Vertical Integration PDP Working Group
TRANSCRIPTION
Thursday 01 July 2010 at 19:00 UTC

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Coordinator: Good afternoon and thank you for standing by. I'd like to remind all participants today's conference is being recorded. If you have any objections you may disconnect at this time. You may begin.

Mike O'Connor: Thanks. We'll do our usual routine where we spend a couple of minutes on the agenda and then do the roll call after the remaining folks have had a chance to dial in.

The agenda is up in the corner of the meeting view for those of you that are on. And it's also in email. I sent it along with the fabulous video of music night.

Man: Yes.

Mike O'Connor: So anybody - I mean basically this is a pretty process oriented call where we sort of hammer out the details of the next three weeks. We'll have a conversation about lots of that.

And at least for me that's it. If we have time over, the left over time is yours to dispose of as you want. But mostly I just want to spend a minute sort of sorting us out in terms of what's going to happen over the new few weeks and getting that started. So any additions/changes that people would like to see to that aside from accolades for Roberto's sax playing?

Jeff Eckhaus: Mikey?

Mike O'Connor: Yeah. Go ahead.

Jeff Eckhaus: Hi. It's Jeff Eckhaus. For myself and I don't know if anybody else - I'm actually moving today. I'm running around so I don't have the Adobe Connect. Is it possible for you to read off the agenda for myself and maybe some others who don't have the Adobe Connect in front of them?

Mike O'Connor: Sure I can do that.

Jeff Eckhaus: Thanks.

Mike O'Connor: So the agenda is Jeff, do you have email? Can you run back and pick up a copy of that little pitch that I sent out a couple of days ago about the call?

Jeff Eckhaus: I have that. Yeah.

Mike O'Connor: Good. Because it's not - if anybody is missing that, send up a flare and I will send you another copy because that is the main document that we're going to work off of today.

But the agenda is to take a look at that document, review it and then presuming it's all right, identify editorial leaders for each of the proposals including Dag 4, identify minority viewpoints that aren't reflected in the major proposals and figure out how and where they can be addressed. This is sort of a follow up to Avri's post to the list earlier today.

And any other business - I mean it's a really short agenda.

Jeff Eckhaus: Can I ask one more question? Sorry.

Mike O'Connor: Yeah. Go ahead.

Jeff Eckhaus: How did we - I know that hopefully I'm not opening up a can of worms here but how are we identifying the majority opinions? I don't want to bring this because a lot of people half the meetings they weren't able to attend in person. So how are we gauging what's the minority opinion, what the majority opinions are?

Mike O'Connor: Let's save that one for the actual content part of the call.

Jeff Eckhaus: Okay. Sure. No problem. Just because I was just a little concerned that I don't want to put things or Avri put things in saying this is the majority opinion, this is minority when if we have a certain standard that we set.

Mike O'Connor: Yeah. We do have a standard that is set as I walk through (this document).

Jeff Eckhaus: Okay. I'll put myself on mute and let you roll.

Mike O'Connor: That's fine. Any other questions about the agenda? Okey dokey. Glen, why don't you call the roll and we'll get going?

Glen de Saint Géry: I'll do that for you Mikey. We have on the call Siva Muthusamy, Cheryl Langdon-Orr, Sebastian Bachollet, Baudoin Schombe, Mikey O'Connor, Volker Greimann, Krista Papac, Jeffrey Eckhaus, Robert Gaetano, Jeff Neuman, Avri Doria, Amadeu Abril, Michele Neylon, Alan Greenberg, Berry Cobb, Statton Hammock, Steve Pinkos, Ron Andruff, Tim Ruiz, Milton Mueller, Keith Drazek, Scott Austin, John Nevett, Ken Stubbs, Jothan Frakes, Brain Cute.

And for staff we have Mike Zupke, Dan Halloran, Margie Milam, Lisa Gasster and myself Glen de Saint Géry. Thank you very much Mikey. Over to you.

Mike O'Connor: Thanks Glen.

Man: Okay. So the staff have the majority.

Mike O'Connor: All right. Roberto asked a question to me and I was planning on a 1-1/2 hour call. But if we run short that is fine with me. So in terms of timing for those of you who were wondering how long the call is, it's our normal 1-1/2 hours with no particular reason to force it to that length.

The chat is fascinating. For those of you who are not on Adobe Connect we may have hit a new peak for (chat).

Man: Mikey, I missed that. A new high or a new low did you say?

Mike O'Connor: I think peak is the place I'm staying and I'm not moving off of that. So if you go to the second page of the little - you can all run the little presentation yourselves and not be a slave to mine.

I don't want to dwell on this page just yet. Basically it's the dates and deadlines page and there is some movement possible in these dates but I haven't been able to connect with the right folks to announce that movement yet. So we're going to stick with the schedule at least for today's call.

And know that I am working hard to buy us a little bit more time because this is as you know a very tight schedule. And so my hope is that we will get a little bit more time. But I haven't been able to connect with the folks that can give me the wiggle room so we're going to stick with that. And I want to roll instead to the next page, which is the approach where it basically starts with a list of atoms.

And I have give you kind of a starter kit.

Man: Mikey, Ken has his hand up.

Mike O'Connor: I'm sorry. Go ahead Ken. I wasn't watching the queue. Ken, are you on mute maybe?

Ken Stubbs: Yeah. Mike, I have a timeline question but if you want to pass on that I want to strike this point.

Mike O'Connor: Let me go through the approach first and then we'll for sure come back to the timeline. I think it will make more sense if (we do that).

Ken Stubbs: The only reason I was I won't say pushing the question is because I did hear in the list of people who were attending the call that we had a couple of the ICANN legal staff people. And at least they might be available to research for us. I thought I heard Dan Halloran's name mentioned. I'm not certain.

Mike O'Connor: Yeah.

Ken Stubbs: But we'll worry about it later on then.

Mike O'Connor: That's true. Yeah. Dan, maybe you and I can touch base either at the end of the call or right after the call. Would that be okay?

Dan Halloran: Yeah sure.

Mike O'Connor: Yeah. Terrific. Thanks. And thanks for the heads up Ken. That's very helpful. I actually want to go not to the harms just yet. I want to skip those. I want to go to the third page or the fourth page according to Adobe Connect where basically what we came out of Brussels saying was we wanted to focus on

those atoms around which we have agreement and put those forward as our report.

But Roberto and I got strong and enthusiastic requests from various members of the council and the board that we go ahead and document the two major proposal constellations whatever you want to call them that came out of the Brussels meeting starting on Saturday and then progressing through the week. Even though we don't have consensus on the atoms within those proposals, there was strong enthusiasm that we document those.

And continue to refine them, continue to try and work them closer together if we can and that's part of the reason why we're working to buy us some more time because the negotiation really isn't over yet. We have got several dimensions of the negotiations that need to get worked on. One is trying to draw these two proposals closer together.

And the other is the point that Avri raised, which is we have got I think in some cases atoms that are missing and in other cases minority viewpoints that haven't really had enough of an airing in the two sort of mainline proposals. And so there is the need to kind of finish that off to the extent that we can. So that is kind of it for this page. So maybe I'll take questions about this and then move on to the next one. John, you are first.

Jothan Frakes: Thanks Mikey. Just a quick point - you mentioned twice about going to get more time from the powers that be that might grant more time be it the GNSO, the board or anyone else and I just want to make sure that's the sense of the group.

