

**ICANN Transcription – Abu Dhabi  
GNSO – Registries Stakeholder Group (RySG) Membership Meeting Part 3  
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On page: <https://gns0.icann.org/en/group-activities/calendar>

David McAuley: Thanks (Stephen). I'm happy - I would be happy to give an update on the IRP implementation oversight process. And I can do it in five minutes. Thank you very much. Hello everyone, I'm David McAuley with (unintelligible) and I'm the leader of the IRP Implementation Oversight Team, which is a team that's helping to implement the new Bylaws as regards the new IRP process. The background to this is that in the IANA transition process that was developed a new standard for IRPs to work by, the standard of ruling is still pretty much the same, whether or not ICANN or the staff violated Articles of Bylaws.

But the big changes that now IRPs will rule in a way that their rulings are binding and enforceable. They will also be precedential. They'll set precedent that will be followed in the future. And so the IRP Implementation Oversight Team is in the process of updating what I'll call the IRP Supplementary Rules. They are supplemental to the International Center for Dispute Resolution. But the "supplemental" should not be misleading. These rules take privacy when it comes to the ICANN IRP process because they take account of ICANN's uniqueness.

But the reason I am speaking is to mention to the Registries Stakeholder Group that it, as a constituent of the GNSO, has work coming its way which resets to the creation of what's called the Standing Panel of IRP members.

And it's important because these members will be under the Bylaws, must be independent of ICANN.

There will be at least seven of them, there might be more. They'll be trained on the DNS, but they are going to be coming and making precedential decisions, a body of jurists that are independent of ICANN. And so they are going to have an important impact and there will be especially important at the outset.

It's important to SOs and ACs, and that the SOs and the ACs are the body that will nominate these panelists. ICANN Board will have a role, they'll be able to - they the right to confirm the nominations, but they can't unreasonably withhold that process. So when it comes down to what's going to be the SOs and the ACs that pick the panelists. And the panelists are going to have an extremely important role; they will be sitting at the top of the internal ICANN accountability measures.

In the near future, ICANN will release an expression of interest to the world basically and will be inviting people to apply and become panelists. And then ICANN and the SOs and ACs together will review this. They will vet the applications and come up with a pile once that they deemed to be qualified, and from that pile, the SOs and the ACs will pick. And so the only point I really want to make here is you can tell from this that there is some organizational work that needs to be done, organizational work amongst the SOs and ACs, how to get this process rolling.

The IOT, the Implementation Oversight Team, is the in the background here. We're working on other things. We have other roles to do under the Bylaws, but we will be happy to assist. We will be a source of information as needed, and my hope is that you will take this onboard. We are trying to encourage a swifter movement along these lines, to the folks that are helping to organize it. And just keep is in mind if you need - if you have questions - and I'm

hoping that in the coming weeks and months, we will see progress on establishing a Standing Panel and getting all rules done. Thank you.

Stéphane Van Gelder: Thanks very much, David. A quick question, when did the new process start?

David McAuley: I'm sorry.

Stéphane Van Gelder: When did this new process start, the new IRP that's binding...

David McAuley: This new IRP is a function of the new Bylaws, so last October 1st. And by the way, for your bedtime reading, remember Bylaw 4.3, that will tell you everything you need to know about the new IRP, and 4.2(j) specifically with respect to Standing Panel. There's a lot there and I encourage folks to make this visible within the GNSO to help move the process forward.

Stéphane Van Gelder: Thanks very much, David. Any questions or comments? Thank you. Oh, Jonathan?

Jonathan Robinson: David, one thing that strikes me - thanks, that's a very helpful update and also useful to just bring it to our attention. Jonathan Robinson for the record.

What happens with respect - I mean, anyway, we have this - and maybe you don't know the answers - this work-share between old Bylaws and new Bylaws, so how does - would any IRP being brought forward in the current time, the time, the method deferred on the old Bylaws, but we didn't just go back to old system, or are we likely to use these new panelists and this new system for any future period regardless of when this sort of issuer originated? Thanks, David.

David McAuley: Thank you, Jonathan. Very good question and this is my personal opinion I'm speaking right now is that as of October the 1st of last year, any claim brought before that date would be governed by the standard that was in

existence at that time. Any claim brought after that date, I think the claimant would have a very good case to say, this is governed by the new standard.

There is an existing way now to pick panelists -- it's the old way -- but there is way to pick panelists and there are existing rules. The slight problem would be that the existing rules don't quite take account of the fact that the bindingness has changed. But there is a way to have an IRP and I believe - my personal opinion is that a claimant bringing his claim from and after last October 1st would legitimately say this is governed by the new Bylaws.

We're talking about putting in place a process that fully takes that into account and gets it running smoothly, and I think for that reason, it's quite important. Thank you.

Stéphane Van Gelder: Thanks very much. Any items on this? All right, thank you, David. Four, let's move on to Item C under which we thought it would be useful to have Thomas Rickert who's standing - sitting there to my left. You're not standing there, you're not that small. We have him come in and give us a GDPR update, I guess, so some kind of extra information. So Thomas, thanks for being here and over to you.

Thomas Rickert Thanks very much, Stéphane. And before I talk about GDPR, let me say it feels great to be in a session that relates to CCWG being unencumbered with any sharing presentation duty.

So we've been calling the IRP the crown jewel of ICANN's accountability architecture and I can tell you that David is a crown jewel in our team because he's taking care of this so ably. And not only he has been working on the IRP, but also when the repertoire for the Cooperative Engagement Process Review gave up this role because he had to leave the ICANN arena, David thankfully took over - took on that duty as well. So we owe him a lot and you all owe him a lot, so that's awesome.

So I'm very thankful for having been given a few minutes to discuss GDPR and many of you will know that I am representing Internet Industry Association where many of you are members, others are not. That's ECO. And we have had a Steering Committee meeting over the weekend and we've asked the members of the Steering Committee whether there's anything that we, as an association, can do in order to help solve or at least come closer to a solution for the GDPR ICANN.

We're really running out of time and the issues that we see legal opinions coming in, with a lot of if's and when's, and potentially ICANN is going to come up with data model, at least, (John) had said so, but we haven't seen them. And we can expect those data models to be primarily in the interest of ICANN. And also what these data models likely only include what's required under the contractual obligations that ICANN imposes on the contracted parties. But let's say whenever a registrar is a reseller, then that part of value chain would likely not be reflected in whatever ICANN is suggesting.

So we think that since a lot of time has expired, we try to welcome this with ICANN in a collaborative session. As you know, ICANN has chosen to do a lot of things on its own, so they have commissioned their own legal assessments without involving the community or the contracted parties in particular, and then the talks on (John) models have not yet advanced.

And therefore, what we suggest as ECO, potentially, we could be in a position to do that since we are unbiased, so this is to offer to drive forward a data model proposal where we write down, you know, how each data element travels from its collection through installation. And that would not be another legal assessment, but it would be an implementation proposal that people can at least take a look at and say yes or no to.

But I think what we needed at this point in time is actually something that is tangible, that can be discussed with ICANN, that can potentially be presented to the authorities in Europe, because they have made more than clear that it's

not good enough for ICANN to ask them for advice after 50 years has expired since - or more than 50 years since they told ICANN the tool is not compliant. So I think we need to have something to present to them, and whether everyone likes it or not, I think it's important to get something written down.

