ICANN

Moderator: Gisella Gruber-White

June 13, 2012

9:00 am CT

Coordinator: Thank you, your recording has started. All lines are open. Please go ahead.

Benedetta Rossi: Thank you very much (Sam). Good morning, good afternoon, good evening this is the CSG conference call with Board Member Bill Graham on the 13th of June 2012.

On the call today we have Marilyn Cade, Elisa Cooper, Ayesha Hassan, Bill Graham, Tero Mustala, Philip Corwin, (unintelligible), Steve Metalitz, John Berard, Bill Smith, (Scott Sapain), (unintelligible) and Chris Chaplow.

Marilyn Cade: Okay, thank you Bennie. Can we invite any opening comments from Bill? And I would just ask when people speak later, if you don't mind, just identifying yourself by name for the record and for Bill's purposes. Also, just mention your constituency affiliation. Bill, would you like to offer any opening comments.

Bill Graham: Thanks Marilyn, yes I'll - I'll keep it quite brief. But thank you for organizing this call. I do like to be aware of what the priorities and concerns of the constituencies and the stakeholder groups are from Janis.

Also, I've been trying to make it a habit at least one of these calls inter-sessionally. And I do appreciate you all joining me today. I have to give you a Rider before the call.

Unfortunately, I'm not in any - I'm not permitted to speak for the board so I'll be mostly in listening mode today. I'm certainly willing to comment as an individual but as you know, only the chair is authorized to speak for the board.

So with that understanding we can move forward. Marilyn and I had a - an exchange back and forth by voice and email working up some of the questions that you saw in Bennie's email yesterday.

I'm really interested in hearing about your priorities. I've identified a couple of issues that I think would be useful to discuss and I'm - I'm looking forward to the call. I think I'll leave it at that and invite Marilyn to move on with the - with the rest. Thank you very much.

Marilyn Cade: Thanks Bill. I'm actually going to invite Steve Metalitz just question number one that we distributed which I think we agreed was the key priority for all of us. And that is, understanding the key priorities for each of the constituencies.

So what I'd like to do is turn to Steve Metalitz to kick that off and then if we had (Tony), we'll turn to (Tony) and then the BC will go last on offering priorities if -- is it okay with you if we kick off with each of us stating some key priorities and then open it to you to respond on - on all you've heard or would you prefer to go constituency by constituency?

Bill Graham: I'll keep some notes here and I'm happy to deal with them I guess as a group by way if there's overlap we can cover that. If there's anything pressing, I'll just beep it. Thank you.

Marilyn Cade: Steve?

Steven Metalitz: Yes thank you this is Steve Metalitz and than you Bill for taking the time to meet with us. I'll mention just three priorities for the Prague meeting and then one more general issue that I think is reflected in those three priorities.

Our three priorities - three of our top priorities for the - the Prague meeting are first the registrar accreditation agreement amendments and we're reviewing the - the date -- all the stuff that was released last week. And we're looking forward to some good discussions there that's an issue of great importance to us.

The second which is an issue that has a very short timeframe is the renewal of the dot.com agreement. And we hope that will be discussed in detail in Prague as well.

And the third is - is kind of a raft of new TLD, new gTLD implementation questions. I mean we're going to be, you know, meeting with a number of the new gTLD applicants and now that we know who they are in Prague and so forth.

But they're obviously are implementation questions both really in the whole - throughout the entire lifecycle starting with the batching and digital archery questions and going through rights protection mechanisms and into the registry agreement that - that the successful applicants will be asked to sign. So there are number of new gTLD implementation questions.

The overarching concern which I think it reflects all of these is -- and its not a new one really but it perhaps takes a somewhat new form now -- is the concern about whether the staff is hearing the community and whether the board is playing any role - any constructive role in ensuring that this staff is listening to the community.

And I think all of the - those issues that I mentioned reflect that. On the RAA, you know, the board ordered that this be done in March or February really. It's now June and it's not done.

And while I think it's useful that the staff has put forward its proposal for a contract, I'm not sure why they haven't simply told the -- reported to the board that this is what they've produced and it's up to the registrars to decide whether or not to accept it.

So that, you know, we're just not sure what the accountability is for the - the staff and in fairness the registrar's too having failed to meet the board's deadline by a very, very wide margin.

On dot.com we're looking forward to seeing whether the many community voices that say that VeriSign should be put on a leveled playing field with the new gTLD's with respect to issues like Whois will be heated. And again, that's a one with a very short time fuse.

And then on new gTLD implementation questions we were the first constituency I think to formally raise a lot of concerns about the digital archery batching method.

We've since been joined by many others - many registries and registrars have had some of those concerns and so far they seem to have fallen on deaf ears. We've never really had a - a response from them. So we don't know whether this is the staff simply proceeding full speed ahead with a - with a CEO position effectively vacant.

And with little guidance from the board or whether this is the board deciding that - that the communities' voices don't really need to be responded to; but that's something we hope to get a little more clarity on in Prague.

We think there really is a serious accountability and transparency problems that doesn't have anything to do with the boxes that - that issue has been put into like, you know, public comment period and how many documents are presented when?

It's just that the board seems to say something in the case of dot.com, the staff fails to deliver and nothing happens. The board says so- the board adopted a policy about document publication. It was widely ignored in San Jose, nothing seems to happen.