And from my perspective I don't know if that is a good idea at this point. I'd like to see where this call goes and maybe the next one because at some point it might not be worth it to get more time. So I just want to leave that as a placeholder to make sure that we don't take that as a given that we should be asking for more time.

Mike O'Connor: That's a good thought. I'll take that one and let's circle back around to that at the end. I think the main point that I want to make with that is that this is not a self imposed deadline.

Sometimes project leader types like me will sort of create artificial time pressure in order to get stuff done. And I mostly want to make it clear that that is not the case, that we're really working against sort of external events and then working backwards from those. And to the extent that some of those external events are perhaps not as demanding as I thought they were, I would hate to run you through a bunch of hoops unnecessarily.

But the point is a good one and we should save that one until the end. John, if I don't circle back to that one at the end of the call could you remind us of that?

Jothan Frakes: Absolutely. Thanks.

Mike O'Connor: Okay. Okay. So then let's roll on to the fifth page because this is sort of the pictorial page and Mikey the picture guy - I'm going to just change the scale of this just a little bit so that the whole thing fits.

Here is the thought. The thought is that previous states where we have three proposals side by side and by three I mean Dag 4 and then the other two. And someone needs to write up Dag 4 in this format so that we have got it there for comparison. Our original thought is the first poll, which is the one that winds up with the levels of consensus, which says we will go through each of the rows of this matrix if you will and we would determine which parts of it we have consensus on to which degree.

And those four levels of consensus are out of the GNSO - those are the GNSO definitions. So unanimous consensus, rough consensus, strong support with a significant opposition or no consensus. The thought was

always that we would find the ones around which we had consensus and boil those towards the top of the list and array them for the people who are consuming our report.

We got again pretty enthusiastic requests for the bottom poll as well, which says who are the supporters of the various proposals and how does that lay out. I don't think that that is actionable. I think it's really just interest on the part of the people who are reading our document. And so my thought was to go ahead and do both polls.

But that's the real core of the thing would be in that first part of the report where we can go back to the GNSO and the board and say here are the atoms around which we do indeed have very strong consensus. And I think that's really what Roberto's most recent post to the list was all about, is finding those and starting that conversation.

And the trick is that if you go back to that detailed schedule we really only have about a week to put that together. And so as a result the thought I have is that the people who are essentially sort of the editorial stewards of each of those two proposals that started on Saturday and evolved during the week should continue on being editorial stewards and develop those two columns.

And then we would strive mightily to work the minority viewpoints that have not yet been reflected in those two into them somehow or provide them a place to express their minority view atom by atom, not report by report because I really think that the key dimension of this is the atoms dimension, not the proposal dimension.

And that's kind of it. The last one is just sort of - the last page is really just saying for each atom we really ought to come up with a description of what the issue is or the atom, what the proposal is and then pros and cons on both sides. So that's sort of the approach. Now if you roll back to the detailed page you can see that this is a very tight schedule.

Woman: Keith has his hand up Mikey.

Mike O'Connor: Yeah. I know. I'm just wrapping up and then I'll take the hands in the queue.
                   So anyway - maybe that's enough. Amadeu, go ahead.

Amadeu Abril: Okay. Just on this procedure, I'm not sure why we need to have a call for Dag
                   4. We are not the Dag drafting team. So our role is not to see how we
                   compare with the Dag but to come with a consensus.

                   And furthermore we know that what is now Dag 4 is how it's called now, the
                   nuclear bomb threat more than a real (baggage) for discussion. So I would
                   say that probably this is not a good idea. The second thing regarding this is
                   that you suggest that instead of that you (say we have other directive).
                   Explain why.

                   We should go by harm or atom as you say or option and list their mechanism
                   and Proposal A and mechanism and Proposal B and probably we could
                   already start adding other mechanisms that have not been put in the
                   complete proposal on the table. For instance, core itself has some proposals
                   but we prefer not to pollute the list somehow.

                   We try to negotiate with the proposals to see whether they could incorporate
                   that instead of having complete authority proposals all the time. And now the
                   final suggestion is that I have seen talking to the different groups that
                   sometimes there is agreement on the mechanism but not on the conditions.
                   So we should consolidate that.

                   For instance, while yes, council or ownership separation - yes but 15 is
                   ridiculous. So one thing is the principle. The other one is the implementation
                   of that principle, the concrete conditions. And perhaps we should add
                   separate for each one. The basic thing and probably we'll have larger
                   consensus and the concrete implementation that was a single user or single

registrant exception where probably there are different views while in the principle probably we'll have more agreement.

Mike O'Connor: Okay. Let me make sure I have got those because I liked them all. There is a need for calling out principle versus...

Amadeu Abril: Implementation of those principles or details or conditions. A colleague - English speakers - what is a good name for that please?

Mike O'Connor: Yeah. I like both of those. And I got the one about Dag 4. The middle one - refresh me on that.

Amadeu Abril: Yeah. The middle one is that for the different atoms perhaps we should often directly (ask for) proposals who are not in the two main proposals yet, okay? It might be a good idea to not have already been articulated in a complete proposal to address some specific harm about I don't know from running or market power or whatever in the list of atoms we have.

But which is not a complete proposal and perhaps we should not wait to list that as a proposed solution. And then we will measure the level of support for each mechanism to solve those issues.

Mike O'Connor: So to make sure I understand that one, what you're describing there would be...

Amadeu Abril: (Unintelligible) - Dag 4 Proposal A, Proposal B - just put Proposal A and Proposal B or other proposals that I guess would be empty for many of them and sometimes we will have one more ideas that have not been articulated in a complete proposal yet.

Mike O'Connor: Okay. So another column.

Amadeu Abril: Yes.

Amadeu Abril: One more column called other proposals - yeah. Okay. I get that. Let me give you the rationale for the Dag 4 column. We were asked for a sense of the group, the group's reaction to the Dag 4 proposal. In other words, we were asked to assess the level of support within the working group for Dag 4.

And that's the reason that I put it in is so that we can essentially poll the group and determine which people in the group are in fact enthusiastic supporters of parts of Dag 4. So that is the reason to call it out is so that we have got essentially the ability to compare by atom our proposals with those of Dag 4.

And so just to give an example that I was asked specifically, somebody asked me whether we would be able to describe the level of support for the 2% ownership criterion in Dag 4 today. And with this approach we would be able to do that. We would essentially have a poll that would say how many people liked that percentage.

So with your permission I'd like to leave it in. I agree we don't need to write a proposal about that. We just need to document Dag 4.

Amadeu Abril: I withdraw my objection and you have a very good argument on that one.

Mike O'Connor: Okay. Thanks. I like the idea of another column for other proposal and I also like the idea of the principle versus implementation. And let's put those as tentatively in the mix and then we'll figure out how that happens as we go. I think those are both great ideas. Ron, you're next.

Ron Andruff: Thanks Mikey. I have to say I'm getting a little bit uncomfortable with this what is being proposed. As we talked on the last two-hour meeting on the Thursday in Brussels, it was quite clear that myself and others in the room were not interested in sending to the board, punting all of our hard work, our

calls and our time and our efforts and our list for presentations to the board with a list that they can select from as a menu.

This is not about providing Proposal A, Proposal B, figure out what you want. They have not been privy to the hours of time that we have spent and invested in trying to get this dialogue correct. So what you're suggesting now is actually as I see it and please correct me if I'm wrong - 100% contrary to what we said in Brussels.