And we would volunteer, we got some budgets for that, to work with a group of representatives from the contracted parties to start with the small drafting team, to come with a data model, with some comments and potentially options, and then take this through the wider community. And our Steering Committee has tasked us to make this process open and inclusive, so I think we need to be cognizant that we need, you know, to account - to contract 500 people for collective drafting exercise. But we need to gradually open this up and solicit feedback from ICANN and the contracted parties in particular.

And what I want to do today is to hear feedback from this group because there is nothing that we would do for ourselves. We do it if you think it's useful, whether you're a member or not, for ECO sort of to be in there, grab a seat to make sure that we get something on paper in the next couple of weeks. And if you think it's not useful because you want to work on your own solution, that is fine.

But I think what we really want to see in May next year is that we have a lot of legal studies from the various stakeholders, but the implementation that should follow thereafter is potentially not compatible, you know, because we need to define the roles and responsibilities of other players in the chain in order to allow for compliance in the first place.

So I think I should stop here and open it up for comments.

Stéphane Van Gelder: Thanks, Thomas. I'll have Maxim?

Maxim Alzoba: Sure.

Stéphane Van Gelder: Sure.

Maxim Alzoba: Maxim Alzoba for the record. Thank you. Actually, two points, first, I'm afraid ICANN might think that they're going to have these data models from RDS, PDP really soon. I'm not sure about the timeline of delivery from that particular PDP, being MDI with that process.

And the second thing which almost nobody speaks about, we might need to include in this particular review the search for a sufficient consent, because everybody thinks about consent text for the registrant, because everybody talks about data models, who access it, et cetera, but quite important things might be just missed. Because in the first place, we have millions of people who haven't signed their consent, I would say. And without design, like somehow sufficient texts, we should be short and understandable. We will just still have lots of issues.

Thomas Rickert: Can I respond to that? Maxim, that's next important point. Consent is one of the issues that need to be looked into. So the idea is that we would actually try to slice and dice things, and look at each data element and try to establish what you need in order to pursue the contract. So that would be the area where no consent is needed. And then what do you need, or what would you possibly include that requires consent is when you choose to go through the consent.

And after you have established what you can use for what purposes and what you can collect in the first place, then you can craft language for consent. But I think that's certainly something that needs to be borne in mind. But it's not only about consent at this - you know, in this early phase, but that would be part of it.

Sheri Falco: Sheri Falco for the record. I think that proposal presented sounds incredible, so, I mean, I think I would support the idea that he would really take a data-driven implementation approach to figure this out with all the sort of pieces

that play. That is my understanding of what you were trying to get some feedback around.

And so the notion that you put it into practical terms in terms of data consent - with consent or however one appends the data and then where that data should flow through the process of a registry/registrar back - and I don't know if you're considering all of those players, data escrow, all of that sort of nuances, if that's the job that you're tackling as a template on behalf of everybody, that's phenomenal.

Thomas Rickert: Just to be clear, we're not the main person doing all the things. But, you know, we want to help moderate and drive this, so we would like to come up with a live sketch of what we need to include. And I think your list of items is spot-on because what is being discussed in this arena primarily is risk and that's only a fraction of what needs to be looked at.

We have the bureau which we didn't yet mention. We need to talk about zone file access which allows for, you know, getting access to data. So I think we need to look at this in the most holistic way we can, because the system breaks if only we have one component path that is not legit, you know, and talk about the (review) or data escrow.

And just to illustrate this, ICANN at the moment has the authority to request the escrow agent to pass on escrow data to a registrar that replaces the same registrar, or to a bureau. And if that's a company that operates and not GDPR compliant, the system is broken. And as long as we don't consider the safeguards and dataflows, I think we're vulnerable to being sanctioned.

I should maybe add that, you know, for those who are afraid that they couldn't - can't collect and use the data to the extent they can today, if you, who are the ones facing the fines or the risk of fines, are not stopping the illegal flows of data, the authorities might do so, because they don't only have the power

to sanction you financially, they can ask you to temporarily or permanently stop the operations and I think that would be a very bad thing to happen.

Sheri Falco: So Sheri Falco again, just to follow on that. So your proposal through this organization has some funding and your team is going to be sharing this with us, so how does that - how would - maybe I missed the nuance of the generosity of the proposal?

Thomas Rickert: I think it's going to be an iterative approach. So we will likely try to put together a very small team with a maximum of 10 people to come up with a raw sketch, which can be discussed, and then we need to further go into detail and that will be with more folks primarily from the contracted parties.

You know, I think - I see this is a contractual compliance issue in the first place to be resolved, yet I think it's not possible and it wouldn't be appropriate to do those in isolation, so we will truly have to invite ICANN representatives to the table, and we are thinking more about operational staff than senior management. And also allow a prompt service from the non-contracted parties so that everyone is kept - is apprised of what's being done.

And we will - you know, if there's sufficient traction for this proposal, I think we will likely try to set up an open workshop or consultation in the next couple of weeks. You know, we will give a couple of weeks head times so that people can prepare that charter, so that things can be discussed and we don't lose too much time as we move on.

Stéphane Van Gelder: Thanks. I have Keith, Maxim and Chuck.

Keith Drazek: Thank you, Stéphane. Keith Drazek. Yes, Thomas, thank you very much. And like Sheri, I think this sounds fantastic. I think, you know, in the Contracted Party House subgroup focused on GDPR, we have been talking for many, many weeks, if not months, about the need to come up with a proposed solution, whether that's a dataset or something more holistic as

you've said, at least from the registry and registrar perspective. So I think your offer to help coordinate that effort and to sort of bring people together and collect input is very welcome.

I will note that Verisign already, I think, circulated to that group sort of a minimum dataset document, so it's just, you know, a sort of an early cut and an initial sort of look at what it would be - the minimum dataset required to provide the service. And then, obviously, anything additional would, you know, require consent.

But I would just - as we kick this off, I think it's really important for registries and registrars, particularly registries that are currently thick where Verisign is not yet, to really look at this document and provide your input as to how you think you'll be able to move forward in, you know, collecting that data, taking those transfer of data from registrars, et cetera. So thank you, Thomas.

Stéphane Van Gelder: Maxim?

Maxim Alzoba: Maxim Alzoba for the record. Chuck notes, "Please ensure that at least one person has technical background because only this person knows which pieces of data flow," because your installations where - since our written policies, like it should be done this way. In reality, sometimes it's not the same way. Because in some stations, like leftovers of data, like for deleted domains or visitations where they know that something is left, it doesn't mention usually, but it's still there and potentially could be an issue, so at least one. Yes, like (who does?).

Stéphane Van Gelder: Thank you. Chuck?

Chuck Gomes: Thanks. Chuck Gomes speaking in my capacity as Chair of the famous RDS PDP Working Group, I want to alert you to a document that will become public shortly. Some of you are aware of it already. The Working Group has

not even seen this yet, but will probably by Thursday. The IP Addresses with regard to consent, okay, that I'm particularly bringing this up.