We found out Monday that the staff has never prepared a single report under the document publication operational policy which they've been supposed to do after every meeting since SOL, nothing seems to happen.

So we're -- this is the kind of accountability and transparency that we're very concerned about now. And I think it's exacerbated by the - the vacancy at the top, but perhaps it's more of a systematic concern.

So that I apologize for free associating a little bit here but I have tried to give you a sense of what some of the immediate issues are and then how we think they fit into a larger issue. Thank you.

Bill Graham: Good, thank you Steve.

Marilyn Cade: I don't think we have (Tony) yet, but we do have (Wolf). And I wonder (Wolf) do you want to make some comments on behalf of the ISP's about priority areas?

(Wolf): Yes thank you Marilyn and hello Bill thank you for being here. I didn't coordinate this with (Tony) but let me just try briefly. And I don't speak in my capacity as a council. I share just for the ISP's here.

So what is, in our concern about is the most items - policy items we are discussing at the moment are the outcomes of the review teams on Whois and SSR and their recommendations.

And we are really - we would like to see and really ask the board well, to follow strictly what - what was the outcome of those proposed teams especially on Whois. So we have tried a lot to discuss some now and with the team to follow that we get a - a how to say, an appropriate with access in future.

And this is in sense change a lot of - of time on this discussion. It may have an impact on the - on the amendments to the IRA as well, so we're discussing it whether it could be placed in that area of discussion or not.

So what I would like to have and to see and I think it's in a sense of the firm or constituency as well that the board really took that period for this policy amount.

So for these two reviews and as a short well okay but that's what was the other also discussing as well what will be the affect and impact of the whole story on gTLD implementation on - on our own and on the ICANN model. So that's what our priorities are at the time being. Thank you.

Marilyn Cade: Thanks, I still think we don't have (Tony). I'll just say a couple of additional - add a couple of additional points Bill. It's Marilyn as the chair of the BC and I think members will have other things to add.

But I would just reinforce the concern about the fact that the board needs to maintain a strong focus on the implementation of the recommendations of the review teams.

And I put today the SSR review team and the Whois review team on the table because there are reports that have been presented that were still be - being discussed by the board and the community in Prague.

But in addition there's the question of whether the ATRT recommendation has been fully implemented. Steve has identified one area of concern. I think there are others.

And at the same time ICANN is going to have to launch the second ATRT review team by January or February of next year, fully staffed up and ready to go in order to meet the - the bylaw requirements that are - that are -- were accepted in the AOC.

The -- it's difficult to find the linkage in the budget between the implementation for the recommendations from the review team. And it's challenging to figure out whether or not the staff across the board understand the linkage between the board commitments that those review team recommendations will be implemented.

And just to give you an example, while Whois is supposed to be a priority the staff approved a (SF) from the board CAT which basically would have closed open access to Whois at a time when there's a significant amount of work going on - on Whois and the recommendations of the review team go in a different direction.

So understanding whether or not the staff really internally understand the commitments I think is a serious problem. I would agree with everything that Steve and (Wolf) have said.

The second topic is really just to reinforcement of what (Wolf) has referred to and Steve has referred to. We're looking hard as the BC -- and I think the other two constituencies are as well -- at what the arrival of a large number of brands and corporates will mean to the policy structure and the participation structure within our constituencies within the GNSO and with ICANN.

It's just beginning to percolate for all of us, but it is very much a - a topic of concern. And I would say for the BC we think that examination needs to be done heavily by the affected parties and not given to us in a top-down way from the staff.

And so my final comment would be the staff is finally getting around to trying to implement some of the recommendations we have been making for some time like a budget working group.

A more organized approach to discussing the strategic plan and it's - it's unclear right now how those initiatives that have just been announced as meetings and working sessions in Prague do actually - do actually fit into the larger picture.

So we're going to be very interested in understanding how the board subcommittees who have relevant focus on such topics, the budget, the strategic planning, etc. how they're looking at those particular working groups.

Bill Graham: Good, thank you Marilyn.

Marilyn Cade: And I think we would just turn to you if you or however you want to begin responding.

Bill Graham: Sure, thank you. Yes, I was just waiting to hear a few - the others listening to speak. These are - these priorities are all important ones I think for the board as well.

There's - there's quite a bit of attention being paid to the RAA. We have been keeping a fair bit of pressure on the staff - I would say a lot of pressure on the staff to move forward quickly with - with those as you can appreciate its sensitive negotiation with the - the registrars.

And it's been moving ahead fairly quickly as you will have seen -- well, fairly quickly given the difficulty of the issues, there's no question that we're behind the deadline that we'd hope to see followed.

As you will have seen in the documentation posed where - posted we're down now to a couple of very thorny issues, largely concerning law enforcement concerns.

Most of the - the other issues have - have been addressed and the intention in Prague is for us to - to meet with the concerned parties and try and - try and get a sense of what needs to be done to make this move forward.

I think moving up a level the board is following all three of these. There have been information calls in the last two to three weeks on the RAA - on the renewal of dot.com.

The new gTLD committee is meeting weekly to look at issues coming out of the implementation there and the -- obviously they're paying a lot of attention to the - the glitch in the system.

