SINGAPORE - Joint Meeting of the ICANN Board with the Commercial Stakeholders
Tuesday, February 10, 2015 – 11:15 to 12:15
ICANN – Singapore, Singapore

ELISA COOPER:     All right, folks.  Why don't we go ahead and get ready to get started.

I'd like to start off by, first of all, of course thanking the board for taking the time to meet with us.  As always, we appreciate this time.  And we wanted to structure this meeting a little bit differently, and this is following a meeting that we had with Fadi during the intersessional where we had a very positive interaction with Fadi where I think that there really came to be an understanding that there are some very different perspectives across the BC, the IPC, and the ISPs.

And because of that, we want to structure this meeting just a little bit differently than we normally do.

We want to start off today, though, by responding to the board risk committee.  I know that they asked for us to provide to them our top five risks, enterprise risks, for 2015.

So we'll start off this meeting by presenting that information to you, and I'll be highlighting some key points.

In the second part of today's session, though, we want to each bring to you -- each of the different constituencies -- one hot topic, and that is something that will be of particular concern to each individual constituency.

So with that, if we can go ahead and go to the first slide.

So to start, we were each asked to provide -- the board risk committee asked us to provide our top five enterprise risks, and so up here on the screen you can see our lists. And there are really three things that I want you to know about this slide.

The first thing is, this is information that we prepared in about two weeks, so this is our best sort of approach and this is our best list that we could provide in sort of a two-week period in terms of what we think the top five enterprise risks are for the BC, the IPC, and the ISPs.

Now, secondly, I want you to know that when you look at this list, you'll see that there are really sort of many commonalities. There are some threads that are similar. But you'll also notice that in some ways they're quite distinct. And that has to do with the distinct perspectives of the BC, the IPC, and the ISPs.

Now, all that said, number three, what I want you to take away is that there is one sort of overriding concern that all three constituencies have, and that has to do with risk to the multistakeholder model.

I think at this point, what we wanted to do was to have you take a look at these and then for you to ask questions to us so that we can have more of a dialogue and keep this more conversational than we have in the past.

So at this point, I would really ask for the board to ask us questions about whether you have concerns or need additional information to help understand what our concerns are related to these top five enterprise risks.

STEVE CROCKER:     Thank you, Elisa, and welcome, everybody.

One of the messages that has come through loud and clear over the -- not only this meeting but the intersessional meeting and certainly a bit before is that the constituencies are distinct and that trying to have one speaker, one representation across all, is an awkward, ungainly fit that doesn't work so well.

And so I'm very pleased that we have separation of the issues here and that it's all laid out, and that's the tip of an iceberg.  We obviously want to pursue this and examine, as part of the structural reviews and other things, how to have a better fit across all of this.

This is probably not the right meeting to go further into that, but I wanted to acknowledge that point and appreciate this revised method of presenting things.

The -- sorry, I -- a momentary lapse.  The common thread you said was?


ELISA COOPER:      Risk to the multistakeholder model.


STEVE CROCKER:     Oh, risk to the multistakeholder model.

So it's a little hard for me to see the risk to the multistakeholder because we're -- we have stakes coming at us from -- no, that's not a joke I should --

We see every constituency and we hear from everybody. We have a hard time seeing that there's any risk.

I do see, certainly in this slide and certainly it gets said elsewhere, strong complaints from particular constituencies that -- with no edge intended -- generally of the form, "Our issue got shortchanged and therefore the multistakeholder model isn't working."

And I think it's incumbent on all of us to be able to step outside of the particular role that we each are coming from and look at things from the other people's perspective.

Just to pick on one, I see that the intellectual property constituency, first bullet is "Marginalization of intellectual property and other commercial stakeholders." It would be not very hard to draw people into the room who would say, "Hey, the intellectual property constituency got this, this, and this that they bargained for to the exclusion of everybody else."

And so there's quite a difference in the perceptions across the community about these things.

So we've got to find a way to have a kind of more balanced and encompassed view of these things.

And nobody's going to get everything that they want, and if everybody is counting the fact that their glass is not completely full and therefore they've been shortchanged, we're in deep trouble.

I'll stop there.

Ram?

RAM MOHAN:          Thank you very much.  Ram Mohan.  I'm on the board and a co-chair of the risk committee that began this exercise.

First of all, I wanted to really thank all three of these stakeholder groups for providing the thought, as well as, you know, bringing it back in a timely manner with this clarity of what the various groups are thinking. That's very helpful.

I wanted to spend a minute sharing with you what we're looking to do with this information.

Inside of the risk committee, the --

So staff have begun a process of looking through enterprise risks and starting to gather what staff believe are the top enterprise risks.