The IP commissioned its own legal analysis, so we're getting legal analysis - there're a lot of them, but they're all good. And this one, it will be particularly useful to you because in their focus, they really asked the legal team that provided their advice to focus on ways that the GDPR could be handled by - they obviously weren't focusing on contracted parties, they were looking at IPC interest.

But one of the topics that they spent a lot of time in and I think they do a very useful job on is consent, and talk about ways how that might be able to be used and so forth. I call your attention to that and forgive me if I miss somebody, but I see at least three members of the Working Group, Robinson, Mark and Maxim.

This will be forwarded to the Working Group at least probably on Thursday. I asked them to hold off until actually our meeting tomorrow so it doesn't distract too much in our second meeting this week. But, certainly, one of you can forward it onto the (IOSC list). I think you'll find it very helpful and useful in there.

Thomas Rickert: Thanks, Chuck. And just to be perfectly clear, there is no intention whatsoever to ignore previous work that has been done in the area, you know, so - but it's great that you mentioned this additional legal assessment. You know, what we want to avoid is seeing May '18 approach and we might have 5,000 pages worth of competing legal settings, but we don't really have something that would likely be implemented there.

I think chances are - I assume that everyone will love what will be produced, but I think we need to come up with something tangible that can actually be operationalized.

Chuck Gomes: Just to follow up, this is Chuck again and this is my opinion, okay. Again, in my role as Chair of that group, I'm finding all of these different legal documents to be very complementary and helpful. And of course, the Working Group, although it's going to take weeks - it's going to take us a lot longer to deal with these issues and contracts so far, obviously, have a short-term need.

And I'll also tell you that (Yuron) and his team are communicating not only with me as Chair of this Working Group, but also with James as Chair of the Counsel. And they're trying to keep us informed, get our input from the roles we have and so forth, so I'm pleased with the way that's happening.

Thomas Rickert: And I haven't given up on collaborative approaches with ICANN, but experience over the last couple of months has shown that ICANN has a tendency to prepare things in isolation and then present them to the community for comment. And what I hear from a lot of contracted parties is that they don't want to wait for a solution that comes from ICANN. So if ICANN comes up with the three options, which might be fine, but I think the contracted parties should be ready to say none of them (passed) and that's their own thing.

Chuck Gomes: And just to jump in one more time, it's Chuck again, what I'm hearing from (Yuron) is that he expects you to do that.

Stéphane Van Gelder: Thanks to you both.

Thomas Rickert: He's not always right.

Man 1: Thanks, Stéphane. Yes, just to follow up on that - those last two points. I know I've mentioned this on our previous Registries Stakeholder Group call, but on one of the subgroup calls on GDPR contracted party asked Becky to join the call and actually sort of encouraged us to do exactly that, is to come

up with our proposal and she indicated that those ICANN staff and board will very much welcome that.

So I think we heard (Yuron) mentioned, you know, that at some point, they may come out something with three options. Our proposal should be one of those. And so, again, I strongly encourage you just to take up on this offering. Thanks, Thomas.

Stéphane Van Gelder: So I see no further hands. Thomas, many thanks. Oh, Rubens Kuhl?

Rubens Kuhl: Rubens Kuhl. Just enforcing what Thomas said, ICANN usually works as a liaison, (public systems) for public comments, and then ignore all public comments and move ahead with effectively what they probably said before and just saying, "Hey, we took into account public comments." So it's just formality.

So if you want to change what ICANN, I'm going to suggest we need to make that before they publish anything because they don't change - they change nothing after first publication.

Stéphane Van Gelder: Thanks, Rubens. Yes, Thomas.

Thomas Rickert: So I would like to thank you for the time and for the encouraging comments. I will send an update on that to Paul so that he can further distribute this through the list, so that everyone is apprised of this. The provisional title for this is GDPR Domain Industry Playbook. Also, you can - if you see that name, that's the initiative that I'm talking about.

Stéphane Van Gelder: Very catchy. Thank you. Thomas, thanks very much for coming in, much appreciated. We will skip over the doc-tech update because (Matt Shears) is in another meeting. He'll be in a minute but - so we'll go back to

that item, Item B, and we'll go to Item E and ask Kal and Elaine who are coming up, I think, to give us an update on the CSC Charter Review.

Donna Austin: Great. I'll clarify something.

Stéphane Van Gelder: And Donna wants to make clarification just before you do it.

Donna Austin: So we currently have two things we want to do here. So one of them is an update on the CSC Charter Review, but separately Elaine and Kal need to provide information to this group about proposed changes to the SLAs as part of the CSC work, so how do you want to handle that?

Stéphane Van Gelder: Do one after the other.

Donna Austin: Okay. So you're okay for me to just click-through this, Elaine, and you can - yes? Okay. You're driving through? Okay.

Okay, last year, you're probably aware of this effort, the stakeholder group appointed Keith and myself to this effort a few months ago now and we've just really started to kick off the work. And one of this is a review of the CSC Charter that was built into the charter, but it had to happen within 12 months after the first meeting in the CSC.

So that time is up and we're starting the review process. We've had a couple conversations, but we're saying to direct customers of IANA, "We need to have a conversation with you guys as well." Next slide please.

So the purposes - sorry - the purpose of the review is to consider whether the charter provides adequate and sound basis for the CSC to perform its responsibilities. And the scope is, you know, just ask the question to the charter and able to say they fulfill their roles and responsibilities as envisioned. So this was something that was developed as part of the CWG IANA transition work, and so this is just something that was built in to give us

the opportunities to review, to make sure that there's nothing in the charter that hinders that work of the CSC.

And it's also, lastly, administrative and just making sure there is nothing in the charter that's ambiguous. And in addition, if there's anything that we become aware of as part of this work, then we will capture it and send it back to the ccNSO and GNSO. Next slide please.

So what's now in scope for this review? So there will be an effectiveness review of the CSC that starts in another 12 months time and that's a separate effort. There will also be a performance review of the CSC that will be undertaken as part of the IANA Naming Function Review, which is another review that was part of the CWG IANA transition. I've already mentioned the last part. Next slide please.

Some easy degree, so the timetable, we reasonably can press timetable. The intention is to have consultations with the direct customers so that we have a separate conversation with the ccNSO that Martin and Adel will do. We do have a session on Wednesday, I think, and we also have to have a conversation with the PTI which we have no opportunity to do yet.

We have had a conversation with the CSC and also Elise Gerich, and we specifically called out Elise because we know she's moving on so we want to talk to her about her experience before she leave that. And Elaine is the liaison of this group from the CSC, so we had some back and forth with Elaine as well. Next Slide please.

So, basically, what we've heard so far, some of you might be aware that the scope of the CSC is very narrow. This is contained in the charter. So one of the conversations we had with the Elise on the CSC was whether that, you know, works well or not. And their response is that the fact that it's actually narrow helps the CSC in doing the work that they do, so the scope of the CSC should stay as it is.

The selection criteria in the process that's identified within the charter, they said it's very helpful for the way that the CSC has been stood up. And the feedback that we got is that that should remain so that the rigor of the process and the actual selection criteria itself is part of what CSC contributes to their success. So the feedback was that that should stay. And the composition of CSC has been catered to success.