There have been extensive discussions of the batching and the digital archery aspect of that program and also on the - the rights protection. The -- so the board is playing quite an active role in attempting to work with the staff and understand what the con- the issues are for the staff - what the priorities are in make sure we're in alignment there.

Steve, I take your point about the digital archery concerns that were expressed by a number of - of folks from different communities including yourself and continue to be expressed.

I can assure you that the board has been paying attention to this. Work has been done and the -- quite extensively done I would say looking at options to the digital archery.

And we have been persuaded that - that this was the way to go forward, but not without detailed review of the - the comments and suggestions that have come from others.

So I don't -- I'm getting the sense from you that these have not been reported adequately. To give you a sense that - that has been going on and I take note of that at the moment I'll pass that on.

We have been remiss if I can say so myself, in reporting from the new gTLD committee which is the non-conflicted board members that deal with the new gTLD program at this point.

We haven't been following up as we ought to have been with providing rationales for decisions coming out of the committee. It's been a pressure of time issue which is a bad excuse. There has been work done and there -- we should have done that.

We have quite forcedly suggested that to staff that we need to be much more careful with that and that will be rectified as we move forward. There's been a huge amount of learning going on as we dealt with the conflict issue and are dealing with a much reduced board complement but can deal with the new gTLD program. But again, I'm not offering this as an excuse; we really had fallen down in that respect.

Looking to the - the issues yes in Prague there will be sessions on the RAA. I'm very much looking forward to participating in those sessions and understanding the - the situation and the concerns of people who haven't been directly involved in the negotiations. I completely agree that - that needs to be moved forward quickly and we're doing what we can to make that happen.

The other thing that I hear from all three of you is the concern about the ATRT review teams and how those - how those recommendations are being dealt with?

All I can say on that is that we agree with you that these do need to be followed up very quickly. As you will have seen or will shortly see from Alejandro on the SSR a good deal of work is underway there to implement those recommendations in the early as possible timeframe.

The Whois review team -- (Wolf) as you mentioned that's clearly tied in with what's going on - on the registrar accreditation agreement. And those two things have to be worked in tandem.

The report is very clear, what's less clear is exactly how those move from recommendation to implementation that is being - that is being worked on. The ATRT in general -- I'm -- it's my impression that the board is following these quite - quite diligently and tracking the implementation.

And Denise Michel is very much dedicated to that. I have been reasonably satisfied with the reporting she's been prod- providing on where we are on each one of those recommendations.

It's a huge lump of work that we've - we've got to get in place to actually follow up the recommendations from all these review teams. But I would like to hear suggestions if you have - have any on how we could be tracking and reporting on these in a more transparent way.

I - I had hoped that those detailed charts walking through the recommendations and reporting on the status would - would cover those off. As for the questions about the - the relations between the board and the staff you're quite correct in saying that in this period as we move to a new CEO and President things have been difficult to say the least.

There's a level of discomfort and insecurity in the staff. The direction from the top has not been as consistent as it needs to be to make the recommendation run well. And that has created a lot of problems.

The board has been playing in - in my personal view a little too hands on, a role with the staff during this period with the intention of trying to make sure that the most important work of the organization stays on track during this - this difficult period.

I -- again I can't say that that is completely successful. I take your point about the linkages not being completely obvious. I had hoped that you would find the presentation of the budget more readily understandable or more easy to follow the links between the domain directions work and the funding.

I would like to hear a little more detail about where you think that's falling down; but I think that (Zahid) has done a good job of - of providing at least the board with a rationale for some of the decisions that are being made in collaboration with the budget committee.

But I'm hearing you might want to say that you don't feel its clear enough, but suggestions on how to improve that would certainly be useful. On the -- and finally on the - the question about the virtual challenges that the - that the GNSO in particular and I guess the CSG even more particularly will face as a large number of brands and corporates become more active through the new gTLD round.

That is -- I'm fully in agreement with you -- that's got to be something that we think start addressing as a community quite soon. It has to be done very much with the full involvement of the affected parties.

And I'm quite committed to see that happen. If the staff makes proposals for how the changes will need to be done, they will certainly not be other than proposals.

We have to get good buy-in from the community and understand the - the solutions that the community itself would put forward to deal with these challenges rather than trying to do this in a top-down manner.

Those are - issues are very much on the Board’s mind, and that is the intention is to work very much with the community to figure out precisely what the nature of the challenges are as we move forward, and what’s the appropriate way to deal with them.

I think I will stop there. I probably missed a couple of points but I’d rather you came back with questions and comments and I can respond to those as well.

Marilyn Cade: Okay, we’re going to take a queue and I’m going to kick this off. It’s Marilyn speaking for the transcript. I’m going to kick this off by responding for myself, and then ask others who are actively involved in looking at the budget to comment and then we’ll go to some other - I think my experience is Xavier is a breath of fresh air.

He’s doing an excellent job. He is - I’m - I am - in the 15 years I’ve been involved in ICANN I think we’re seeing real progress with Xavier and the work he is doing.

However I can’t give you the exact percentage. (Chris) might be able to but I believe it’s something like 60% to 70% of the budget has no detail. So for example we can’t tell what the funding is for the communications plan.

We can comment at an extremely high level, but the level of detail that we need to be able to really participate and provide comments on the budget is still lacking.