Mike O'Connor: To quote that old line, I'm glad you asked that question because that is not the intent. If you roll down to - let me get to the right page number here - the little diagram on Page 5, the thought is that the operant recommendation we will make is the first half, the top half of that report findings list.

And basically what it would say is here are the recommendations arrayed by the degree of consensus ranging all the way from 100% unanimous consensus down to no consensus at all. And those are the recommendations if you will that would be the result of the working group.

The only reason that we have the two proposals side by side is because there would not be a recommendation. This is essentially not a vote on one proposal or the other, majority rules. Nor is it a restaurant menu for the board to choose from because the folks on the board that I spoke with and I think a lot of others of you have too, the board is really not interested at all in having a recommendation come to us in the form of a menu that they get to choose.

They want a choice already made that they can then affirm. And in fact, I think that their voting thresholds for them to overturn a recommendation that comes out of the GNSO and that's really what they want. The reason for the two proposals is because we are quite far apart. And if we don't - this is basically a mechanism to get us unstuck from being so far apart that we basically throw down our tools and say we're done, we can't come up with anything, which I don't think anybody is interested in.

Ron Andruff: I would agree with that. I'm sorry. Do you have something more to say?

Mike O'Connor: No. That's it.

Ron Andruff: I would agree with that point of view that no one wants to throw up their hands and say we never got there. But at the end of the day what we were tasked to do is quite specific in our charter. And I think we need to show where we have consensus, rough consensus, strong support with significant opposition or no consensus with regard to that.

I think sending back consensus on atoms that we unilaterally decided along the way to give that information to the board, that's not what we were tasked to do. So I'm not comfortable necessarily with going down this path.

Mike O'Connor: I'm still in the fluid mode. Is there a path that would work better? I mean this is sort of my best try but it's just mine. I'm happy to change it.

Amadeu Abril: If I may interrupt, I think that one thing is we need to measure or have some idea about where we are. And another question is whether we are sending a menu or not.

So I don't think that Mikey's proposal is incompatible with our general agreement that we shouldn't send a general menu, which doesn't mean that we can serve issues and ask whether you want that medium rare or well cooked. That is the example that I put before. They may agree on cross ownership and say most people feel 15% but other people think that should be lower. I don't think that this is offering a menu. It's simply reflecting the general agreement but not complete agreement on all the details. And this is...

Ron Andruff: There is a queue, right?

Mike O'Connor: Yeah. I do need to pay attention to the queue.

Avri Doria: Yeah. Can you add me to the queue? This is Avri. I'm not online.

Mike O'Connor: Sure. You'll be after Tim.

Avri Doria: Whenever.

Ron Andruff: So just to finish then - this is Ron here. I think that in response to Amadeu, as long as one thing is report, another thing is findings. One thing is for us to be working on developing a document for our internal use that we will then turn into a report and the other is for us to be giving responses to every atom and where we stood on those various consensus.

That is consensus. That is the issue I'm bringing up. So I agree a working document is very healthy for us but let's make sure we title that working document. Thank you.

Mike O'Connor: Yeah. I agree. Keith, go ahead.

Keith Drazek: Thanks Mikey. I just wanted to make sure I heard what I think I heard you say and to make sure that it's clear and it follows one of the messages that I posted to the board earlier, is that I think I heard you say that the two options that we're working to sort of fine tune at this point are the two options that were discussed at the Saturday meeting in Brussels and not necessarily the options or the proposals or the positions that went into Brussels, is that correct?

Mike O'Connor: Yeah. That was - I meant to reply to you on the list Keith. I'm sorry I forgot.

Keith Drazek: It's no problem.

Mike O'Connor: But my presumption is that we took the proposals apart and rebuilt them into
                  two major threads that then went the rest of the way through Brussels and it's
                  those two threads, not the proposals that preceded them.

Keith Drazek: Okay. Sounds good. And I support that so thank you.

Mike O'Connor: Thanks Keith. Alan, go ahead.

Alan Greenberg: Yeah. Several things - first of all, saying the board doesn't want to make
                  policy is a fact. That doesn't alter the fact that they may well if we don't come
                  to closure. So what they want and what they will do to get the gTLDs
                  released may be two very different things.

                  It's unclear from your diagram whether multiple votes are allowed for any
                  given participant. And I would generally say no except that if you're going to
                  include the applicant guidebook in that list, I think one needs to be able to say
                  I could live with the applicant guidebook but here is my other preference. So
                  you need to be clear about whether multiple votes are allowed and to what
                  extent they are.

                  And the third one is I'm a little bit confused about the statement about the two
                  proposals that came out of Brussels. Maybe there was an email that I missed.
                  I saw the two proposals that were summarized or the outcomes of two
                  working groups that were summarized - I think Richard summarized them.
                  That was a partial summary for one. There was a full summary for his
                  working group, a partial one for (Gray)'s.

                  But my recollection is there was a third working group that didn't - I never saw
                  a summary of. So are we talking about those summaries as the new
                  proposals or is it something I missed?

Mike O'Connor: No. Those are the two. The third working group didn't come to consensus
                  and as a result I think Richard tried to incorporate their views into his

summary. But in terms of which are the two, it's the two that we were talking about in Brussels.

Alan Greenberg: As I read them they were rather close. So I think we need to before we vote on them, we need to have a concise statement of exactly what is in each of those proposals.

Mike O'Connor: Right. And that is essentially the next week in this very short interval plan is to construct those two things.

Alan Greenberg: I may have read them incorrectly but they looked awful close to each other to me.

Keith Drazek: Hey Mikey, this is Keith. Sorry but maybe just to level set on this, maybe you could resend to the list both of those summaries of the two groups that reached consensus.

Mike O'Connor: I can do that. I am writing myself a little action item as we speak. Tim.

Tim Ruiz: Yeah. That's what I'm concerned about too with these so called two threads or modified proposals. I wasn't involved in that activity because I couldn't be. I know others weren't involved because they couldn't be for various reasons.

So the groups that worked on those were not necessarily representative of the original proposal group. And so I don't know - I guess I'll take a look when you resend that again but I haven't agreed or moved in my position at all in regards to the RAC proposal. And to my understanding neither have any of the other signatories to it.

Now if that is not true and some have then I guess that's fine. But I'm certain and I know there are a few that have not. And so I'm not comfortable saying the RAC proposal is off the table now and we're going to go with these things that were kind of merged and melded together in some fashion in Brussels.

That just seems to me like an attempt to kind of obfuscate everything and try to push things unofficially to some sort of consensus.

I don't want to see that happen and I have no idea even what went on in those groups. I just can't fathom that we're going to take these as the new starting point and the proposals that have been done up to date are just off the table without the proposers agreeing that they are off the table. Because we're all a part of this working group. And without that agreement I don't see how that can be done.

Mike O'Connor: I may be confused but I thought that one of the two threads that was working its way through Brussels was the RAC proposal. So to the extent that that is not the case…

Tim Ruiz: Well, that's the whole point Mikey. I don't know because I wasn't involved in either of those working groups.

((Crosstalk))

Tim Ruiz: Through the whole meeting so I have no idea what went on. I wasn't able to keep as close a watch as I would have liked on that.

Mike O'Connor: I understand. I guess what I'm appealing to some of the other members of the RAC group to help me out there is whether one of those proposals is indeed that one. If not, we may need to add a column because I think Tim's point is well taken.