So the CSC was set up to have members from the direct customers, so the CSC - sorry - the ccNSO or the ccTLD, Registries Stakeholder Group. And also there was an outlier there as well for gTLD Registry which I think was the (IIB) upright (ABA), I think. But it sounds they're currently 250 (TLD) and two registry members, and then we have liaisons. There is a distinction between member and liaison in charter, but that doesn't seem to be hindering any of the discussions or the work of the CSC, so it seems that that's something that can stay.

The charter also describes that they have monthly meetings and at this point in time it seems that it would help if that'd be maintained. A lot of the initial work that the CSC has done has been in addition to the monitoring of the IANA performance. They have also had set up structures around how the CSC works, so to say that is the response we need to be maintained.

There is a requirement that the CSC provides regular updates to the community three times a year and the CSC has recommended that that be changed now to at least twice a year. And the reason for that is that the CSC doesn't get travel funding and some of the members of the CSC wouldn't necessarily come to an ICANN meeting. So the three a year was based on the fact that we have three ICANN meetings a year, so the recommendation is that is set back to at least twice a year.

The charter makes provisions for the CSC or PTI to request a review or change to the service level targets. And in addition, any change to an SLA

would also require change to IANA Naming Function Contract that has to be agreed between PTI and ICANN. So what the CSC would like to see incorporated into the charter is a procedure that would provide a bit more clarity around how that would happen, and that's part of what Kal and Elaine would like to talk to this group about.

So if anyone has any feedback that they would like to get to Keith and I on the charter, we would welcome it. I'm happy to circulate the charter, I think that would be helpful, and then we'll pull all together - we'll pull together the comments and then we'll have some kind of report at some point.

Stéphane Van Gelder: Should we go to Elaine and Kal?

Donna Austin: If you got no comments for me.

Stéphane Van Gelder: No.

Donna Austin: Yes.

Stéphane Van Gelder: Okay, thanks, Donna.

Elaine Pruis: Thank you, Donna. Happy Halloween, everyone.

So Donna just talked about the CSC Charter which is the framework that the CSC members and liaisons use to perform our work. Our presentation is going to be a bit broader and cover more topics. Can you guys put our slide deck up?

Stéphane Van Gelder: Perhaps I should tell a joke or sing, yes. No, I know, you volunteer for that thing.

Elaine Pruis: I'll auction off my down vest to anyone who's raising. There you go.

So one of our tasks is to consult with the community and provide an update on our work, so we're performing that function right now. Just a brief reminder that our mission is to ensure continued satisfactory performance of the IANA function for the direct customers of the naming services, which includes registry operators, but also root server operators and other non-root zone functions. Can you go to the next slide?

So our mission is achieved regular monitoring of the performances of IANA naming function against the agreed upon service level targets and through mechanisms to engage with the IANA Function Operator to remedy identified areas of concern. So those two topics we'll cover today. Kal will talk about changes to the service level targets and I'll touch on our remedial action procedures for - when we do have an issue. Next slide.

So just as a reminder, Kal and I are the appointed members from the RySG, and the ccTLD members are Jay and Byron. We have an open slot for another member. We haven't found a need to have that person. That's still open. Then we have six liaisons from the different groups who attend our meetings, give us perspective and take our information back to their groups. Also, (Niala) from the PTI is a liaison, so she participates in our meetings. Next slide.

So our main tasks are to monitor and report on the PTI compliance with the service level agreement. There are 63 individual metrics within eight different groups of the tasks that the PTI performs, so things like TLD, zone file updates. When a technical check is performed, those have missions that we keep track of. And those SLAs are in the naming function agreement and were developed by Design Team A, which Jay and myself are part of. Next slide.

So, overall, the PTI performance score has been excellent, between 95.9% to 1001%. And the functions where the score is a bit lower, we are actually going to recommend that those SLAs get reviewed. They were created with

some data, but not quite enough to actually capture the entire process or what different limitations might be in place.

So when we report out to our membership organizations, we provide a qualitative score -- excellent, satisfactory or needs improvement. In every month that we have reported, our score has been excellent for the PTI. Next slide.

So this is where we need your participation. We are supposed to consult with the community and hear your views and perspectives. This is our annual consultation where we want to hear from you, the primary customers of the naming service, about the performance of the IANA Functions Operator, PTI. And we'd like to hear if you have any ideas for how to enhance that performance.

So now is your chance, does anyone have any feedback on PTI's performance or any needs for service enhancements that you want to discuss?

Stéphane Van Gelder: Donna?

Donna Austin: Thanks, Elaine. Donna Austin. I have a question to this group that might kick off some of the discussion, Elaine. So the CSC provides the monthly report which is circulated. I'm pretty sure it goes to the Registries Stakeholder Group. We certainly get it through counsel. I'm just interested to know if anybody actually reads that. So that could be - I guess that's a good sign that things are going okay.

But I just like the point that it's for direct customers of this function. It's great that we have Kal and Elaine that are going forward with this workforce. But perhaps we do have the Tech Ops Group, so it might be something that, you know, every now and then they could take a look at the report, and perhaps provide a little bit of focus on this because if IANA does start to go off the rails

and it's us, as the direct customers, that have an opportunity to have that conversation with the CSC and perhaps try to work out how some of those problems can be addressed.

So I think this is great that the CSC is - the work the CSC is kind of going into the right path, but it doesn't mean that we shouldn't pay attention to what's being done.

Stéphane Van Gelder: Thank you, Donna. Any further comments or questions? Yes, please.

Man 2: Okay, thanks, Stéphane. Yes, so in addition to thanking Elaine and Kal, I also want to thank Donna for the work that she's been doing. She's been carrying the heavy load. It's a small group in the review team and she's been doing a lot of really great work on our behalf, so thank you, Donna.

Stéphane Van Gelder: Many thanks for that, too. Anything else? Elaine and Kal, thank you very much.

Elaine Pruis: Oh, we're not finished.

Stéphane Van Gelder: Oh, you're not yet.

Elaine Pruis: Sorry.

Stéphane Van Gelder: Please continue.

Elaine Pruis: Okay. So one of our functions is to seek communicate input, that was it. Next slide. We also deal with customer complaints. If they are escalated, we will take a look at it and see if it's a systematic issue. So customer complaints are addressed by PTI and we don't get involved in individual complaints, but we are made aware when there's been escalation.

So since one year ago, when the CSC began its work, the PTI has received two escalations which have been closed. We didn't feel that it was necessary for us to become involved in any way. It wasn't a systematic PTI issue. So if we actually come to that point, we do have a remedial action procedure that has been developed right now, which we would kick off. Next slide.

So the remedial action procedures can be invoked when we've identified the performance issue or if it's systematic or persistent. We have a draft set of those RAPs and we're contemplating three levels of escalation; first to the PTI Board, then ICANN CEO, and then the ICANN Board.

PTI approval is required for acceptance of these remedial action procedures since they'd be the subject of it. And our current draft is being reviewed by ICANN Legal. The final approval is expected pretty soon.

So Kal is going to take it from here.

Kal Feher: Thanks. Elaine. Turn to next Slide please. So we'd like to inform and consult with the community, inform parties mostly through the monthly reports which you will all now read diligently, I'm sure. You've got the PTI dashboard which is the raw data that comprises those reports. It's anonymized, but if you're interested in that data there, it has multiple formats.