I don’t want to take up too much time on the budget, but I just wanted to compliment Xavier and his work from my experience as one of the Chairs, turn to (Chris) and to Steve for any comments they might have about the budget, and then open this up to a queue.

(Chris): Marilyn, (Chris) here. Yes, I would echo what you said and Xavier is a breath of fresh air and we’ve all got a lot of confidence in him. But equally what you said about the detail is correct.

I don’t know what percentage is but it’s very similar to previous years. So what we tend to see is the community saying, “Please can we have more detail in order to comment in a better way?”

And the Board and everybody seems to nod yes and then it doesn’t happen. And I don’t know. I know Bill you’re not on the Finance Committee are you? As far as I know you’re not but...

Bill Graham: No I’m not.

(Chris): No. So it’s the site and you’re, you know, is it the Board don’t want there to be more detail, or is it that the new accounting systems are not fully in place so there cannot yet be more detail?

Nobody’s really answered this. Or from a community point of view where are we going to draw the line? I think this is - my consideration is that there isn’t really a line.

And we’re not asking to know details on the spend of toilet paper in the Marina del Rey office and this sort of thing. And there’s got to be a balance and I think the community and the Board and the Staff - we’ve got to try and decide where that balance is going to be and then work to it going forward. Thank you.

Bill Graham: Thanks (Chris), good point.

Marilyn Cade: Steve, you’ve had a significant look at the budget over a number of - and anything you want to add?

Steve Metalitz: Yes, I don’t think I have much to add to what you and (Chris) have said. I think the process is improving with Xavier but there’s still a long way to go. I do have a couple of other issues when you get back to the queue that I’d like to...

Marilyn Cade: Let me put you first in the queue and then take a queue from others and we’ll tip off with you. But let me take the queue from others who want to speak. So I’ve got...

Ron Andruff: This is Ron Andruff, Marilyn please.

Marilyn Cade: Thanks Ron. So let’s start with the two of you.

Steve Metalitz: Okay, this is Steve Metalitz. So I - just two points. One, on the Affirmation of Commitments we tend to talk about the reviews and then, you know, Denise Michel chart what’s happening with the reviews, and those things are important.

But there are also substantive commitments in the AOC, and one of the points that we have raised in our reconsideration request regarding the .cat WHOIS decision that Marilyn referred to is that we think it violates the Affirmation of Commitments.

And it’s - it puzzles us that this was done on the consent agenda. The Board adopted something different than what .cat asked for. It just seems to have been done with very little attention being focused on it, which I assume the Staff didn’t alert you to the fact that there were some significant issues involved.

So that - our concern about compliance with the Affirmation of Commitments extends far beyond the reviews I guess is the point I would make here.

The other point - I hear - I appreciate what you’re saying about the difficulties in the current period with the Staff and so forth. But - and I guess that raises the question of will there be a new CEO announced in Prague, or what will happen on July - if not, what will happen on July 1 or June 30 when Rod’s contract expires?

I mean, this is probably the question I’ve gotten most from people in my constituency preparing to go to Prague. They say, “Well will we - will there be new leadership announced there?” So do you - is there anything you can tell us about that?

Bill Graham: Thanks Steve. On the .cat issue let me look into that. I’m not able to address that specifically at this point. In terms of the new CEO I guess I can say that yes, there will be an announcement in Prague just before the meeting.

And that is not public knowledge yet. I’d appreciate it if you don’t spread it, although I hardly think it’s going to be surprising to you or anyone else. But yes, there will be an announcement.

There is a transition plan in place. There’s a transition committee of the Board that’s working on this very closely at the moment. I can also say I’m very pleased with the person that we found, and I’m happy to see the contractual arrangements are now in place.

But again I’m probably going a little bit further than I really am permitted to do on that. But I think the question is so obviously critical I feel I need to respond.

Steve Metalitz: Thank you. I appreciate that.

Marilyn Cade: I’m going to go to Ron and then I’m going to put myself in the queue to follow up on something that Steve raised. But I want the members to be thinking about other questions you might want to ask Bill so let me go to Ron. I’ll make a short - and then go back to trying to develop a queue.

Ron Andruff: Thank you very much. Good morning Bill. Thank you very much for getting on this call with us and taking all of this in. Clearly we’ve got so many of us from the three constituencies.

We have a lot of thoughts and issues and I don’t want this to come across as kind of a bitching session insomuch as we’re pointing out a lot of negative things.

But I think it’s really important that the Board understands or that you bring the message back to the Board that there is a lot of frustration on the part of the constituencies, and in this case I’ll speak just for myself because I don’t want to put words in other people’s mouth.

But the - example of the - that Steve Metalitz brought up at the top of this call, the RAA, you know, it’s been going on in the dark for so long now. Why is that?

I mean, it makes no sense whatsoever. Everything in our organization is about open and transparent operations and activities, and that’s what we who are the ICANN community, we who pay our way to come to all the meetings around the world, who spend hours and hours on conference calls, all trying to drive forward an Internet with policies that are really operational on the ground level for people all over the world.

And what’s frustrating to us is that we see things like RAA going on in the dark - no idea what’s going on. We see the Board give the Staff instruction to do specific things and they ignore the Board.

For many of us it’s - the frustration of so many things going on within ICANN and so little respect for the efforts that is put forward by all of the volunteers that make ICANN community function.