And what the board risk committee has been saying to staff is --

At the L.A. meeting in 2014, we were -- we asked for ICANN staff to go to the global leadership team, the senior management team of ICANN, and ensure that there was consensus of -- from among them of what the enterprise risks ought to be.

That process is well underway.

And the next step from the board risk committee was to look at -- to poll the community and see what the community thinks are our top risks.

The next step in that process is to start comparing and to identify where the gaps are.  Because it's relatively easy to have 10 people in a room sit

together and say, "These are the risks to the organization," and then to start executing on it.

So we're taking kind of a little bit more of a deliberate consultative approach to doing it.

The end goal of all of this will be to -- to arrive at a, to some extent, consensus-based but to a large extent priority-, likelihood-, and-severity-based assessment of the risks and then to then start putting together mitigation plans and to -- and especially where it's not going to cause a significant risk to the organization, to share the mitigation plans, to actually go share them and then, you know, bring -- ask for feedback as well.

As Steve was saying, I think in -- in this session, it's probably -- I'm not sure it's completely productive to get into the -- into a debate on -- or a question and answer on these things.

What I'd like to do is to poll the board members, as well as the risk committee members, and come back to you with further questions and follow-up, if there are any, on these.

Because I think inevitably when we get to the next level of detail, that's where we're likely to identify gaps.

At the top level of detail, there are -- what I'd like to say is that there is a lot of overlap with what is already being thought of, but there are some areas that are interesting.  Like "Change to jurisdiction" is quite interesting as a top enterprise risk.

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And I'm also curious about kind of the difference between "cybersecurity" and "security," whether there is a difference or whether it's simply the same idea expressed in different words.

So I'll stop my comments with that.

ELISA COOPER:     Bruce.

I'm sorry. There was -- and then Bruce.

KUO-WEI WU:     Hi. This is Kuo-Wei with ICANN board. I just try to, you know, add to what Ram is talking about.

I saw security in the ISP, also in the BC, and I think you know that ICANN basically in the security area, what we can do is a very thin part.

So I'd like to understand a little bit further, Elisa, what is the security you're really concerned from ISP and also from the BC, and what is the differences.

ELISA COOPER:     Well, I can address when we're talking about security from the BC perspective.

And it's twofold, really.

It's ICANN's own security, so their own infrastructure, but it's security in general.

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And even though you don't have control over that, per se, it is something that maybe the outside world looks at and somehow says, you know, maybe ICANN is somehow responsible or should take some responsibility, even though you don't have oversight over those pieces.

So it's a risk. It's not necessarily something you can mitigate, except maybe through education of what your remit is. But that is what our perspective was.

But I'll turn it over to the ISPs to talk about what they meant when they talked about security.


TONY HOLMES:          Okay. Thanks. I'll try and answer that from our perspective. And again, it was twofold.

It really is breaches to the DNS security, is one aspect, and the other side of that is breaches to the I.T. infrastructure of ICANN as well.

I think it's very important that ICANN is seen as an organization that's very much on the ball in these areas, accepts the responsibility, and almost provides some leadership in that area.

So perception is everything, and that was part of the drive for us coming at it from a twofold perspective.


KUO-WEI WU:            Can I follow up?

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Actually, as you know, cybersecurity is very broad, very big. And actually, to resolve the cybersecurity, ICANN definitely is not good enough, you know. And in many parts we even cannot involve in.

So it might be much easier, much easier, particularly in the business constituency, because you are related to the corporations and some of your corporations actually have experts in the cybersecurity area, you know. And they might be (indiscernible).

And one thing I agree is maybe we should clarify what kind of security ICANN can involve and what other is -- belong to the, you know, commercial or business, you know, institution, or even some part actually is the government job.

So, you know, security is really broad. It's very -- quite dangerous thinking about ICANN as a -- as a -- on top of the umbrella and can manipulate the security. I think that would be quite dangerous, from my point of view.

But if we -- at this point, to clarify which part we can do, and then there might be help.

Thank you.


ELISA COOPER:            Thank you. I saw Bruce, then Ram.


BRUCE TONKIN:           Thanks --

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ELISA COOPER:              And then Greg.


BRUCE TONKIN:              -- Elisa.

Just a couple of observations on your multistakeholder model one that's been identified as a risk, and I think as Ram mentioned, I think that's a risk that the board's identified as well.

It's interesting in our strategic plan, our first strategic objective is "Evolve and further globalize ICANN" and our fourth strategic objective is to promote the multistakeholder approach.    But we won't be successful in promoting that multistakeholder approach unless we are truly multistakeholder.

And one of those things that I think would be really helpful to get from the constituencies here in the budget planning process is actually to have some concrete proposals for how we can provide resources to help you grow that base, because I think one of our dangers is we end up being quite stale.   It's sort of the same members that have been members for 10 years and we're not evolving new members.