We have our monthly meetings which if you cannot attend, you'll be able to listen in and they are always recorded and shared. Then the formal element of consultation is the customer survey which PTI manages. We communicated and consulted with PTI on the content of that. Next slide please.

As you can see or maybe you can't because it's scratched out there, but the actual hit rate is pretty low. Unfortunately, it's 15% for 2016. It's 16% for 2015. Here we go, yes, so not fantastic, maybe that's indicative of complete satisfaction. But if you are involved in the change, you will receive an invite

to participate in the survey. Even if you're happy, maybe consider responding to it. If you've got the survey sitting in your inbox, maybe you feel ashamed and you'll now rush out and respond to the survey. Next Slide please.

So you can see that the gTLDs are winning slightly, although I wouldn't get too smug with any response to 5% of the (Unintelligible) surveys with other CCs, zero, again past setting indicative of acceptable performance, perhaps not. It's hard to assume anything when people don't sponsor. If you've got something to say, you can always tell it to (Elaine) and I, but this is an excellent mechanism to communicate with INA, and they will read and react to those responses.

Next Slide, please. The current survey is out. You've got a November 17 deadline. It will be transmitted by ubiquity, so if you recognize that name now, they're the official provider. If you have any questions, for example you think you might have received one but you've lost the invite then please contact INA at INA org, and yes, consider this another encouragement to answer that survey. Next slide, please.

So at some point the CFC will become a very boring group where we will have nothing to do. We're not there yet. This is our current work in progress, as (Elaine) mentioned we're looking at the remaining election procedures. We also have a brief (unintelligible) on the development plan, the roadmap. It's at a very high level, we don't have direct input on what the – on the contents but we can provide them feedback and they tack that onboard, and in particular as it related to some SLEs in the early part of the year, they sought to adapt the development plan to make sure that those SOs were no longer a concern.

And then of course we've got the changes to the SLEs, which is not something we plan on doing regularly, but the – and I should actually just one comment, the SLEs here, we've taken to referring to them as SLAs from now

on. They were expectations, they are now part of the agreement, so that's a minor terminology that seems to bother some people more than others.

But from now on it'll be SLAs. We will update some of the SLAs, which is actually on the next slide, so if you wouldn't mind (unintelligible), these are the three SLAs which we intend on updating, and this is basically what the point of this update is for, so that we can socialize this with the community, the customers, and understand if anyone's concerned about these changes.

These are – we're effectively updating them to reality, what happened when they were originally compiled, the 63 metrics, was that there was no long-term statistics in order to inform the targets. There were pictures near enough and in most cases they were acceptable. In the case of the technical check retest, I'll note that the original technical check is 50 minutes, and the retest is quite progressive.

So by increasing it to 10 minutes, we imagine that there will be no customer impact. And the same thing with the supplemental checks, it's the same tool and has the same challenges in meeting that. So they are relatively minor. I'm not going to speak to the CCTOB creation time because that was suggested by (Jay) and (Byron), and they're socializing that with the CC group.

So unless someone's got a particular concern relative to that, we'll move on. So next Slide please. So this is the upcoming work, we've already heard about this year's new charter to reveal the effectiveness of the CFC, and I welcome any informal comments on the effectiveness of the CFC as well and the periodic INA functions review which we have some input in.

Next Slide, please. So that's basically it, we're reasonably comfortable with that the CFC is coming together in an effective way. Our relationship with PTI is very good, the performance from PTI has been excellent for the year. You'll

have heard about our 12-month report, which I'm sure again you'll all rush to read after this meeting.

By and large probably the disinterest is because everything's working just fine and that's been our experience as well. So we're very happy so far, but of course the work isn't done, so there's a few things to be completed including the wraps and the charter review. And just make note of that final point there, makes you prepare for the enroll in multiple reviews.

So if you're looking for something to do on the weekend or participate, please consider it. Thank you very much, and as I said earlier, if you've got any indirect feedback that you'd like to pass through (Elaine) and I, we always welcome it, so thank you.

Stéphane Van Gelder: Thanks, to you both. (Donna)? No, anyone else? Elaine, (Cal)? Any things? Oh, Maxim, sorry.

Maxim Alzoba: Maxim Alzoba, a small suggestion, not very serious, but you're not – this – it's not the first organization. We've experienced issues with reviews and responses from customers. (Unintelligible) small incentives offered like you'll have a special cookie provided to you the next time with engraved like I did this or something, something not serious but interesting, at least it will force those guys to think about it. Thank you.

Stéphane Van Gelder: Well if you attended the PTI one year anniversary meeting you would have gotten a birthday cake, so guess who missed out? We will actually look at reviewing the survey structure because it's an ongoing challenge. Obviously we're interested in feedback, and that's not just their performance but how easy is the (unintelligible) to use and so on? So maybe speak to some of your operational folks and see what their feedback is. Thank you. Anything else? At this time I think I can say thank you.

Woman: Yes, thank you for your time.

Stéphane Van Gelder: Thank you very much. Right, so we will continue skipping down to – down through the agenda and come back to Nasrat when he comes in. Next item is me with the comment, the public comment update. I sent the matrix, the latest version of the matrix, earlier today, so it's possible that many of you have not had a chance to see it.

But I just wanted to provide a very quick update on some of the work that's ongoing, and (Wim) is listening in online and has compiled this report with me, so he'll be ready to take action on whatever we decide or will be able to take heed of any comments that are made here. So the first item is the proposed dates for ICANN public meetings.

That was a comment period that was reopened after some date changes were made, and our proposal is that unless there are issues from the stakeholder group with the new dates, there's no further action that's needed on this one. There was a concern that was made by the S3 about the last day, the – at the longer meetings, that the last day would – it tends to run over and those concerns were reflected in the stock reports.

So (Wim) and I feel that there's no further action needed there. Perhaps I should pause after each one and just ask if there's any opposition or comments. Okay, thanks. So the next one is the drop PGI and INA, fiscal year '19 operating plans and budgets. The (Wim) introduced this topic at the last call that we had, and no concerns or comments have come in so far that we've seen. There's a proposed text in the matrix. And there's a link in the matrix to that text, and if no further comments on this, then we'll – (Wim) will make a final proposal by next week. (Donna)?

Donna Austin: Thanks, Stephen. Jonathan and Chuck, I have a question for you as it relates to the PGI's budget. So I was in the one-year anniversary discussion or whatever it was yesterday, dishing about the one year anniversary of PGI, and I was like, yes, it was a little lemon tart, wasn't it, or a big – there was a

question about the reserves, whether the PGI has a reserve fund and what would happen to that in the event the PGI was separated from ICANN.

And there was the suggestion that the reserve fund would actually go back to ICANN. Do you know if that's the case? I'm just uncertain because I thought there was a requirement that ICANN – that the budget had to go with wherever PGI went to. I don't know, I was confused.

Jonathan Robinson: Okay, so Jonathan Robinson, I'll give you what I know and what I – there's different things. As we developed the proposal, I first had a view that in an ideal world we should have set aside literally segmented a portion of ICANN's reserve, and that's something we might want to think about because you could argue that a portion of ICANN's overarching responsibility is the provision of funding for PGI.