It is the ICANN community. So while we’re getting a new CEO and we would hope that he, you know, puts down some very clear operational practices for the Staff that will resolve some of these issues, I just can’t let this call go by without making the comment that many of us in the community feel that all we are is just cover.

We’re the ones that spend all the time talking, debating part of PDPs, blah blah blah, spending hours trying to discuss things and then it goes to Staff and then Staff just basically do whatever they want to do.

So we’re very frustrated by this and really we need to see the Board and particularly the new CEO step up and really, you know, right this ship. We’re listing heavily to the left and to the right, whichever way you want to call it.

But the fact of the matter is we’re not floating in a balanced way. And this frustration is starting to boil over from a lot of us who’s been, you know, ten years in ICANN because we feel like doesn’t matter what we do.

The Staff ultimately will decide what they want to do, and they will just implement it because they will deliver something to the Board that is a half-baked cake that’s half of what we want and is half of what they want and probably more of what they - what the Staff wants.

And ultimately the Board makes the decision on it, and it never seems to fall in the way the community’s looking for it. And so if you look at some of the issues with the ATRT and why we’re saying, “Hey, what’s going on here?” there was a very clear set of processes that were gone through and now a lot of these elements are being ignored.

And I’m not sure where to go with this and again I prefaced it by saying I don’t want this to be a bitching session, but there’s a tremendous amount of frustration from our side.

So I guess I’ll leave you with that and I’ll leave it at that, and happy to respond to anything you might want to say on it. But, you know, I can also understand if there’s no response. Thank you.

Bill Graham: Thank you Ron. I heard loud and clear I think is really all I can say about that at this point. But yes, I do - I hear that frustration quite broadly expressed.

I can assure that it’s not something that the Board is taking lightly, but we’ve still got a fair bit of work to do, and it’s going to take attention from the top to make this work.

Marilyn Cade: Bill it’s Marilyn. I wanted to follow up on Steve’s comment about the ATRT. You know, I would put Denise Michel at the top of the list right up there with Xavier on the excellence of the work that she does.

Really I am absolutely amazed given the volume of work and related to these review teams. I would just say frankly from my perspective looking at the organization, the COO is totally missing in action as far as I can see - his influence, his presence, his availability and helping to run the organization and this is a very critical time.

During transition Staff often get nervous and start looking around, and think that maybe they will be axed or fired without due notice. And we run the risk of losing some of the Staff who are most knowledgeable at the functional levels.

So I’m not talking - not concentrating on senior Staff. I’m concentrating on the people that really do know the organization. I would say if you - probably 40% to 45% of the Staff are so new that they don’t know the organization at all.

And the ATRT is an example of where Staff are asked to write reports. Some of them write them. I would - I’m not trying to peer under the veil of who’s managing whether or not people do their reports.

But what we’re getting are a list of projects as opposed to real changes and implementation activities that are consistent with both the spirit and the action that is expected by the community in the ATRT recommendations.

So, you know, I think that’s what you’re hearing from at least me and from others. Yes we’re getting a good list and it may be the best list that can be drawn together.

But if the Staff don’t understand and embrace the role of the community then I think we really are faced with - I agree with Ron’s comment that increasingly those who participate in the organization feel like we’re cover and we feel like the organization is listing heavily to the ALAC, to the fellowship program and not perhaps really understanding the importance of building equally for stability purposes.

I will say now that I would like us to talk a little bit about the role of the GAC and the involvement of the GAC and its importance maybe as one of the topics that we get to, because I think the fourth topic was really about what are the internal risks and the external risks.

And I’d like to add the - a discussion about the importance of interacting with the GAC to our list of topics.

Bill Graham: I’d certainly welcome that Marilyn. As you probably know I’m one of the Co-Chairs on the Board/GAC Committee looking at implementing the ATRT recommendations on GAC/Board interactions and the role of the GAC.

So that’s something near and dear to my heart so I’d be very happy to engage in that. I do take your point very seriously about the Staff. Two points I heard there - one is the danger of losing critical expertise and corporate memory at a - in a time of transition.

And the Board has been meeting with Staff, communicating with Staff to try and reassure them that they are valued and are being - their interests are being well considered and we hope safeguarded during the transition, that we don’t - we do not want to lose critical people.

Secondly, in terms of the understanding and whether or not there’s a full embrace of the role of the community at the Staff level, that to me is not just a Staff question.

As you know the entire model of - in ICANN is based on the role of the different communities and Stakeholder Groups. I think personally there’s - the level of understanding of how that works is in ebb and flow.

At this point I think it may be - has been going through a - an ebbing period because I’m - I hear more and more from a number of different groups in the community including the GAC I would say a misunderstanding of the role of the community vis-à-vis the Board in particular.

And I think that’s something that we need to really concentrate on correcting, because I’m a strong supporter of the community playing its - playing a central role in the development of ICANN’s policies and really serving as a - as the way that work gets done rather than being done by Staff or God forbid done by the Board.

So yes, that’s certainly an area that needs work and so I hear what you’re saying. I would identify that as being a priority of my own as well. But happy if - when we get to the fourth topic to talk about the role of the GAC.

Marilyn Cade: Okay. I had a turn to Tony Holmes who I think has been able to join us.