And as you know from -- and I know, Elisa, you look at it commercially as well, but if you've got a product and you haven't got any new people coming in, gradually people start churning away and you don't have enough people.

So we've got to get new people in all the time.

Even just as an observation, how many people in this room have come to their first ICANN meeting?  How many people -- put your hand up if this is your first ICANN meeting.

So great.  It's probably about three or four in this whole room.

So that would be a normal risk.  If you're looking at it commercially, that's a risk.  I've only got four new customers.

So we've got to consciously invest in getting, you know, more people into the process, I think.


ELISA COOPER:                    Let's see.  Ram, Fadi, Greg, Ray.


RAM MOHAN:                       Thank you.

I had a question on just a couple of other things.  I wanted to get some more clarity.

In both the I- -- on the ISP list and on the IPC list, there are two items that talk about failure of a program or of a particular project.

I think what would be very useful, in addition to identifying the risk, is to understand what, in your view, success is.

Because it's fairly straightforward from a normal risk mediation model to say -- identify failure as a problem and then to simply expend a great deal of effort in trying to stop the failure when they may not be aligned on what the meaning of success is.

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So I'd be curious to hear what "success" definition is for both.

ELISA COOPER:          I'll speak on behalf of them but I'm sure that they'll be happy to provide that, once we've returned back home.

And I think that, like, makes a lot of sense.

Fadi, Greg, then Ray.

Any others?

FADI CHEHADE:          Thank you, Elisa.

First, many thanks for providing us these views. These are almost -- more than just getting into a risk discussion, these are the alarm bells, the things that are worrying each of these communities right now.

So may I suggest, for practical reasons, that I take the commitment for the management team and our risk team to meet with you, either together or individually as communities, make sure we understand what you mean by these words, make sure we are -- we need to listen carefully what you mean, just as you did by "security," then give you, frankly, a response to each of these items either by giving you reassurance of things we're doing to take care of these things or, if we're not taking care of them, some either clear signal we will or clear explanation why we won't.

But we need to engage with you on these things. I read some things here that are quite clear. You know, "Failure of the new gTLD program"

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is not quite clear.  Exactly what would fail in it?  What are the things that -- or is this a macro statement that says that after a few years, everybody finds that the new Gs are really not as useful as everybody thought or something.

And if that's the case, what are we doing to address that.

So I'm thankful for your effort on this.  With your permission, I would like to engage with you after we get back home, and I'll take that as an action.  And we'll have our risk team and our management team.

The only thing I need to know from you is, would you like for us to engage with all of you at once or each of you individually?  And I'm happy to do it either way.


ELISA COOPER:            I think we appreciate that greatly, and we'll certainly take you up on that.

I think Greg and then Ray again.  Is that right?  Yeah.


GREG SHATAN:            Greg Shatan, president of the intellectual property constituency for the record.  I wanted to speak to a couple of points that have built up.  First, what's on the slide are -- is just the tip of the iceberg in terms of documentation.  What might be clear to many in the audience is that we also provided two or three pages to back this up.  For each of these there is a paragraph that matches to it, and the headings sometimes don't describe, as with security and cybersecurity, the nuance of what's there.  But we didn't want to put all that up on a series of slides.  We

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wanted to percolate discussion rather than just run through a lot of text. Some of the headings are more unfortunate than others in terms of their clarity.

So in terms of security and cybersecurity, I would say that we also in the IPC identified a risk which is the failure to improve identifier registration data services or, to put it in plain English, WHOIS problems. As someone who has had to in private practice represent those who've experienced cyber breach and phishing and having private information publicly posted on the Internet, trying to chase the thread back to where in some exotic foreign clime the bad guy is, is directly -- your success in many ways is directly related to accuracy WHOIS information. So that is a security issue. Everyone is using the Internet to get from one place to another in terms of security. And one way to find out who it is and where they came from is WHOIS. It is just part of it.

There are only a couple of remits for ICANN: DNSSEC and WHOIS. But they are incredibly important ones, aside from the general and somewhat misplaced impression that ICANN runs the Internet, which is what we have to tell them we don't do.

Secondly, with regard to -- I think we actually identified two risks that relate to threats to the multistakeholder model. Our last one listed is volunteer burnout which goes to what Bruce was talking about. That is a particular risk to the multistakeholder model, as is the risk of imbalance which are somewhat parochially phrased. First item went to marginalization of IP and other commercial stakeholders.

Just to respond to what Steve said in the beginning, whether the result is one that we want or not -- and sometimes we get resulted in spite of

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punching from a fairly small platform -- that's great.  And, conversely, if the process is fair but we don't get what we want, at least the process is fair.  And so that's part of the balance of efforts there.

And I know the board is well aware, and we've had fruitful discussions already around the issue.  And it's certainly a complex one to talk about.