But that's a separate much bigger question. Within the current architecture of the situation I thought the only sort of reserve fund as such that's available is the contingency within the annual budget, and the contingency within the annual budget in this year's budget is from memory around half a million dollars, so that – but that's really about sort of elasticity in current projects and so on.

There is no to the best of my knowledge overarching reserve fund, but it's actually – it's a really interesting point, because as you know within ICANN at large or overall, there is a – there's currently a consultation document out on the reserve fund, and to the extent that ICANN is arguing that ICANN should have a 12 to 18-month reserve fund, arguably so should PGI.

Ergo again the argument prevails, therefore for a 10 to \$15 million set-aside for – but that would really only cover one year's operation. Personally I always felt that the appropriate level would be like five years of operation for something like that, to set aside that kind of thing, so that you're sort of asking a current detailed question, let me answer, the simple answer is no.

And then I'll sort of add in a bit of opinion as to how I think strategically one might modify or develop that, so I hope that's helpful, but it doesn't give you perhaps the answer you wanted for a current situation.

Chuck Gomez: I'm not going to disagree with anything Jonathan said, but – and I'm stretching my memory here a little bit in terms of what happened. First of all there are a couple issues and this is probably not the one you're talking about. There's also a – I forget the term that was used, but it's a contingency budget in case the FOs don't approve the budget.

So there is a budget that will go into place, and it's basically based on the latest year's expenses, plus or minus a couple things, so that's covered for, okay? And that will change each year based on the just ending year's budget that was approved, okay? I don't recall, and Jonathan, you probably know this better than me because you're on the board, is whether there was actually a reserve fund in the PGI budget.

It doesn't seem to me that there is. ICANN as a corporation obviously has that. We know that. Now and I'll let Jonathan respond, let me say one more thing, I don't believe that we got into that much detail in terms of if PGI actually separated, so my thinking is if my memory's correct that that would be an issue that would need to be worked before any such separation happened. But Jonathan, again, you're more current on it than I am, so I'll let you respond.

Jonathan Robinson: Yes, so I think three things, then, Chuck. You referred to I think the terminology is the caretaker, but just – but that's in the event that the forthcoming budget has failed to be approved. In the current or any given budget there is a contingency, but that's just a normal operating headroom of around 5%.

And then, third, it was a given and I think some form of implicit understanding that ICANN was essentially committed to funding PGI within or without the ICANN corporation but I don't know how that's enshrined, and that's where my limited knowledge of for example the bylaws where that might come in, so – and whether or not that needs a form of segmentation in the reserve fund to cover that.

But I think you're certainly opening up some interesting points there, Donna, that I can't give you any more than that. Thanks.

Stéphane Van Gelder: Thanks for that. Maxim?

Maxim Alzoba: Maxim Alzoba, for the record, do we know what happens if for example PGI one replaced by PGI two, and what happens with (unintelligible) funds, are they seen as golden parachutes for directors, or is it an obligation to return it? Do you think it's in place, something like...?

Stéphane Van Gelder: Who are you asking? Certainly not me, I hope.

Maxim Alzoba: Does anyone know? Because if we're talking about like ICANN will fund PGI forever, yes? And for example it's replaced with the second generation for some yes, unknown yet reason, and yes, it was all those reserve bonds and the obligation to be funded forever, it would be nice place.

Stéphane Van Gelder: Let's leave that as an open question, then, shall we? Okay, I see no further – nothing further on this. I'll move on, and obviously a very much related item, the next comment period that we have in the matrix is the ICANN reserve fund, the public comment on that, and there's a background note that was posted by (Wim) and some discussions had on this – has been had on this already.

Key points that we've noted are the reserve should be limited to what's needed to secure ICANN's core mission, that it's important to keep an eye on

ICANN's current and future spending, and that replenishment of the reserve funds after expenses made for the INS transition so there should be a replenishment of that reserve fund.

So that's what we've noted is that true to what the SG wants to have in that response or there are other points that need to be made. And I have a 30-minute warning which I was going to give myself anyway, but it's now 27.

Jon Nevett: (Unintelligible), real quick, I think there are other points that need to be made, but I don't think we need to discuss them right now because we have until like the end of November or something.

Stéphane Van Gelder: Agreed, thanks, (John). So I'll move on. The next one is related script root zone, and the LGRs, and those we've got no action or nothing started on that yet, so that's due 6th of December, if there's any input the BSG wants to provide that would be much appreciated. No action or no comments in yet on the IBM implementation guidelines, the second public comment on that due December the 10th.

So there once again calls for input. Call for input as well on the recommendations, on enhancing accountability for diversity and that's due on December 15th. Yes, that's right, and the last one on the current matrix, operating standards for ICANN specific reviews, we do have a background note on that. It's been posted.

You have a link on the matrix there to that, and a note that there's a cross-community session on this on Monday. So if people either attend it or want to catch up through transcripts and there again, any comments on the notes would be very helpful. (Donna)?

Donna Austin: This might be something that we want to review once we know it's happened with SSR too, so it's good that there's – we've got until January.

Stéphane Van Gelder: And bear in mind that we can ask for an extension to these if we do need it, so that's always a possibility. Any further comment on the comments? Maxim.

Maxim Alzoba: Maxim Alzoba, I think there is one thing we should expect in the future in public comments, which is going to be really important for registries, it's going to be either DIIR2 review or whatever they call it, or open data or something because all our concerns about the sources of information for these strange direct tool about lack of interaction with the registries, registrars, and involve actually, you know, lack of useful information in the system.

And the answer was yes, we're going to have public comments and you will be able to you know, say something, so just if something like this approached, going to be quite important for registries and registrars.

Stéphane Van Gelder: Thanks, Maxim. I see no one else, so we'll move on and we have an update from (Karen) on the incorporation of DSG and then we have a couple of AOBs in, so I'll just remind everyone that we do have a hard stop at 3. That is required. It's required by me, (unintelligible) sorry but we have to stop there, and then we'll move to the registrar room for our joint contracted parties house meeting. So (Karen)?

Karen Day: Thanks, Stephen. Just wanted to update everybody that with the help of Sheri Falcon, thank you, Sheri, we were able to locate an excellent corporate counsel in Florida. His name is Pete Schoemann, who we have had a – one conference call with, and the executive committee was very pleased with our call with him.

He has reviewed all of our documentation and has proposed a very simple and practical plan for us at a very economical rate, and we were extremely pleased with his pricing for doing what needs to be done to get us completely caught up with our corporate governance work. So based on that, we have

come up with an updated budget that we will be sending out to the list this week.

And for the members we don't have enough members here for any action on budget, and (unintelligible) we're either online, so we'll send it out to the list to get approval, but roughly they – the firm is expecting that it's only going to be \$1000, but max set on the cap at 2000 to do whatever it takes and that includes working with the CPAs to get all of our tax filings done. So we're really excited about that.

He's a young, relatively young in his term, so it'll be somebody that can grow with the stakeholder group and stay with us for a while. So we feel like we're in a good place, and ready to move forward and get back to business as usual. So that's what's going on with that, and I think – are we going to do – Sue, were you going to do a dues update later, or you want me to just quickly tell everybody that today's the last day to pay and you've got a little time while we travel home.