Alan Greenberg: Mikey, it's Alan. I think the proposal from Richard Tindal's group was very similar except that it talked about single registrant exceptions but said it probably isn't needed for the contract to be modified to handle it. I think that was the case but I'm not 100% sure.

Man: That's not the case Alan.

Alan Greenberg: Okay.

Mike O'Connor: Okay. Well, then basically we run up against the rock of that one. I was under a misimpression. I don't - yeah, you are next Avri. Go ahead.

Avri Doria: Was I next? Okay. I actually liked your proposal. It may be rather late to say that but I only got in the queue now. And I think that we do have bunches of proposals that come in different forms whether they are the nuclear models or the RACs and whatever that have gotten fairy bunker mentalities about them.

                    And I think that your approach where you took the atoms, you broke it down into topics and now taking those atoms, seeing where people fall, discussing them, finding out on each of those where consensus point lies or doesn't lie and building what is essentially a hybrid proposal out of those atoms without any of the bunkers of M people signed on for this and N people signed off for that.

                    And yeah, P signed off for that one but that one wasn't very good so because it wasn't complete so the N and the M are really the two that count and so on and so forth. And really get down to the nitty gritty, something that Amadeu was sort of saying is look at each of these atoms, figure out where we're at on them, figure out if there are compromise points on each one and move from there.

                    Otherwise I don't see where another week is going to get us out of our bunker mentalities. Thanks.

Ken Stubbs: Mikey, it's Ken Stubbs. I'm traveling. I just want to make sure I'm still in the queue.

Mike O'Connor: Yes you are. Actually you're next.

Ken Stubbs: Okay. Fine. I have a couple comments to make. First of all, I appreciate where we're trying to go. At the same time, after the meeting in Brussels I was left with in many ways somewhat more confused than I was before hand. Let me go through a couple of things.

Number one, let's talk about compliance and let's also talk about what the board has the ability to do. Unless these proposals come up to the board through the council with a super majority position represented by (at least) a former board member, two of them here who can tell us that. If it's a super majority position then the board naturally has to have a much higher vote to overturn it.

If that's the case the board could elect to take the proposals and adopt an entirely different compliance and that's what has me concerned. I have heard discussions. Like it or not, we talk in the halls. I hear board members talking about the third party enforcement. It's very difficult to come up with a plan when you don't know what kind of an environment we're operating in.

Suppose for the hell of it we suddenly found out that they were going to amend the contracts and make them three-year contracts. It might entirely change the way that these proposals are being prepared. We still need clarity from ICANN on compliance before we can move forward with the assumption that this atom or that atom or this proposal would work.

If they're not willing to make that kind of a commitment because they are concerned about the cost of compliance or the work or something like that then how on God's green earth can we get clarity on proposals because it's a critical issue to a lot of the members of the group that I have been involved with from Day 1. Thank you.

Mike O'Connor: Thanks Ken. Keith, is your hand left up from before or is that a new one because if it's new I skipped you?

Keith Drazek: No. Sorry. It's left up from before. I got it.

Mike O'Connor: Okay. Thanks. Milton.

Milton Mueller: Hello. Yeah. Avri said some of the things I want to say and it was very surprising because she is not on the list. So she kind of came down out of the sky I guess and just suddenly started talking.

Glen de Saint Géry: She asked to be in the queue because she is traveling.

Milton Mueller: Okay. Good. Yeah. I'm kind of responding to Tim's remarks about RAC not being off the table. I guess nothing is really off the table unless the proposers say it is.

But there is kind of a disappointing aspect to this statement in the sense that the reason we got together and started dropping talk of the original six or seven proposals and talking about atoms was that it was very clear that none of the existing proposals including RAC, which sort of came in third in our poll, had anything near consensus.

So Avri referred to a bunker mentality and I think that's what we have to get out of here. We have to recognize that if these original proposals don't have anything near consensus, which they don't, that A, people are going to have to make compromises and B, we're going to have to assemble in effect a new proposal out of some kind of negotiation over component parts.

And people have to decide which positions on these components are more important and which are less important. In that regard I just have also a different comment about the list of atoms, the so called starter kit that is up here on the slide.

Mike O'Connor: Yeah. That's purely mine. I hold no editorial pride (at all).

Milton Mueller: Well, mine is just that I understand why options are up there. In terms of harms, I think harms are not at this stage something we can pretty much identify and make part of proposals.

A harm is a consequence of a proposal or a failure to address a harm is a consequence of a proposal. But I think we need to be talking about the things you identify as options. And the harms are kind of in the background as what we see driving our choice of options. I don't want to get bogged down in this harm will happen or this harm won't happen.

I would rather have a discussion of for example, how does ownership percentage limitations affect the harm? How does control regulation or non-regulation produce a harm or not produce a harm? That's all I have to say.

Mike O'Connor: The harms one I stuck in there mostly because it seemed to be useful for us to talk about why we're proposing whatever we're proposing and I thought that might be a vehicle to do that. But I don't have strong opinions one way or the other.

Milton Mueller: Yeah. Harms will be a adduced, harms will be put forward as reasons for or against specific options. But what we're really debating at this stage I hope is options rather than - and trying to come to agreement around a particular subset of - right?

Mike O'Connor: Yeah. Tim I think. Hold on Tim. Ken, is your hand left up from before or is that a new one?

Ken Stubbs: Yeah. It's kind of a new one but why don't you put me down at the list (under the people).

Mike O'Connor: Yeah. Tim and then (unintelligible) - Tim.

Tim Ruiz: Okay. Yeah. Yes, my whole question about the atoms thing and I have been in the Thursday wrap up but I'm just really confused. So I'm not trying to just throw a wrench in this for the sake of throwing a wrench in it.

I just want to make sure that what we decide as a baseline I think in the chat Keith kind of put it really well that whether it's this or that but to make sure that we're in agreement, that everybody is in agreement. We don't assume that there is agreement, especially amongst the proposers who had proposals up on the table, which I think is probably most of us.

But I think that that needs to be taken into consideration if we're going to strike out on a new baseline. But just a couple of other comments about that, the bunker mentality thing is - call it what you want. I don't care what label you put on it. The point is at least for (that matter) is we spent a year and a half coming to the position we did.

We haven't heard anything new or different. So to change our view or position for the sake of just changing it just so we can say we compromised or we came to consensus, that doesn't make any sense to me. I don't see how that really gets policy that is a true consensus of what the community needs. If principles are compromised simply for the sake of getting to consensus.

And so that is not something we're going to do. If something new or something significant comes along and changes or indicates the need for a different view then fine but so far we haven't heard one. But call it what you want, we have taken a long time coming to this position. It's not an arbitrary thing. And so it's going to take a lot to change it. And if that's a bunker mentality then I guess that's what it is.

And the other thing that I get concerned about with the breaking down the atoms thing is that maybe we can say yeah, we would agree with this atom under Conditions X, Y and Z. Is that going to be allowed for because we have

said very early on when we started looking at this thing in the matrix that there is this idea that look, it looks like we all have consensus on 15%.

But many people raised their hands and said no, wait a minute. My agreement on 15% is based on these conditions and someone else's agreement on 15% was based on other conditions. So I don't want to lose that in the translation here again, just trying to guide things into some kind of thing that we call consensus whether it really is or not.

Mike O'Connor: Thanks Tim. We also always need to be reminded that no consensus is a perfectly valid outcome for a consensus based process. And one of the reasons that consensus is different than the Roberts' rules of order voting kind of thing is that it's in fact an important and cherished outcome of a consensus process, to not arrive at consensus.