I think we recognize that there are several threats that kind of all feed off of each other.  But, ultimately, the multistakeholder model can't be promoted if the multistakeholders are so burnt out they would not look like one that you -- like a club you would want to join.  Thank you.


ELISA COOPER:              Ray?


RAY PLZAK:                 Thank you, Elisa.  I want to go back to a comment that Bruce made.  It is not only getting new people into the various constituencies and stakeholder groups.  The multistakeholder model is in definite trouble if you don't grow new leaders.  I'm not talking about people that just get continuously elected to positions -- and they shouldn't be, by the way -- but I'm also talking about people that are voices in the community.  And so you don't have to be in an elected position to be a leader.  But I don't see a lot of new leaders because if you look at the public forum, you tend to see the same line of people.  And those are supposed to be the voices of the people.  And I don't see new people getting up in that line.

Back to the volunteer burnout which is also along this same line, it's -- you get burnout because you've got a lot of people but you only got a couple people doing the work.

And so the other development thing is finding ways to develop active participation.

And all too often, I think people tend to assign work based upon the fact that they have employees and this is what you give somebody to do. You don't have employees.  You have volunteers.  So it takes a different way to develop active participation.  Some people naturally would do it. Other people, you need to find a positive means by which to encourage them to do it.

So it is not just an enterprise risk to be dealt with by the board, but it is an enterprise risk to be dealt with by the enterprise.  Thanks.


GREG SHATAN:        Greg Shatan.  Just to respond, Ray, on your last point this is something that was talked about quite a bit in a leadership meeting earlier and also at our high-interest topic session yesterday.  And I will take credit for coining a catch phrase that went to that last point, which is "turning lurkers into workers."


ELISA COOPER:        Any other questions or comments, thoughts?

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FADI CHEHADE: Yes. I want to thank -- first of all, welcome to Greg. Congratulations. Very happy to see new leaders at the table. Nothing wrong with the old leaders. They're pretty good. We're working with them. But it is good to see Greg at this table. And thank you.

In front of all of you, I want to frankly thank Greg for his commitment, for his enthusiasm, for his positive approach to the work we're doing together. We're delighted to have him join you. So congratulations on this excellent choice.

And I do think that we are having real substantive discussions with the leadership here about things like volunteer burnout. And it is not just talk. We are really trying to figure out how are we going to change that? How do we help new people participate? What are the facts from research? For example, we did a survey which we shared with you that showed that most people who come to ICANN and stay and get engaged, it's because they had a mentor. We found that this is the highest reason why they actually stay.

And they we found -- Well, how did they find a mentor? Looking at Marilyn who often does that naturally. But how did they find a mentor? In all cases, they found them on their own. So they literally wandered around the halls, heard Wolfgang speaking, say, Hey, can you help me out here? Because I don't understand. So we are moving immediately to think how do we formalize that? How do we actually -- you and I are meeting with all the previous board members, I think, tomorrow for lunch. And they all tell us all the time --

STEVE CROCKER:          Today.  Don't be late.


FADI CHEHADE:           Today, sorry.  I won't be late.  He's right.  It is today.

                        So this is an offer to them.  Hey, you are board members who served.
                        And they are always asking me and Steve how can we help.  Why don't
                        you become mentees?   And we could organize the program so
                        newcomers, new fellows have immediately available to them a pool of
                        people they can select to work with who want them.

                        So, anyway, many thanks.  This was just one idea.  There are many
                        things on the table.  We are engaged in a very new way.

                        And thank you for your leadership on that, Elisa.


ELISA COOPER:           Thank you, Fadi.

                        I see Markus has a comment.


MARKUS KUMMER:          Thank you.  Yes, I'm not on specialist on enterprise risk and I'm not on
                        the enterprise risk committee.   But I have been involved in
                        multistakeholder cooperation for many years.  And I noticed it is high up
                        on your agenda here to maintain the multistakeholder model, and I very
                        much welcome this.

                        And listening to Ira Magaziner reminded me, once again, how
                        revolutionary the concept was when ICANN was set up.  And we have to

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bear in mind that ICANN is still a very young organization. ICANN is not yet legally adult. It's still a teenager. But I think it will have a driving license in the U.S.

[ Laughter ]

FADI CHEHADE:          We're 16.

MARKUS KUMMER:          In Europe, it could have a beer but not in the U.S. In the U.S., it can drive; but in Europe, it will not be able to drive.

But having said that, some of the elements as seen as enterprise risk are, of course, extremely important and, we are discussing this. Accountability is extremely important. Transparency is extremely important. The prevention of capture, all this is really extremely important. And we are not there yet, but we are working on it and, I think, confident by the time ICANN reaches its legal adult age that we will have it in place. And we need to have it in place in order to have a successful transition.

So let's work on this. And thanks very much for making this effort to launch the discussion.