Sue Schuler: Sure, thanks, Karen. This is Sue. Yes, today is the final due date if you haven't paid your dues. I did send out reminders before we left, so if you hadn't paid, you should have received a reminder with an additional copy of your invoice. If you still haven't paid in two weeks you're going to get another little letter from me. It might not be as nice. So no, but please just check with your accounting department when you get back and make sure that you've sent that in. Thank you.

Stéphane Van Gelder: Thanks to you both. Jon?

Jon Nevett: Just one recommendation maybe for next year, I think you sent it out with net 90 on the invoice. I would do net 60 and just keep the 30 days for our own internal code because when I checked with our accounting folks, they said well it's not due for – until 90 days, so we'll pay you know, so maybe make it net 60 and then we have 30 more days to chase them around if we need to.

Sue Schuler: Well, that's actually your guys' decision, not mine, so yes, whatever you guys decide you want to do, that's what I'll do. Yes.

Stéphane Van Gelder: Thanks. Anyone else? Okay, I'll probably speak – I'm sure I speak for my colleagues on the executive committee just to say that (Karen)'s done an excellent job on the incorporation. She really hit the ground running with this since coming into the XCON, so thank you very much for that. So we come onto AOB, (Brian)? I'm sorry, Sue. We do have a 30-minute hard stop.

Sue Schuler: I'm sorry. Sorry, I just have a couple little administrative things. Number one, there are two of our sessions tomorrow that have changed rooms, so we did send out an email, but I know some of you guys aren't checking your email right now, so I just wanted to say this. Our session for the GOTOD group, their sharing session, which is at 8:30 in the morning, has been moved from Hall B to Capital Suite 14.

And then our session, the contracted party health session with the commercial stakeholder group has been moved from Hall 4 to Capital Suite 14 also, and that's the session at 10:30. So please make a note of that. I'm sure the posted schedule probably has those changes, but – okay, terrific. And then the other little – sorry, housekeeping thing that I wanted to do just real quick, we mentioned this a while ago.

But we do have a Facebook page for this group. Some of the pictures from today's meeting have been posted. You might see your faces there. We've only had 16 people from the group even sign up for the Facebook page, but could – and please feel free to post your pictures and all that good stuff, too, so thanks.

Stéphane Van Gelder: Thanks very much, Sue. So can I turn to Brian?

Brian Cimboric: Thanks, Stephen. This is Brian Cimboric. Just wanted to give a quick update on the RSEP discussion group. I'm pinch-hitting for Ray Fassett, the chair of that group. Just some quick background, as many of you know, the staff's implementation of the RSEP policy has been in instances slow or inconsistent or more concerning not really in line with the language contained in the policy found on the consensus policy page.

So the discussion group got together and put together seven recommendations to go over with staff, each of which we tried to root in the policy at large but also specific provisions of the policy. There was one of those recommendations was kind of a lynchpin of the other recommendations, and that was around the language contained in 2.4D of the policy for those that are curious, that says that after the preliminary determination period where staff looks at and sees whether or not the new service would propose a security, stability, or competition concern.

If not the registry operator quote shall be free to deploy, end quote. So that was kind of a lynchpin, the foundation for all of which the other recommendations flowed. So we had a meeting with GGD staff on Sunday I think and after some back and forth it became clear that it was a good meeting, I should say, and I thank staff for their efforts and for meeting with us.

But fundamentally that sticking point was that the registry operator shall be free to deploy. There wasn't agreement there. There was – that says that there's some ambiguity in the policy where for those of you who can read statutes and policies, would probably disagree with. Regardless staff did come back with some – with – there is some good news in that staff doesn't – while it's not coming at it from the language of the policies, they're coming with an olive branch of practical solutions for lack of a better word.

So they said that basically offering well what if we can cobble together a path forward in which it's – we can wrap up the RSEPs and propose services

within 30 days? Would you guys be interested in that? Well we didn't give a definitive response there. I think the way that we left it was to say that while we're interested in practical solutions moving forward, but we're not willing to cede ground and concede that the words shall be free to deploy mean anything other than the words shall be free to deploy.

So I think that where we currently stand is that the working – or the discussion group is going to hopefully get those – that potential path forward from staff in about a month from now, and we'll see what we get, and we will determine how satisfactory it is, and whether or not it's worth pursuing the more fundamental language actually contained in the policy.

I think that's really it, and I look to Marc Anderson and (Chris Alonda) who've kind of been there from the beginning, or if anyone else in the discussion group that was in the room yesterday, if you think I missed anything or if anyone has any questions.

Stéphane Van Gelder: Thanks, Brian. Maxim?

Maxim Alzoba: Maxim Alzoba, for the record. Actually one of the topics (Cyrus) constantly repeated was yes, it means 15 days, it's 15 days, but we want to have some legal method of ensuring you don't violate all this and etcetera, and I suggested okay, we have the implement in place. It's called registering, and it says you do not violate or this is – and you do not violate like obligations of a technical sort, etcetera, etcetera. And they said yes, we will think about it, something.

Stéphane Van Gelder: Brian.

Brian Cimboric: Thanks, Stephen, just to jump back in there, just to piggyback on what Maxim said and the position that the discussion group has taken throughout is that it's true from a legal footing, is that the consensus policies and in the new

TLD agreements, this specifically called out the RSEP policy on incorporated by reference into our contracts.

And therefore there is a legal document that says registry operator shall be free to deploy, so similarly as ICANN has said that they want to move more towards free to deploy letters, there doesn't need to be a separate codification under the language of the RSEP for the registry service to be deployed. That being said, obviously it'd be a best practice for a registry operator to get an amendment. But strictly speaking from the policy's own language, it's not required.

Marc Anderson: Marc Anderson, first I want to thank Brian, excellent summary and Brian did a remarkable job representing registries in that meeting with staff, so thank you for that. And I you know, share Brian's synopsis, you know, through the key to our recommendations was this recommendation #3, you know, the plain language of the policy.

It shall be free to deploy, and for 90 minutes staff refused to concede that free to deploy means free to deploy, and we all agreed ahead of time that this was sort of the lynchpin of our recommendations, and if you know, if staff agreed with that recommendation we would go one way. If staff did not agree with that recommendation we would sort of have to regroup and figure out what our next – our path forward is.

As Brian pointed out, staff did offer an olive branch. They're going to talk amongst themselves and come back to us with what I would term a counterproposal, you know, so I think we can wait and see what that counterproposal is, but you know, we're maybe at a decision point where we have to decide among ourselves how much we want to push this issue.

You know, and you know, staff is proposing to not follow the approved policy, and we have to decide as a group how big a problem that is and what we want to do as far as next steps go. Thank you.

Kristina Rosette: Just thought I would give everyone a brief update as to where we stand on dot Amazon. As most of you probably know at this point in early July, the IRP panel's final declaration issued and contrary to ICANN's characterization of it as a two-one decision, it was actually a unanimous decision with a partial dissent as to whether or not the GAC's failure to allow us to present violated fundamental rights of fairness.

In any event, we have been in one interesting aspect to the panel declaration, which because the IRP was heard under the old bylaws, was not binding, was that they recommended that the board essentially – their finding in short was that by essentially giving the GAC consensus advice the effect of a veto as opposed to a strong presumption that the board had failed in its obligation to independently investigate and evaluate whether or not there were actually any narrative based public policy interesting reasons on supporting that GAC advise.