Tony Holmes: Yes thanks Marilyn. I’d just like to ask Bill - that last issue that you raised, one of the things that I think is essential is that when we get the new CEO that we have a dialog from the community and that the Board are well aware of the need for that community and can maybe help us initiate it at a very early stage.

Bill Graham: That’s absolutely a priority for the new CEO. The Board will be quite forceful in making sure that happens.

Marilyn Cade: Hey, I’m going to open a queue back up and I’ll put you back in the queue. But I want to - there’s a number of folks on the call who may want to ask Bill a question and then I’m going to move us to the fourth item, because I think we’ve kind of talked about the - we haven’t talked in detail.

We’ve acknowledged that the announcement of brands and commercial applicants will make a difference, and maybe we should talk a little bit more about some of the thinking that we’re going through Bill.

We’ve acknowledged it is a challenge but I think at this point that’s sort of where everyone is. But maybe I would open up a queue on that particular topic if anyone wants to say anything in particular on that topic.

Tony Holmes: Marilyn it’s Tony. Could I just add that I’m in a fairly noisy environment so I’m going to remain on mute as much as possible. Thanks.

Marilyn Cade: Thanks Tony. If I - then I’ll just give a quick report. The BC will - the x.com and Credentials Committee of the BC will have a working session Bill, and we’ll be then presenting ideas of the different examples of who we think may be coming to ICANN and looking for a meaningful place to work.

We are interested in - for now in maintaining the ability for the business user community to have a distinct role as it does today, and yet we also realize that the entities that are operating strings are going to want to participate meaningfully in the Contracted Party House.

So we also have a discussion coming up with the x.com of the x.com to x.com discussion with the Registries - all very preliminary and just beginning to think this through helped by the publication of the 1950 strings or ever how many there were there.

But it’s very much a topic that’s I think percolating in all three of the constituencies, and I’ll just pause and see if anyone wants to add anything to what I’ve just reported.

Steve Metalitz: Yes, this is Steve Metalitz. Yes I think this is a big issue and we found out in the last two or three hours how big an issue it is. There are hundreds of .brand applications in this - in the mix and there’s going to be a long-term issue, which I think Marilyn has sketched out.

But there’s also a more immediate issue, which is that applicants - entities that are applying for new gTLDs do not really have a home in the ICANN structure.

They’re not accepted in the Registry Stakeholder Group until they’ve actually - till actually I think - and correct me if I’m wrong. I think it’s until the string is delegated so it’s not even when they sign a contract so...

Marilyn Cade: Sorry Steve. They’re able to just be an observer but it - there is an approval process.

Steve Metalitz: Okay.

Marilyn Cade: But they’re - they don’t have a vote. They’re only able to be an observer.

Steve Metalitz: Right. So there’s a problem, you know, the longer term problem is once they all get in how does that, you know, the current Registry Stakeholder Group structure discriminates against .brand applicants very markedly.

But even before that we’re going to have a long, you know, implementation period and there are issues that these applicants, many of whom are now participating in the IPC, now participating in the BC, they - they’re going to have some concerns that aren’t necessarily the concerns of the IPC or the BC as a whole.

So I think there needs to be some way to structure that and that’s kind of an urgent question. It’s really how will those voices be heard over the next, you know, 6 to 12 months?

Marilyn Cade: Anyone else want to comment on that? I guess I’ll just add one thing and I think applicants look different. Some of them are basically working primarily at the front end and using an existing party consultant or existing Registry at the back end.

But to Steve’s point there’s a lot of applicant questions. Those applicant questions are not necessarily core to the rest of the work that ICANN needs to continue to do, although it’s vital.

There is a risk that the new gTLD program will suck all of the air out of the room and the rest of ICANN’s priorities will go wanting. And so I would just reinforce the question of the short-term issues of interacting with applicants.

And then the longer-term issues for us of maintaining relationships and policy interaction with what may be a very, very large number of brands who arrive at ICANN and the organization in my view is totally unprepared for the arrival of - suddenly of a large number of corporates.

That’s just my own personal experience from working with corporates, but I think it runs - it does bring a risk. So that brings me to Item Number 4, which is what do we view as internal risk and external threats?

I just mentioned one and that is that the organization is not prepared for dealing with this vast number of very, very different people than have participated in ICANN before.

I’ll mention one other. To me that is the ongoing external challenges that we are seeing that to me are very apparent, and that is different other organizations wanting to take over some of the functions that ICANN is responsible for and in some cases using failures or inadequacies that are perceived by governments or by others within ICANN as a justification for trying to propose some of those moves. I know Bill Smith is on the phone. So is...

Aisha Hassan: Marilyn, I’d like to get in the queue. It’s Aisha.

Marilyn Cade: Thank you Aisha. I was just checking to make sure you were on. Do you want to...?

(Phil): Marilyn, (Phil) here. I’d like to get in the queue as well.

Marilyn Cade: So I’ve got Bill, Aisha and (Phil). Anyone else want to speak on this? I think Tony you probably will want to so you let me know when you’re able to come back.

Tony Holmes: Yes, if you could add me Marilyn I’ll separate for it. Thanks.

Marilyn Cade: Okay. Aisha do you want to kick off and then I’ll turn to Bill and (Phil)?

Aisha Hassan: Sure. Bill this is Aisha Hassan from the ICC for the transcript.

Bill Graham: Hi.

