: But we still have to be careful. Whatever we do, we don't provide any loophole that lets the negotiators jump in and - or jump out of negotiating current RAA issues in - with regard to any aspect of Whois especially the accuracy. But I'll let it go at that. We've spent enough time.

Marilyn Cade: Well actually though I think Jim that means we all, particularly those of us who are concerned about Whois need to go read what's posted right now. And we need to all be in those discussions because I kind of think we have very little information.

                   Now we will - maybe we have an opportunity - Steve, maybe we have an opportunity to talk about Whois with a few of the GAC members while we're there. Those who are most involved in this. I believe I lost Steve. But...

Steve DelBianco: No, no. I'm here. I didn't realize that was a question. Go ahead.

Marilyn Cade: Yes. I was just asking if maybe we should try to have an opportunity to have a small discussion with some of the GAC members on this topic while we're there.

Steve DelBianco: Of course.

Marilyn Cade: Okay.

Steve DelBianco: But in fact if the collision of policymaking and negotiating an RAA turned out to be a problem, I do hope we would speak about that when we meet with the Board on Tuesday.

Marilyn Cade: Right. And so Sunday morning we need to be sure we're going through the talking points with the IPC and making sure that these points are made. We should raise this in our discussion with Bill as well on Sunday morning at breakfast.

Bill Smith: Agreed.

Marilyn Cade: Okay.

Phil Corwin: Marilyn, Phil Corwin. Before we end here I just wanted to very quickly raise one other subject. I didn't realize the other discussion would continue for so long.

Marilyn Cade: Phil.

Phil Corwin: Yeah. And that is I'm planning to raise in appropriate forums in Costa Rica just making an inquiry as to what is the status with uniform rapid suspension. Back in Dakar I asked after both WIPO and (NAS) had indicated that there was no way they could possibly offer to arbitrate that at the supposed price of $300 per filing.

I asked Kurt Pritz. He said they were having difficulty finding qualified providers. He indicated at that time that there'd be an implementation group starting up a month later. It's many months later now and the topic has disappeared and we're nine months away from launch of new TLDs and whether one is a potential complainant or a potential respondent in a URS action.

There's nothing going on at ICANN to implement this. And I'm certainly concerned that they're not able to find anyone who's credible to provide the service and they're kind of sweeping - they're trying to sweep it under the rug because of that.

So I'm planning to make inquiries in San Jose trying to find out what is going on with it because the Trademark Clearinghouse Group on implementation is just about wrapping up. They've made substantial progress but nothing has even been stirred of yet on URS.

Marilyn Cade: That's a pretty important issue.

Mikey O'Connor: I thought WIPO was elected -- this is Mikey, sorry -- as the URS provider. I thought that went by in an email.

Phil Corwin: No. WIPO was selected for one very narrow...

Mikey O'Connor: Oh, okay.

Phil Corwin: ...function I believe with the Trademark Clearinghouse. I can go back and look at that. But...

Mikey O'Connor: Okay.

Phil Corwin: ...I haven't seen any announcement regarding anyone selected for URS. And it would be premature to do so when there's been no implementation group set up to fill in the details of how that would be done.

Marilyn Cade: Phil, would you just look - go back and look at what it was WIPO was selected for and then I think we should certainly, you know, we should certainly plan to raise that including when Kurt shows up at the Council meeting on the weekend. You're going to be there. Right? I think...

Phil Corwin: Oh yeah. Yeah. I get in Friday afternoon.

Marilyn Cade: I think we should count on you to raise that. But first of all, if you don't mind looking at what it is WIPO was selected.

Phil Corwin: Yeah. I'm trying to find that right now.

Elisa Cooper: Actually I think WIPO was selected to hear trademark objections during the objection period.

Phil Corwin: Yeah. That's correct. That's correct.

Marilyn Cade: So that still leaves the URS untouched by human hands. Okay. Guys we're - I'm going to allow one more question and then we really need to wrap up because I wanted to try to keep us to only an hour and a half and you've already been gracious to extend yourselves.

                  Is there anything else that's absolutely urgent to discuss? Okay. Then I think we've got a number of follow up items. And Steve, if you don't mind sending an email with your availability, (Benny) can try to set something up for us to

have a conversation about RFC whatever number it is, 530 - 5 - sorry, I can never remember the number.

((Crosstalk))

Steve DelBianco: It comes out of Area 51. Okay.

Marilyn Cade: Bye everyone.

Mikey O'Connor: Ooh, cool.

END