Whereas Roberts' rules of order and voting has a tendency to always come to a decision and in many cases leave the minority unheard and so I would gently discourage people from terms like bunker mentality. There are situations where very strongly held beliefs are not moved by a conversation and it's perfectly valid and important in a consensus process that those positions be honored.

I also - the second point that Tim made I think is also an important one, which is that these atoms cannot be taken sometimes in isolation and that is one danger of this particular approach. My hope is that what would happen if we would come to a series of strong consensus or unanimous consensus or rough consensus atoms that when put together made sense.

But it's entirely possible that when we do sort of the reality check on those, they don't. And so we are solving a very, very complicated problem here and it's not for lack of trying. It's not for lack of goodwill. It's not bad faith. It's just hard. And in some cases there is not consensus. So I just made a little rant and I'll be (done with) ranting. Ken, I think you're next if you want to go.

Ken Stubbs: Thanks. Yeah Mikey, I do. Hold on for a second. I'm going to kind of say a couple things that are in support of what Tim said. When we came into the meeting in Brussels the first thing I heard in the president's opening speech was that he had suddenly been made aware of the fact that compliance was a major concern and that he wanted to address that.

And I guess what I'm really saying is that compliance has not been - is not suddenly a concern but one that has been a continuing concern in the community now for about the last eight years. It's very difficult to operate in an environment where there is no predictability. And when I talk about predictability you're talking about the ability to enforce these contracts that we're talking about creating structures around.

And so far all I've gotten from ICANN is one sentence from the chairman and a bunch of conflicting statements and comments on the side from other board members. So as Tim is indicating, it's very, very difficult to know what direction to move when you don't have this environment that allows you to at least have some predictability for an action that they are asking you to take.

And until we see some sort of element of predictability it's very difficult for us to come up with any other approach to dealing with the solutions that you're asking us to create at this point in time. I'm not being stubborn. I'm just asking ICANN what the hell do you expect us to do because there is no guarantee that what we suggest to you, you're even going to take.

There are so many issues. If this gets kicked to the council and the council decides that they don't like the approach or that they're not going to have a consensus we go right back to the board doing whatever the hell they want to do. Everybody on this call knows that's the truth. If I am wrong then I would very much appreciate Roberto or Amadeu telling me that the bylaws that are there bind ICANN's board to create a process that is consistent all the way

down the line with the suggestions or recommendations that have been made.

So far they haven't. They went ahead and changed their approach to dealing with vertical integration in the Dag primarily to try to get us to give them something. And yet all I've heard from the board members is we don't want an option. We want you to tell us what to do. Now they know damn well that the odds are close to slim and none at this point in time that they are going to get a majority consensus position from the council telling them exactly what they have to do.

And if I'm wrong, if I'm being too entrenched here or should be more idealistic, I apologize. Thank you.

Mike O'Connor: Thanks Ken. I'm not going to do it now but I am going to give - is (Vicky) on the call? No. That's too bad. I was going to throw the ball to (Dave) for a minute. Never mind. Back to the queue. I'm not sure who is...

Cheryl Langdon-Orr: Tim, me then Jeff.

Mike O'Connor: Is it Tim next or is it you next, Cheryl?

Cheryl Langdon-Orr: It's Tim then me then Jeff. No. Tim has retreated.

Mike O'Connor: I think not. I think you're next.

Tim Ruiz: I'm bowing out. I'm staying on the call. I'm just (taking my name off).

Cheryl Langdon-Orr: We don't want to see you bow out. Okay. Having listened to a great deal of conversation at a very early hour and I'm only on one cup of coffee I'm going to make a plea to the chairs.

But before I make a plea to the chairs I'm going to make a statement. The views that I brought into this process and indeed to the amount of work I was able to attend at Brussels and I think it was extremely valuable, informative and forward thinking work that did go on in Brussels. So those of us who were not able to be involved in all of it or indeed any of it in the case of Tim's situation, I think need to have an ability to be brought up to speed and to have a shared knowledge and understanding, which will bring me to my plea to the chairs in a minute.

What we as in at large the end users in the system are concerned about is risk minimization and risk assessment. And we're not living in such a utopian dream that we believe harms will not happen and that all will be good with or without any particular percentages, promises or otherwise. We are continued and have made calls in our reports to ICANN to be deeply concerned about the matters of compliance.

And in the conversations that we had as we were analyzing the atoms in the work group that I was able to be involved with, which I think is important to note, mixed the proponents of the proposals that were pre-Brussels rather nicely. So here is plea one and that is could we have made public to the list how we were divvied up into our work groups for the face to face Brussels activity?

Because some of that information is very important, for example team could see what RAC proponents, this is what other proponents were mixed with what other blends and therefore what outcomes might be drawn would have had what inputs and what discussions, who was saying what so that's a very useful piece of information I think we're missing to share.

We also were at least in the work group I was in, constantly having what we said limited by the if we agree with this then we are concerned about that. In other words frequently we were saying we can come to a point where the majority in the group saw this as a viable option but it was tethered with a

consequence. And in some cases it was tethered with a consequence, which was specifically compliance linked.

So I would like to see then from the chairs that we have a more complete analysis and reporting of what happened in the Brussels face to face meetings in our analysis of the atoms. I thought we were actually closer to building molecules at the end of that and certainly my group were happy with putting a rough molecule together in a free radical, which was absolutely tied to compliance issues.

I think we need to share a little bit more information and have a less assumed knowledge and more actual facts to deal with. Thank you.

Mike O'Connor: Thanks Cheryl. I can answer one of those two fairly quickly and the other one I have to scratch my head about. The second one is harder.

Cheryl Langdon-Orr: Yep. Didn't think it was easy.

Mike O'Connor: The first one - I get that. I am the one that did the original compositions of the list and the way that I did it for putting those teams together and I did it based on the first of the two consensus polls, the one in Doodle that had the three choices.

And basically what I did is I made sure I made five groups and I made sure that the groups had even representation from the three major proposals. Unfortunately or fortunately as the case may be, when the actual meeting kicked off there was a scramble. And what we saw was a mixing of the mixing.

And so coming up with a process that arrived at the final three groups is there is a miracle that happened in the middle of that. I think what we could do is we could identify who was in each of the three groups but I'm not sure that there was actual method in getting from five to three.

Cheryl Langdon-Orr: There's nothing wrong with a serendipitous process. I'm interested in what the actual outcomes were. And I certainly thought that the group I was involved in was very well balanced, scarily so. And that to some extent forced extremely profitable discussion.

Mike O'Connor: Yeah. No, I think that's right. The second half, what we have is the documentation in the form of the flip chart pages that people produced. I don't think that anybody outside of one of those groups though could summarize the position.

Certainly Roberto and I can't because we were floating back and forth between the groups and trying to get another room and so on and so forth. And so I would be very reluctant for one of us to do that. That was the reason that I was so enthused when Richard and Keith did their summaries and maybe what we should do is somehow double that back (on the) groups.

But for me to summarize them would be a difficult thing just because I wasn't there. I don't know exactly how to handle that one, Cheryl. If the groups would like to do it they would be the folks with the most knowledge for sure because they were in it. And effectively, that's not a real good answer but that's what I've got for you.

Cheryl Langdon-Orr: I typed the response Mikey because I put my hand down.