ELISA COOPER:          Marilyn?

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MARILYN CADE:     Thank you.  Marilyn Cade speaking.  There was an earlier question about what ICANN can do to help us be more effective.  And I'd just like to acknowledge that there was a time when ICANN did not have the financial resources to be able to devote to helping the constituencies and the stakeholder groups.  That's changed.  And over the past couple of years, a process has been in place to provide certain support which has been very helpful.  I will just say that I think we will need to ask for perhaps additional and different kinds of support in order to help us broaden and deepen.

And give an example, that over the past year, some of the -- two or three years actually, some of the funding that ICANN has been able to provide to help us support outreach activities, also to bring people into other sister organization meetings such as the IGF where the community of stakeholders continues to expand and grow and cross-pollenate with other stakeholders is very important.  And as we come into the budget, I wanted to take the opportunity to thank the board for what they've done so far and to say we're probably going to ask for more.

ELISA COOPER:     All right.  With that, I would like to actually move on to sort of the second portion of our session today.  But before I do that, I actually just want to thank, again, both Steve and Fadi for recognizing the differences between the three constituencies.  It is very important to us.  And I know now that you hear loud and clear and can understand thoroughly that we each bring different perspectives.  Sure, we have

certain views which align, but there are other ways in which we're quite different.

So with that, talking about differences of perspectives, I want to open it up for sort of our hot topics portion of our session where each constituency has identified one sort of hot topic that they would like to share with the board. And although we're not asking today for you to find an answer to our hot topic, certainly in the future, we hope it's something that will be addressed. It is more important, though, that you should just know that this is what we're concerned with and this is what we're focused on.

With that, I will turn it over to Greg Shatan to talk about one of the hot topics that the intellectual property constituency is currently focused on.


GREG SHATAN:          Thank you, Elisa. Actually, I will turn it over to Steve Metalitz who will speak to this particular hot topic which Steve is highly fluent in.

And I turn things over to Steve Metalitz, vice president of the IPC, for a while, until Sunday, acting president of the IPC, and more importantly about to speak.


STEVE METALITZ:      Thank you very much, Greg. This is Steve Metalitz. And as Elisa said, we are just bringing you one topic that has been the subject of a lot of conversation within the IPC recently.

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Those of you who are board veterans who have been on the board for many years and stayed in those positions will not be surprised to hear that the topic is compliance, contract compliance. But I do want to -- it is not actually the same issue that we've brought to this board so many times in previous years about funding and resources and commitment and priority and so forth. It is a little bit more nuanced issue. And I think it can be summed up as concerns about transparency in the compliance process.

And I will just give one or two examples. Obviously we're not going to go into a lot of detail here.

The New gTLD Registry Agreements and the 2013 version of the Registrar Accreditation Agreement both have some very important new provisions that we worked hard to try to encourage ICANN and the contracted parties to adopt. And they deal with obligations on the contracted parties to respond to complaints about abusive and illegal activity that are taking place within those registries, in the case of the new gTLD registries, or through the use of domain names that are sponsored by those accredited registrars, in the case of the RAA.

These are very important to us in the intellectual property constituency. And we have become quite concerned about the lack of transparency in how these important provisions are being interpreted and enforced and applied by the contractual compliance team.

We know that the -- that there have been breach notices issued to registrars, for example, because they have failed to give an adequate response to complaints that were brought to them of abusive or illegal activity. But we don't know what they did that fell short -- what was the

standard that ICANN was applying when it issued that breach notice and said, You haven't done enough.

Similarly, we also know from personal experience that we have brought complaints to registrars about clear examples of abusive and illegal activity, taking place in using domain names that they've sponsored. They have not responded to us at all.  They've done nothing as far as we can tell.  And when we've complained to ICANN, we've been told that the registrar response was appropriate and was sufficient, and they just missed our complaint.

So, again, we don't know if something else was done that we're not aware of and what the standard was that ICANN is applying in these cases.

So this -- this is an area where I think we need more clarity;  But I think the contracted parties probably could use some more clarity, too, about what is it that they have to do, what don't they have to do, and not just a list of what they might do but to get a little more predictability and consistency into the system.  Because, again, these are to us extremely important new provisions that, I think, breathe new life into ICANN's ability to bring greater consumer protections, for example, into the system.

There are other examples having to do with -- on the registry level, significant changes in policies, adopted by new gTLD registries that were made without any notice, without submitting a change order, open for public comment, but that really undercut a reliance interest that many in the community had about how these -- certain of these new gTLDs would be operated.  Again, not getting into the details here.

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We think this is also an issue of transparency, when something has changed so dramatically in the policies that a registry will follow and we had no opportunity to comment on it, it simply was changed and we don't know if there is anything that can be done about it.