Aisha Hassan: Picking up on what Marilyn has outlined as the external threats in the landscape and the dynamics that we see playing out in other processes and organizations and movements to leverage in certain people’s views deficiencies in ICANN, I would like to say to you you are one of the Board members that, you know, you understand the landscape and have worked in it for many years.

I would think that from my memberships perspective it’s very important that the Board as a whole and the leadership in Staff are very aware, especially at this time with the transition in the leadership, especially at this time with the new gTLD program progressing that being aware of that external threat and managing it at various levels around the world is going to be critical.

The strengthening of areas that have been identified by some as being deficiencies and demonstrating attention to those areas will be critical as well.

And it will also allow for many, many members in the community and stakeholder groups to support ICANN even better in the threats that are out there externally. But I think as a whole the organization needs to be very cognizant of what those threats are. And have constructive ways to respond to those threats in a positive way.

Another thing that I would just mention is that the point that Marilyn had brought up about the GAC. That is a piece of the whole puzzle, as you know, and I think that it is very important for the whole structure and the community to understand how the role and the evolution of the GAC - the communication with government representatives at various stages on various issues - is very important to all of our interests and objectives.

Thanks.

Marilyn Cade: I’m actually going to come back to you after we hear from a few others and ask you to speak maybe in a little bit more detail about the experience that you and I and some of our other colleagues had during CSTD.

Woman: Certainly.

Marilyn Cade: Bill?

Bill Smith: Bill was Bill Smith?

Marilyn Cade: Yes.

Bill Smith: So externally the issues for me are - well the issues are not necessarily clear. The entity is clear. But the entity is the ITU and the micro states that participate there. And the fact that, you know, there are those who would like the ITU to take over at least some of the responsibilities of ICANN and IAM.

PayPal certainly is not in favor of those changes working to keep things the way they are. I think the best thing that ICANN can do really is to participate as a - in the process - participate in the process but without, I guess, becoming too involved and meshed.

So on the one hand I actually think ICANN is doing that right now especially with Nigel coming on board and participating. And I think it really is up to others in the community to fight ICANN’s battle. What ICANN can do to help with that is just to make sure everything runs as smoothly as possible.

So the glitch - the task system, was most unfortunate I would say. So basically find a way to stay out of the news with bad news. And just do what ICANN is supposed to do. I think playing up the GAC is a very good thing. Doing stuff there and living up to the AOC. It’s a public promise, an international promise. And if ICANN can do that then the rest of us can point to that and say ICANN is doing what it said it will.

In terms of, you know, sort of the specifics, that’s unclear I think or is murky. And there are those of us that are going to do the best we can to point out the problems with all of each and every one of the proposals that are coming in. So just - basically my message is - keep us in the loop. Let those of us who are doing this know if there are any issues that are coming up. It’s really bad for us to be surprised and I think we are all going to do the best we can for you guys.

That’s really my thing. That this is a (unintelligible) issue and that’s not going away at the end of December. It’s going to continue into WTPS.

Marilyn Cade: And I echo everything Bill said and turn to Phil Corwin.

Phil?

Phil Corwin: Yes sir. I had my mute on. Can you hear me now?

Marilyn Cade: Yes.

Phil Corwin: Good. Okay, yes - Phil Corwin and I participate in the BC on behalf of the internet commerce association.

These remarks are personal and I think they are at odds with anything that has been said or whether constituencies stand. The issue I wanted to raise - and I’ve written an article about this stuff - is the fact that the board is having no more public meetings. And I could make an argument for or against public meetings at the three - of the board at these three public meetings ICANN holds each year.

Although I do think it served ICANN very well to have public debates and votes on controversial items like Triple X and like initiation of a new GTOD program at the vote in Singapore that I think if you consider how that would have worked if that had been done in a closed-door meeting at some other time or place I think ICANN is much better off.

I did write an article proposing that ICANN - stating that I thought ICANN was the - the board was moving in the wrong direction on transparency which is one of its major commitments of course. That there seems to be some cognitive distance between having everything else at ICANN open - webcasts, full transcripts available within 24 hours. And yet at the critical top level of the ICANN structure, there’s going to be less transparency than ever before. There are no transcripts ever released of the board meetings.

I believe there should be transcripts that are then for a narrow category of rejected items. And frankly the minutes that come out of board minutes - they come out weeks after the board meetings and they are very they really don’t give much detail on critical issues.

And finally on the issue of transparency - there was a period where the GAC head opened up quite a bit and was holding most of its meetings in public. But I noted in San Jose and again looking at the schedule in Prague that most of the GAC meetings are closed. And again -- with the increasing importance of the role of the GAC - I think that’s a step in the wrong direction for the overall transparency of the organization.

So to conclude, I think that if ICANN is entering a period, where there are efforts by others, perhaps, to assume some of its function. Where even if 90% of the new TOD applications proceed without controversy or dispute, the media will focus on the small percentage that become very contentious that it’s important for ICANN, particularly at the board level to be more transparent, because overall I think that strengthens ICANN’s perceptions in the public view. And that strengthens the organization overall.

Bill: Thanks Phil.

Marilyn, can I respond to equate to specifically the issue of public meetings?

Marilyn Cade: Of course. And then we will go to Tony. Why don’t you go ahead Bill and then we will go to Tony and see what remaining comments people have.