Mike O'Connor: Okay. Yeah. I'm thinking that the second version Cheryl, the reports from the groups is more feasible. I'm not sure that it's necessarily great.

Cheryl Langdon-Orr: Yeah.

Mike O'Connor: But we didn't have good recorders in place to actually capture the process except for the folks that were in the groups. So I think that might be the way we need to proceed. Jeff, you're next.

Jeff Eckhaus: Thanks. I'm going to bring up (the same) point or a similar one that I brought up on the last day when we were meeting and that is that there are a lot of platitudes and vague generalizations that are being kind of thrown out by people saying compliance is a concern of ours and therefore - whatever it is.

If we are to continue meeting as a group and if we are going to make any progress then what people have to do is kind of throw those vague notions aside for a moment and try to get down into the details as to what would satisfy them? So in other words, if compliance is truly an issue and I believe it's an issue for all of us no matter which proposal we support.

Then we need to get down into the details. So what would satisfy you? Ken, would $10 million pledged by ICANN - I'm making this up - to spend only on enforcement of this one issue, would that satisfy you? Would disclosure requirements satisfy you? Would reporting requirements, would audits? We've got to get down into detail here.

Until people get down from the 50,000 foot level to sea level then we're just not going to make any progress. And this call has been a little disheartening for me because I just don't see us getting to a place where we can reach consensus. And again, that's not saying we failed. But it's just saying I'm not sure A, I'm not sure we should ask for any more time because I think it's just going to be more discussions like this one.

And B, people are - I'm not going to call it bunker mentalities but until people are willing to throw some of the general statements away and actually deep dive, like I think our group had done on compliance, we came up with a bunch of good factors that are out there - until people are willing to do that then I'm not sure we'll make progress. And that's what's a little sad for me.

Mike O'Connor: Just remember that not consensus is not bad. I won't (restate) the whole spiel.

Jeff Eckhaus: That's my point. It's not bad, it's not good. It's disheartening. That's my own feeling. I can feel an emotion.

Mike O'Connor: Yeah.

Jeff Eckhaus: But what I'm saying - right? But what I'm saying is we shouldn't - right now we don't feel like there is a point where we're going to make any progress then we shouldn't be asking for more time, and we shouldn't be rushing to get all these calls in. Because it seems like every discussion we have had for the past four or five months has been always the same. So if that's it then I think we are kind of at a deadlock here.

Mike O'Connor: Well, one of the and I will get to the rest of the queue but one of the outcomes of consensus process is we can't come to consensus because we need more information. And one of the contradictions in our charter is that we will not delay new gTLDs.

But we're sort of up against a rock and a hard place because I think that the point that Ken is raising is we need more information about what the compliance configuration will look like. And I do agree with you Jeff, that we could probably help ICANN by describing that. But all of that will take more time than we have available.

And so it seems to me that this is indeed a consensus outcome with a consensus process outcome, which is we are uncomfortable making choices with the information that we have available today. And it's entirely feasible in my mind that we would come to a place where we say we don't have consensus and here are the kinds of information that we need to develop before we can.

That is a perfectly valid approach to this. But this is not a bad thing and (I don't want you to think that) we have worked really hard and you shouldn't

feel badly if we don't come to an agreement. This is a deep difference between sort of normal majority rules approach to decision making and consensus is that getting to this place is a fine place in consensus decision making. It happens all the time. So off my soapbox. Alan, go ahead.

Alan Greenberg: Three points - on consensus and whether it's bad that we're not reaching it or good, that depends on your viewpoint of whether you think that Dag 4 or whatever the board will alter it to in the final go round is something you'd like to be acceptable to you or not.

If it is then no consensus is fine. If you think that's not a good solution, whatever it may be then no consensus is a very bad thing. I'm rather disheartened about all the - I'll use the strong word name calling and the generalizations that have been tossed out on this call and on the chat trying to label people and characterize them in ways that I think are not likely to lead to any success in this process and somehow we have to curb that.

And the last item is on compliance. Someone pointed out I think in the Thursday meeting that the CEO of ICANN or the board of ICANN saying trust us, we will do compliance well is not the same as actually doing it for time immemorial. And that is really worrisome. It was rather instructive when we were having the discussion about compliance in the Thursday meeting looking at David Giza and seeing whether he was nodding his head or not.

And clearly ICANN is not in a position where they have search and seizure rights, where they have a crystal ball. Compliance can only do its job if it's funded properly and if the rules are something that actually can be done in a real world manner.

Mike O'Connor: Thanks Alan. Tim, you're next.

Tim Ruiz: Thanks. I guess I won't say it's disheartening to me as well. I think maybe I'm more of a realist than many others. I never expected that we would get to

consensus on this and maybe that's actually happened. I don't know. I just think this was a very difficult issue to try to come to consensus on.

But is compliance a concern of ours and enforcement? Absolutely. Throwing money at it or whatever, it's hard to say well, if it would be this much money or this many people - the fact for us is that ICANN's history with compliance and enforcement hasn't been stellar. And now we're looking at - and has it gotten better over the last year or two? Yeah.

We think it actually has but now we're looking at a situation where not only will there be many of the existing things that there are to normally comply with and enforce in registry agreements. You've got to multiply that by at least dozens if not possibly hundreds of times as far as the number of registries.

So there is a huge issue there that ICANN needs to address. And from what I understand they are working on that as far as staffing up to be able to deal with that. But then you have to throw into that mix a lot of other things that are going on with implementation of the NSF and IV6 and IVNs in the root, and the rules that go along with having an IBMTLD and the new rights protection mechanism and the things that will be coming along from the malicious conduct aspects overarching issue being addressed.

And I don't know what else I'm forgetting but there are a lot of new things that are coming along that are going along with this dozens and hundreds times the current number of existing registries. And so should we be concerned about compliance? I think it should be the most frickin' important thing we need to be worried about.

And the more we throw into that, the more we complicate things, the more complicated that gets. Throwing money at it isn't going to help. One of the things that we were told was that and I believe in the registrars' meeting that enforcement is considered contingency fundable. So in other words if there is an issue they can dig into the contingency fund.

Having enough money to throw at it isn't the issue. Even having enough people isn't the issue. It's the process and all the complications and the very things we hear from the board that they don't want to do audits or that they will - don't worry about compliance. It'll be there but yet on the other hand keep it simple. Don't get too complex.

Well, these are conflicting things. So to say today what's going to make us feel comfortable, I think it's only going to be experience. Let's not complicate this thing. We don't want to see vertical integration introduced in this first round. Try to keep things as conservative and as simple as possible and see where this is going to go.

See what kind of compliance can be met by ICANN and things can continue to improve before we start throwing all these other issues in the mix that we all agree no matter what we do, could be gained anyway or could cause problems. We know that. We recognize that. Why would we want to throw that in? It just makes things that much more complicated at this point.

I know not everyone is going to agree with that argument but that's the argument. It's not just me stonewalling or unmovable or whatever. It's there are what we feel very valid reasons to be concerned about the compliance and enforcement issue. And it shouldn't be minimized we don't feel by the group.

Mike O'Connor: And again, that's another version of the we're not at consensus because we need more time and we need more information. And in this case Tim, experience. So Milton.

Milton Mueller: Hello. Yes. Just I think we're sort of getting into a deeper conversation about the nature of consensus policy making and its limitations and strengths and weaknesses. And I think that needs to be addressed because Mikey, I know

with the best of intentions you're kind of characterizing things in a certain way, the lack of consensus.