So what was particularly interesting to us was that the panel recommended that the board conduct its own evaluation as to whether there were in fact or are in fact any well-founded merits based public policy reasons underlying the GAC advice, and in the event that they conclude that there was not, which would then essentially mean that they would reject the GAC advice, that they should then have the mandatory bylaws required consultation with the GAC.

And to do all of that within 60 days, the fact that we're actually still talking about this now means that the board obviously didn't meet that 60 day recommendation. In any event, we met – we presented to the GAC on Sunday for what was supposed to be 30 minutes and turned into 90.

What was also interesting from a timing perspective is that on Sunday morning the board passed a resolution calling for the GAC to provide any new or additional information about the GAC's advice that the GAC is interested in sharing with the board, and to the extent that the GAC is

interested in doing that, the resolution asks that the GAC do that by the end of ICANN 61.

So not unexpectedly there has been some various interpretations of that resolution by the GAC, so the GAC board meeting that's coming up shortly should be particularly interesting. We obviously feel fairly strongly about this. One of the panel's findings was that there is no legal claim, that there's no claim supported by any international or national law to the extent that Brazil and Peru were claiming that Amazon was their protected geographic name.

It's also fairly interesting opinion in the sense that it does a fairly deep dive into how the NGPC and the board review GAC advice. You – this I think I was having a conversation with this about someone the other day, and I think it's really true. I think how the board ends up handling this is going to be a really important first test of stress test 18, for those of you that were involved in the accountability work.

In other words, where you have a conflict between you know, an ICANN accountability mechanism in the GAC advice, how does that work? Not unexpectedly there have been some rumblings from some of the GAC members that you know if the board doesn't rule in favor of the GAC essentially that this will cause them to you know, seek alternate fora in which they can pursue the issues that we discuss here.

But we're hopeful that at least by July we will have some resolution to this. I think it's going to be increasingly complicated as time passes. We're already at 5 ½ years and counting, and particularly in light of the upcoming discussions about a subsequent round, so happy to answer any questions.

Stéphane Van Gelder: Thanks very much, Kristina. Is there anyone that wants to ask a question? Okay, I have a very short item from – thank you for that update. I have a very short item from Jon.

Jon Nevett: I can do it now or in the CP – with the registrars, either way, because it's auction proceeds, doesn't matter.

Stéphane Van Gelder: We've got six minutes.

Jon Nevett: Okay, so on the auction proceeds working group, it's moving very slowly, just as in terms of an update. The one issue I wanted to bring – excuse me, to folks' attention is that we're having discussions about the scope of ICANN's mission and what these proceeds should or could go to. I'm probably – I am on the side of a narrow interpretation of ICANN's mission and have the money go to some things that are probably more closely aligned with ICANN's mission.

And others in the group have a very expansive view of what ICANN's mission should be and protecting the Internet abroad and you know, really high level issues as well, so I wanted to bring that up and make sure my view is consistent with the group's, and also there have been discussions about using some of the auction proceeds perhaps for to shore up the reserve fund of ICANN.

While there's no specific request, the question is, if that came up how would you know, we treat that, and my initial thinking is that it's got to come from somewhere, so if it comes from that, it's not the end of the world from my perspective, but others have different perspectives, so I wanted to throw out those issues for thoughts, discussion, if we have a discussion, or we could just send me feedback.

And it's a registry registrar issue as well. There's – (Eliot Noss) is the registrar rep and I'm not even sure if we're aligned on the issue, but I throw it out there.

Stéphane Van Gelder: Thanks very much, Jon. That's very useful. Jonathan?

Jonathan Robinson: Just a moment of additional context, it's Jonathan Robinson for the record, just adding to what (John) said there, I mean, essentially there's a charter question for the group that says would you countenance ICANN.org being an applicant for – being permissible as an applicant for auction funding, and the subtext of that is why on earth would ICANN.org – would ICANN Org be applying for it?

Well, the most credible reason would be to shore up the reserve fund, so really if there – the sort of philosophical question is, is that a permissible, tolerable view for this group? You know, how do we feel? Is it – and as (John) said, we don't need to necessarily get into it now, but I think giving him some personal or collective direction on that would be useful so he can either talk – so he can talk with authority on that.

And that's the issue really, and it's now that more current context in the light of the paper on the reserve funding. For what it's worth the point I've argued is that for ICANN to seek that, to even credibly seek that, they would need to show their own commitment to themselves contributing to the top off of the reserve fund, in other words generating some form of small surplus or operating surplus each year so that the organization itself was demonstrating a commitment proactive sort of in a sense going back to the community and looking for community support to top off the reserve fund.

So it's sort of – I would see that as the appropriate gesture from the ICANN organization to go alongside any – but that's just a personal view. From the point of view of the auction funding group, the question is, is it permissible for ICANN to be a potential applicant for those auction funds?

Stéphane Van Gelder: Thanks, Jonathan. We really need to bring this to a close now, Chuck.

Chuck Gomes: Thanks, Chuck and I'm going to be real brief. I just want to add to what Jon suggested with regard to auction funds, and that is that if we go to a new

RDS system which is a ways off, okay, but still it's going to be very expensive, and I think we all agree in this room that there's no way that contractor parties can absorb that, so I think the idea of setting aside some of those funds to help in that kind of transition if and when it happens would be a very good use of those funds.

Stéphane Van Gelder: Very much, Chuck, good point. Kristina?

Kristina Rosette: Two very quick questions, Jon. First, do you feel that there's enough contracted party participation in the working group and second, kind of in this life cycle of a PDP or whatever it is we're calling this one, where is it?

Jon Nevett: The answer to the first question is easy. No, I mean, we have one rep from the registries and one rep from the registrars. There are people who could participate like Jonathan participates, but there's one voting member from each group, so we're totally overwhelmed in that, and then the second question is where are we?

We're still going through charter questions, gathering information, it's just moving pretty slowly. Would you agree with that? I mean, Jonathan used to be chair so he...

Jonathan Robinson: Yes, I'm in 100% agreement with Jon. The only thing is I would say it's a CCWG, and so there are members and therefore voting members, but anyone could participate, so anyone can sort of roll up and participate and potentially shape the outcome of that group substantially. So just because (John) is our nominated member and if and when it came to a vote he would vote on behalf of the registry stakeholder group, though (Eliot) in the registrars, anyone could roll up. And so if you have resources, people, or interest in that by all means send them along.

Stéphane Van Gelder: Thanks. Sorry, Maxim, I'm going to have to bring it to a close now and encourage anyone to pick this up offline with (John) and respond to his

call for suggestions or guidance. Many thanks to you all. As said earlier, the next item is a meeting with the registrars, that's in Hall A, so this room but opposite.

Sue Schuler: Sorry, I thought you said in Hall B.

Stéphane Van Gelder: Hall B, sorry, we're in Hall A. In Hall B, so just opposite the corridor, there in 15 minutes at 3:15. Thank you very much.

Sue Schuler: Good job, there, Stephen. We ended up right on the dot. Right on the dot. We can end the recording now, thank you.

END