So those are just two examples. But we would like to work with the compliance team, and we are having these discussions with them to get greater transparency into the system.

We wanted to bring this to your attention as a hot topic that is on the minds of many of us in the new gTLD -- in the IPC, dealing both with new gTLDs and with the registrars. And that I hope we'll be able to work with the staff and with under the board's guidance to make some progress on. Thank you.


ELISA COOPER:                     Bruce?


BRUCE TONKIN:                     Thanks, Steve. We're actually hearing similar things from the registry and registrar community as well, that they're struggling with various interpretations. I think -- and I know you're a lawyer. And often when brand-new agreements are put in place between two parties and there is particular language, then there is often different interpretations of that language.

And, normally, in a contract context, if it was just between two parties, you probably then issue a contract amendment. Both parties would sit

down and say, okay, we need to clarify that clause and you add a page to say what that means.

The hard thing is: How do we do the equivalent of that in this community? I think you've got it right. Transparency is absolutely critical in how do these things get interpreted. And one way, I think, is we've got to get all the parties that are affected by that in the room to start talking that out. So it is the registries. It is the registrars. It is the main sources of complaints, if you'd like, if it the is intellectual property constituency. It might be ALAC as well, the people that are actually issuing those complaints, and actually start to clarify the language, ultimately, where I would issue the equivalent of a "Here's a page that's agreed by all parties as to how to interpret that."

Another observation I'd make, too, is the registrars often perform a range of different roles. So sometimes they are purely just dealing with the registration record. In other words, it is a domain name and it says, Who's the contact point for that domain name? And then in other cases, they might actually be hosting the Web site content or they might be hosting the email servers.

So the response they give to complaints can actually vary depending on those circumstances as well. So you will get different types of responses, depending on just the business that's handling that complaint, just how many pieces of the infrastructure they are actually managing for that particular registrar. There is a lot of variables in there, and I think certainly transparency is important.

ELISA COOPER:               Other questions to Steve?


STEVE METALITZ:             If I can just thank Bruce for those comments. We definitely do feel we should be at the table and in the room when these clarifications are worked out. And we understand -- understand the other point you're making. But in their capacity at registrars, these entities have new responsibilities under the 2013 RAA that they didn't have under the 2009 RAA.

And we have an interpretation of what those responsibilities are. We know it isn't simply going to be unilaterally decided that way. But there needs to be a process for getting greater clarity and predictability into the system.


ELISA COOPER:               Fadi.


FADI CHEHADE:               Steve, I hear you clearly. I just would like to ask for something. You didn't give two examples. You really gave two broad concerns you have. I'm missing the examples. So here's what I suggest. We are entering a very critical phase where new contracts have been signed, thanks to the community helping us put, I think, much better contracts, both RA and RAA. And now compliance is getting into the delicate phase of interpretation. You know, what does this mean, and certainly where there are areas where the IPC is saying we interpret this to mean X and the registries and registrars are saying we interpret this to mean

opposite of X. Somehow we need to get that bridge done, and I think the earlier we do it, the better, to reduce frustrations and ensure that whatever it is the clarity is provided by ICANN as to how it will enforce these contracts.

So Allen Grogan knows this very clearly. He has been listening to both sides. He needs to do more listening, it seems and I'm happy to -- is he here? Is Allen Grogan in the room? Okay. I will direct him to take immediately the time to spend with you and others to make sure we understand you, you know, before he comes down with an interpretation to direct his department, the compliance department, to act. But I don't think anyone is saying here that the new RAA and the new RA provisions, which I think are good provisions, are not going to be changing certain things. They will have to change -- we signed agreements. This is a legal framework we all agreed on.

So you have my commitment -- and you know that we've brought in now much bigger muscle power into the compliance department, and Allen is leading that I think in a new way that hopefully will clarify these things, and I will make sure he steps into this as soon as possible, listens to all of you, and not delay a clear interpretation of how we plan to move forward.

STEVE METALITZ:          Thank you, Fadi. I appreciate that.

ELISA COOPER:            Anything else before we move on? So I'll present the second hot topic for the business constituency, and our topic really lies around the area

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of new gTLDs. I know that there are probably many out there who would say well, we're sort of past new gTLDs because we've got now 500 delegated, but for the business constituency, we still have a number of concerns. One of them in particular is around the highly-regulated TLDs and the fact that there have been a number already delegated and that there are a number that are in line and in path to go ahead and move forward with their delegation. And so we're concerned that the PIC specs have not been employed in a way that really protects consumers. And so this is an area that we continue to have concern with.