You're telling us it's all okay and that maybe we just need more information. And I think in many ways you are preparing the ground for what some of us would consider to be the failure of this working group. So let me just give you my take on that. If this group fails or rather doesn't come to consensus to put it less...

Mike O'Connor: Yeah. I think that's an important correction.

Milton Mueller: Okay. If this group does not come to consensus what happens? Essentially there are basically three options. One of them is that we leave in place the status quo, which to many of us believe is a policy that actively discourages new entry.

Another possibility is that the board makes good on its promise and we get Dag 4, which most of us believe is not the optimal outcome. A third option is that the board essentially says the working group has failed so we have to make policy so we are going to basically make policy in a top down manner. I submit to you that all three of those options are pretty lousy, pretty bad things to be happening.

And I don't know whether you can say that the lack of consensus here is a matter of information or time. I think from the standpoint of somebody who studies policy, processes and economics I think it's very straightforwardly a reflection of conflicting interests that different parties in the process have different interests in the way things would come out and would be hurt by some options and favored by other options.

And I think it's really naïve to not openly recognize that. So I go back to where I said before, which is if we're going to come to an agreement people have to compromise. People cannot get stuck in their position and sit there

like a little kid holding his breath until he turns blue and say if I don't get what I want to hell with all of you. We simply can't do that.

Mike O'Connor: (Careful now).

Milton Mueller: I'm not arguing with you Mikey. I think it's inappropriate for you to intervene when I express my opinion and not intervene when other people express their opinion. I'm telling you that from my perspective if this group can't come up with consensus on a fundamental issue regarding the things that ICANN does, the domain name industry it regulates, there is a problem.

It's a problem. It's not a good thing. It's not an acceptable thing. And if we could trust the board to do precisely what it said it would and give us Dag 4, that would be bad but as Ken Stubbs has pointed out and others have recognized, we don't even know if that will happen. It could be that the board is assaulted by lobbyists from all fronts and they just make the policy based on that kind of input.

So please Mikey, don't reassure us that we have somehow there is some light, there is some wonderful conclusion to be drawn from that fact that we can't reach consensus. In my mind it is a failure. Thank you.

Mike O'Connor: Well, let me respond because some of that was directed to me. There is a difference between consensus based decision making policy and other processes. And the choice was made when we were - well, long before we were launched.

But the fact remains that a valid outcome of a consensus process is we can't arrive at consensus. It's not good or bad. It is not a failure. It just isn't. That's just the way consensus is. Now if you want to step back and ask the question was this perhaps not the right process to arrive at the policy, that's above my pay grade.

But with the cards that we were dealt, which is that we are living in a consensus model, it's very important to defend and I will continue to defend it right until the bitter end, the option of not getting to consensus. I am a little cautious about characterizing interests versus information. I think that that steps a little bit outside the bounds of appropriate...

Avri Doria: This is Avri. Can I be put in the queue?

Mike O'Connor: Sure. You're after Kristina.

Avri Doria: Okay. Thanks.

Mike O'Connor: Anyway. So there you go. Roberto, you're next.

Roberto Gaetano: Thank you. I think that the fact of not achieving consensus is neither good or bad. It's just a fact. And if we don't achieve consensus it means that we were unable to make a sort of putting together conflicting interests. And that's just the way it is.

Now I (can see as I have said) several times in this working group and also on other occasions in my contributions in ICANN is that we need to be able to accept what level of consensus we can achieve.

So in other words, I don't think that it will be possible for us to gather consensus on one proposal, because there are for sure many elements that are - where some of the atoms will produce completely different reactions from different groups of people that have different economic interests, and that are obliged to defend that economic interest because of their fiduciary relationship with the entities that are behind them.

So we on some issues, we will never be able to reach consensus and those are the things in which the board will have to take a decision. It's not something that can come from the consensus of the community. It will be the

meat of a hard decision from the board and it's a top down decision. Now we have to explore whatever possibility we have to have a limited consensus on limited areas.

And that would be my approach. If we take it globally as one proposal or the other we will never get out of it. And it's not because the people who are participating in this working group are bad people but because the people who are participating in this working group have more often than not a fiduciary relationship with some entity that obliges them to take certain positions and because they have to act in the interests of the shareholders or whatever.

So it's not going to happen on certain things. Our ability will be in being able to identify the areas in which we can have some limited consensus and bring that forward and to make sure that at least those things are presented as consensus of the community and therefore will be included in whatever will be the general conclusion that the board will come.

This is why I started in (following) some threads on subjects like can we identify this as a case of a limited consensus? What are the safeguards that we want to have in this limited case in order to be able to propose it like a consensus of the community? That could be in parallel of the other threads that are going on.

Something that we can propose and that we can propose as the consensus of ht community - besides that I think that on some generally items we'll have to live with the fact that well, the only consensus that is possible is that we have consensus on the fact that we don't have consensus.

Mike O'Connor: Thanks Roberto. Tim, you're next then Kristina then Avri. Avri is after Kristina. Unless your hand is up from before, Tim.

Tim Ruiz: I'm going to just skip me for now.

Mike O'Connor: Okay. Kristina.

Kristina Rosette: Three just very quick points. I absolutely agree with Milton's identification of the three possible options of what will happen based on the statements that were made in meetings that I attended with DSG meetings.

I think I feel pretty strongly that the board is not going to try and piece something together. At least that's my sense. Second, my personal view is that I think that we need to be cautious about having conditional recommendations. In other words, there is consensus around A as long as B happens. And I think that that type of recommendation is likely to go forward at the board level only if it makes it through the council at a super majority level.

So to the extent that folks are trying to figure out where there might be ways to create agreement, that would just be my suggestion. Finally, I personally agree with Jeff that I think we do need to be a little bit more specific about what we're looking for for compliance. I realize not everybody agrees but to the extent that there is some interest in doing that I don't see frankly why we can't just ask staff to give us a copy of whatever the current proposed compliance plan is.

I mean TLDs were supposed to have gotten rolled out two years ago. I mean certainly there is a compliance plan for what is going to happen once they do and I think that will be instructive as a baseline for what those who would want to see more done with compliance can identify.

Mike O'Connor: Thanks Kristina. I was on mute. Sorry about that. Avri.

Avri Doria: Okay. Hi. Thanks. Yeah. A couple of hopefully brief points - one is I think that Mikey and Roberto and Milton, you're talking at cross purposes on consensus

good or consensus problem. I think in the pure theory of consensus Mikey and Roberto are completely right, it's neutral, neither good nor bad.

From a political perspective obviously we all look at the end result and if there is no consensus, something happened to some of us that's good, to some of us that's bad. So I think that disagreement is really because people are discussing it in very different frames of reference. I happen to be one that is not so sure that not reaching consensus is a bad thing.

I tend to believe the board having and the Dag 4 and that being the way it goes. And I'm personally not offended by that solution. Be that as it may, I think we should still try and reach consensus. And I think the third thing I want to add is I actually - and I'm not know for believing ICANN staff and its CEO. But I really think we should call this one.

Basically they said tell us what you want. So I'm agreeing with Kristina here. Tell us what we want. Be specific about what we want in terms of compliance and have them lay on the table how they will do it. They said tell us what we will do. And so I guess I'm in a believing mood tonight. I believe the board is going to carry through on Dag 4.

I mean yeah, there will probably be some tweaks to it and I believe that staff will live up to maintaining. Now I know there is a lot of history that that I think we have got that new team in on compliance. We have got the guarantee of the CEO who is essentially almost as good as putting his job on the line saying you tell us what needs to be done and by gum we'll do it.

And so I think we spent the whole meeting talking about what we can't do and what we could do and what we may do and if consensus is our core issue, let's put down what we think it would require and see the answer, not ask them tell us what you'd do in a hypothetical case. But put it down in black and white saying this is what we would need in order to be able to move forward and see what happens. That's it. Thanks.

Scott Austin: Mikey, this is Scott Austin. My computer is off but could I make a brief comment? Hello?

Mike O'Connor: Sorry. I was on mute.

((Crosstalk))

Mike O'Connor: Mikey was on mute. You're next in the queue unless - yeah. Go ahead Scott. You're on.

Scott Austin: Mikey, just to comment that maybe - well, two comments. One is in the courts we typically have decisions where there is a majority opinion and a minority opinion or a dissent.

                 And perhaps that really is what's required here given the number of different interests and we're certainly more than nine justices. But I just think perhaps that is an alternative model, a consensus but with a majority and a minority opinion if you will. So I'd just throw that out as a possibility so that certain people don't feel they were totally disenfranchised or their opinion didn't count.

                 The second thing is it just seems to me that a lot of what we're talking about today has been talked about on many occasions. And I think in terms of compliance sometimes I get the sense that some people don't want to go more deeply into rules because it could reveal the kinds of things that they are concerned that they are going to have to overcome. And I'll just leave it at that.

Mike O'Connor: It's 3:30 my time, so an hour and a half into the call. And I've got to admit that I don't exactly know where to go from here. Do people want to take a crack at - essentially most of the points that were made today on the call could fit into the little process that I laid out with some shoe horning.

And my inclination would be to go ahead and do that. But I am not sure where the rest of you all stand on that. My presumption would be that there are some things to iron out in terms of sort of what the columns are. But it seems to me that some phoning tomorrow could get that resolved especially between the sort of RAC4 versus Brussels things.

It seems to me that there are some points of very strong agreement around consensus, etcetera, that we could identify. And maybe the thing to do is not to struggle with all the things we disagree about but focus in on the things we do agree about. But I'm a little bit at a loss as to where to take us from here especially given the limited amount of time.

So we're at the end of the time for the call and I'm happy to stay on but I assume that some of you have to drop off at this point. So I don't know what to do. Any thoughts? Carry on with this little scheme? If so I'll work hard tomorrow to get that to happen.

Man: (I'd support that).

Mike O'Connor: I think we're at the end. We have worn ourselves out. Let's take this to the list.

Keith Drazek: (Excuse me) Mikey.

Mike O'Connor: Yeah.

Keith Drazek: I'm sorry. This is Keith. Could I just - one last quick point? I think earlier in the call or at the beginning of the call you mentioned that you would be able to address to the group sort of like where the lines are to be drawn in terms of what constitutes consensus and what the definitions of a small minority or most are.

And I'm not saying we need to do that on this call right now but I think it would be very helpful for all of us to sort of understand where the lines are going to be drawn even at an atomic level if we're just looking at the atoms and not the proposals. We need to know what constitutes consensus and where those lines are drawn.

Until we have that we won't be able to count votes and it will always be a moving target.

Avri Doria: Can I (add)? This is Avri.

Mike O'Connor: Go ahead Avri. You know this better than me.

Avri Doria: Yeah. It's the one thing that troubles me on this call is the notion of counting votes being equated to finding the consensus point. Those two are completely separate worlds. It is not a question of counting votes. Thanks.

Scott Austin: So Avri, let me come back to you and say well, how do we determine what consensus is in terms of the language of the GNSO procedures?

Avri Doria: The chair calls and says I think there is consensus and sees how many people yell at him.

Mike O'Connor: Yeah. And there are four tiers.

Avri Doria: And then it reiterates.

Mike O'Connor: Right. But there are four tiers, too that has made its way into the latest version I think and those are the tiers that I have got listed up on that little chart. There is unanimous where it's 100%. There is rough consensus, which is the one that the chairs call.

There is strong support with significant opposition, which again there is a gray area between those two and then there is no consensus. And in terms of percentages those really are sort of left to the chairs. But in the GNSO language an example of rough consensus would be a very strong tilt like 90%. A strong support with significant opposition would be 70%, 30% and no consensus is 50/40, etcetera, etcetera, things like that.

Scott Austin: Okay. I think that's helpful because that's not information that I think at least I certainly haven't had the benefit of to date. And I think it's important for all of us to sort of keep that in mind as we're trying to - as we're in the end game here.

Mike O'Connor: Yeah. I thought we had Marika circulate those through the list.

Avri Doria: Yeah. This is Avri again. I think it's in the guidelines that are part of the charter of the group.

Glen de Saint Géry: Yes it is, Avri.

Scott Austin: Okay. I apologize then.

Mike O'Connor: No worries. Why don't we carry on with the scheme that is laid out?

Jothan Frakes: Mikey, this is John. One final point if I may - you asked me to remind you about the going and getting more time or not of what the sense of the group was.

Mike O'Connor: Yeah. Let's talk that one through real quickly. My presumption would be that if I could buy us a week or two -- a week is probably all I can buy -- that that would be helpful, since basically the way the schedule lays out we have to have those columns written by a week from today so that we can poll on them over that weekend and start identifying the areas around which we have consensus a week from Monday.

That's pretty brisk in terms of people drafting things and talking to each other, negotiating, etcetera. And so my presumption is that some more time to do that would be useful. But I'd be interested in hearing from folks who would not want me to pursue that.

Man: I guess my feeling is I'm not sure where we're going from here. And I know you have a plan but we didn't talk substance at all this call. I don't think we're going to get there. So my view is why delay the inevitable? Let's just get it done, get the report in the best shape we can get it in and get it out to the council.

Mike O'Connor: I wouldn't disagree. I think the key is that just the mechanics, even leaving the negotiation aside, just the mechanics of getting that done is pretty crushing. Basically some groups have to form, they have to write a lot of stuff all in a week.

And so I think what we have to do at this stage is carry on with the notion that we only have a week to get those columns put together. And as I said, I'll work to get us some more time and that recognize also that we do have some negotiating time because we have a 20-day public comment period built into this schedule, which it's not prohibited that you all talk to each other with your opinions during that time.

But in terms of the mechanics and getting a report out, a week is pretty brisk. So my thought was that it might be useful to get some more time in there. But for now I think we have to presume that the schedule that is up on the Adobe Connect wall is the schedule that we have to meet.

That means that basically the small groups of people who kind of were the scribes for the various proposals are going to have to coalesce into some editorial groups to put the final versions together so that we can array them in

the matrix so that we can find the points of consensus so that we can hammer out.

Man: Could you please speak a little bit louder?

Woman: It's very hard to hear you.

Mike O'Connor: I'm sorry. I'm just reiterating the schedule. So it doesn't matter. I think that's the way we're going to proceed folks. I'm sorry that this is so hard. It's just hard. That's the way it is. I think with that I'm going to draw the call to a close and we'll carry it on on the list. And that's it unless someone has final words.

Glen de Saint Géry: Thank you.

Mike O'Connor: Thanks you all.

((Crosstalk))

Mike O'Connor: Dan, are you still on the call? I gather not. Glen, I think we can wrap this one up.

                                END