There are other new gTLD issues that we have concerns with. For instance, we're concerned with the fact that reserve names, when they come off a reserve names list, may not ever be subject to a sunrise period or a claims period. We're also concerned with new gTLDs where a sunrise may not really have occurred because the sunrise period was not offered by a variety of different registrars. We're concerned about predatory pricing for premium names that happen to also be trademarks. So there's a whole variety of issues that we have concern around with regards to new gTLDs. And certainly we expect and anticipate to participate in the RPM reviews when they come up later. And as there are opportunities for us to participate in discussion groups, we'll be there. Of course, balancing that with everything else that's going on will be difficult for us, but this is -- these are areas that we're still very concerned about.

CHERINE CHALABY:     Did you want to talk about them now or you just --

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ELISA COOPER:             Yes.  Sorry.


CHERINE CHALABY:          I can certainly talk about the PICs issue, and maybe my other colleagues can speak about the reserve name and the predatory pricing, if that's okay.

Just to let you know that yesterday we had a meeting with -- between the GAC, the ALAC, the registries and the registrars, and there was also a member from the business constituency attending.  This meeting took place last night, and it lasted about two and a half hours.  The purpose was to really try and address these concerns.  And frankly was the first time that this collective group got together.  And we -- we set out at the beginning to say that this was a meeting where no decision would be taken and it was specifically around those 39 highly-sensitive strings in category 1.  And we agreed at the end that we will meet again and we have some ideas on the table that were mentioned yesterday for the next meeting.  So the issue has risen really right to the top.  Everybody knows and everybody knows that they need to get around the table to do something about it.


ELISA COOPER:             That's great.  Thank you.  All right.  I think we'll turn it over to Tony to speak for the ISPCPs.

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TONY HOLMES:    Okay, thank you.  We talked earlier and mentioned about ICANN being a young organization.   But I think a sign of maturity is when you can actually have some quite blunt conversations in the right manner.  And that's occurred a number of times during this meeting.  And we had a pretty frank conversation with some Board members, and you let us know how much you enjoy Tuesdays, how much you really look forward to these sessions.

[ Laughter ]

And we fully understand why, because you frequently hear of things that are on our minds, often things that we're struggling to solve.  And it's important that we have those conversations.  And I'd like to thank Fadi for improving the way that we bring those things to the table through the SO/AC dialogue.  And even at this meeting there was an opportunity for various leaders of the community to meet with the Board.  And that was another opportunity to do that.  So I would like to try and move things on a very positive manner from the ISPs for once.

And we set the agenda for what we're going to talk to you about a little bit in advance of the meeting.  And for ISPs there was never any doubt what we wanted to discuss, and that was the issue of universal acceptance for the new gTLDs.   Because it's something that is fundamentally important for the part of the community that we represent.  When things go wrong on the Internet, whether it's down to ISPs or not, we're normally the first port of call, it's our telephones that ring.   And we've experienced this before, certainly with earlier increasing the domain name space.  We found ourselves very much at

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the front end. So we came to this meeting with some concerns around that area.

But another measure, I think, of maturity of an organization is when it galvanized and looks to resolve some of the problems that it faces with the help of a broad spectrum of the community. And the good news is, that's actually happened since we've arrived in Singapore. There's been quite a lot of activity, and I think the Board are probably aware that there is an initiative underway that involves different parts of the community, by ISPs of course and registries, registrars, and ICANN staff as well.

So there is now a program that's starting to shape that space and move forward. And the only request that I now really bring to this meeting is to ask the ICANN Board to make sure that that level of engagement and support for that activity will be there. And it's something that needs to endure for quite a while. Because this is going to be a problem. It's very difficult to quantify it, even understand how we're going to deal with all aspects of it now. But there really is a need to tackle this.

So with that introduction, I just wanted to call on a couple of other members of the ISP community who are already engaging quite heavily in this activity. And we're very committed to support it, along with others, but I think it's appropriate if I turn over to those. So I'd like to ask both Tony Harris and Christian Dawson just to expand a little bit on that area.

TONY HARRIS:     Yes, this is Tony Harris, for the record.  I'm extremely encouraged with what has happening here.  I've had conversations over the last year with Ram Mohan individually and with Fadi also expressing the concerns we have as a constituency with the issue of universal acceptance.  We think this is not a minor issue, we think it's a major issue.  We agree it is not ICANN's responsibility to solve -- let's say ICANN cannot control what developers do in email platforms and apps, of course, but as a community I think we do need to try and make a big effort to get this solved so it is not something people can point at ICANN and say you rolled out new TLDs and now we have all these problems.  It makes a disfunctional DNS, in my opinion, and that doesn't help anybody.  As far as ISPs are concerned, that means calls to our call centers, complaints, things that people don't know what to do with or solve.  So it was extremely encouraging to see this meeting happen in Washington in January.  Unfortunately I wasn't able to go personally, but Christian will refer to that.  And I just wanted to congratulate ICANN staff.  And I've seen support from Board members, which has also encouraged me.  And I think we're on the right track with this, and this is great.  It's multistakeholder working together to do something.  We're not saying ICANN go fix it.  We're saying we want to fix it just help us to do that.  So I'll turn it over to Christian now.  He has some more comments, I'm sure.


CHRISTIAN DAWSON:     Thank you very much.  I appreciate it, Tony.  So my name is Christian Dawson, for the record, with the ISPs.  I'm proud to be able to talk about this issue.  To bring everybody up to speed on exactly what it is we are talking about, we did -- we were participants in a workshop that was convened a couple of weeks ago in Washington, DC with remote

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participation to simply start to discuss what it is we as a community should be doing about this issue. And the community participants came together and decided that they were going to put together a plan for action to try and figure out what it is we can do. And we came up with the plan of developing a Universal Acceptance Steering Group, UASG, because we love acronyms in the ICANN community. So UASG is the new one. We love it. So anyway, the Universal Acceptance Steering Group, which Ram Mohan has been very instrumental in helping us move forward, is going to be the community effort to try and figure out how we are going to address this problem. Now, we specifically chose the word "steering group" because we aren't looking for a policy working group on this issue. This isn't a policy situation. This is an advocacy situation where we need to go out to various communities within the Internet ecosystem. We need to find developers, we need to find hosting providers, we need to find ISPs, we need to find a whole bunch of people within this community whose systems, be they databases, be they web mail forms, any number of different things, email systems, get them to bring them up to speed so that they are able to accept all of the modern TLD portfolio.

There are a number of ways in which we are going to need to tackle this problem. We're going to need to focus on best practices, figure out top line issues and how we can address those things. We're going to need to go and find where the most common open source software platforms are that have problems and we're going to need to go and contact those individuals and do proactive outreach to those groups. But -- and we're going to need to do general outreach to a community that in which we're not only focusing on, let's say, the top 100 or 1,000 most popular

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Web sites in the world but we're focusing on the IDN program. We want to make sure that when we -- when we tackle this problem we're not just making sure that the major Web sites of the world are able to accept the new TLDs but we're able to make sure that somebody who is on their cell phone in the middle of a desert can access the Internet in their own language with the new IDN program. It's important.

So we're excited about being able to tackle this from a community perspective, and what we need from the Board is to know that this is an important issue, that this is an advocacy issue, and that we're likely going to be coming to you for funding needs. And we think that it's one of the most important things that you can do to tackle this.

ELISA COOPER:          Thank you, Christian. Fadi.

FADI CHEHADE:          Three quick comments. I want to thank Tony for putting the fire under me on this issue. I think we are focused on it, but you definitely brought a lot more focus on it. This is how ICANN works, and thank you for that.

The second thing, I want to disagree with you on something you said. You said this might not be ICANN's responsibility. I'm not so sure. I think we cannot introduce all these TLDs and simply say, you know, it will happen. We have a responsibility. And I'm glad we took a little more responsibility by facilitating this UASG. T-shirts are coming, by the way. I just ordered a couple. But it's good. I think a steering group is the right thing.

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The third thing I want to say is that the only way we're going to succeed with UASG is if it has a leveraged strategy. In other words, we cannot be going to hundreds of ISPs and hundreds of software. We have to find the associations of these bodies and actually make this a subject that is important to them. This way we leverage the ISP association, we leverage the software -- email software developers association. Let's find these five, six organizations that will make a big difference for us. And you will have my support and ICANN's support to get this done. So thank you for your leadership as well. And Ram, thank you, as well, as a Board member for everything you do to make that happen. It is our responsibility.


ELISA COOPER:          Tony.


TONY HOLMES:          Yes. Just picking up on a point that Fadi made, I think one of the other things that this is highlighted already goes back to where we started our dialogue with you today about the multistakeholder model. Because there are clearly parts of the community, particularly on infrastructure side, who are impacted by ICANN's activities and they aren't here. And somehow or the other, as a result of this work, which is very focused towards ensuring that the gTLD program is rolled out successfully, I think there are additional benefits by bringing some of those people to the table and getting them involved in ICANN because there's a place for them. And we're all at deficit if they're not here with us. So I would like to think that this spawns out that growth of ICANN to include parts

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of the infrastructure community in particular who currently aren't here but play quite a vital role.

ELISA COOPER:          All right.  Well, I really want to thank all of the Board members, Steve, Fadi, everyone, for taking the time, for listening to us.

FADI CHEHADE:          It was not too painful.

ELISA COOPER:          It was not painful.  I think it was very good.  I think we'll appreciate the opportunity to provide Ram any additional information he needs, and I'm sure we also want to take you up, Fadi, on your offer to meet with us, either together or separately.  So I think those are great next steps for us.  And again, I think we all thank you.

FADI CHEHADE:          Thank you.

**[END OF TRANSCRIPTION]**

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