Bill: Yes, Phil, I just wanted to clarify that the board has decided to have no more public meetings for what - we are extremely aware that It’s valuable to hold public meetings when there are important or controversial issues being decided in a way that we did identify the Triple X and the new GTO the program.

Those things will not be done in behind closed doors. The notion is to avoid what - what I call the contempt board meetings where there are no controversial issues. There’s no disagreement on the board and we simply read the resolution aloud and vote on it.

We did talk to a number of people obviously before making the decision to do this on a trial basis. And there was general agreement that those kinds of meetings were not particularly useful. So we will be having an expanded interaction with the community both on the first day and on the last day of the meetings.

Where there are issues that have been the subject of a lot of discussion and controversy in the community or where there’s disagreement in the board that raises issues that any board member wants to bring out in front of the community - there will still be a board meeting.

It seems to me, again speaking personally, we are going to have a period where we need to insure that what we identify as being non-controversial and not therefore needing public needing to expose everyone’s position actually corresponds with the communities’ view of that.

We may here either on the side of having too many meetings or having too few meetings. But I hope you would agree that simply reading text into the record and having an all eyes vote isn’t really accomplishing much. We’d be better - we feel we’d be better spending more time in direct interaction with the community.

So I did want to clarify, yes, there will still be board meetings. They will just be more focused and I hope more topical.

Phil Corwin: Bill, very quick response.

It’s good to know that there may be future public meetings. I agree that sometimes it wasn’t worthwhile at the meetings at a pre-choreographed feeling I would say from a logistical viewpoint for those of us who take a great deal of time and expense to go to these meetings. If there’s going to be a public meeting it needs to be announced frankly at the time you open up the venue and that type of thing.

Because, for example, for Toronto - it makes a significant difference in booking hotels and planes where there are not - the board decides is going to be a Friday morning board meeting. It’s not something you want to announce a week before the meeting starts when people have made all of their arrangements.

We generally - while I wasn’t making a strong case for public meetings of the board at every ICANN meeting, I think it would be good for ICANN to have more transparency generally about what goes on at the board meetings again. There are no transcripts available and the minutes come out weeks later and are fairly general and not very detailed. But thank you for the response.

((Crosstalk))

Bill: I do take those comments and I agree that there can be improvements there.

The other thing we have been talking about with the board meetings is if we do need to - if we do have a public meeting, it’s not very likely to occur at the beginning of the meeting rather than at the end of the meeting. Because the general goal is not to take rushed decisions.

So matters that need to be - that we would want to have at public board meeting about to encourage discussion and so on and expose the different views on the board are much, much more likely to happen at the beginning of the meeting rather than the end. Thanks.

Marilyn Cade: I’m going to turn to Tony, but I’m just going to make an intervening comment.

I want to reinforce the timing issue, Bill. But I would also like to note that in fact there was not adequate consultation with the elected leaders before the decision was taken. And the decision impacts the community. It impacts the reputation that ICANN has.

I understand that there may have been a - that the motives were good. But I will note that originally as share indicated there would be two interactions with the community and neither one of those are on the public schedule. So, it might be helpful to - I see an announcement from Steve saying there will be one opportunity not two on the webpage.

But it might be helpful to just check and see if it’s possible to update the schedule because all of us are scheduling competing meetings and its possible the board may be assuming that the community will show up on Monday afternoon or on Thursday afternoon. And if it’s not on the schedule people may have booked other things.

Bill: Point taken, thanks.

Marilyn Cade: Tony?

Tony: Yes, thanks Marilyn.

Bill, you’re aware more than a lot of people that the push or the for ICANN, it isn’t going to end so WGSA or (unintelligible) or even WPTF that scheduled sessions that have been set out and programmed by the ITU takes us way out to 2015 and beyond so this is not going to go away at any stage.

And one of the scary things is that - although we need to tackle how we work with the GAC and interact with them - that isn’t going to solve this in terms with relationships with governments because so often, in the case of many administrations, the people who are involved in these discussions in ITU. They don’t even seem to work well with the people they’ve got representing them in GAC in many cases. And there is a real threat from that.

For me I think we lose sight of the fact that there are others looking in at ICANN so often. And one of the issues we talked about earlier was the impact of the GTOD program on the constituencies. I think it’s a broader problem than that. I think it impacts the whole way ICANN develops policies anyway. And having been involved in ICANN since the early days there’s been very little change in the actual structure and the way that we handle policy development.

But the world has changed fundamentally and I think the time has come where we actually need to look at how we are standing up to some of the changes that have occurred over the last decade. And probably there are some fundamental issues there where if they are tackled the right way you can get much broader engagement and you can take away all of the arguments that have been levied against ICANN as being not the right place to have these policy process developments made.

So when we actually get into some of the detailed discussions that are going to occur in Prague, if we can keep that in our minds I think it will really be helpful. And also for the board to actually be aware that the world is looking in and it isn’t just the ICANN community and how it is perceived outside. That’s the bit we really need to crack I think.

Bill: Yes I agree with you Tony. Thank you. And I can assure you we are looking - we’ve been discussing with staff and obviously with the global relations committee a timeline extending out to 2015 and beyond so that is on the radar. And we are working on developing a long term strategy to try to deal with that and find the best ways to interact.

So referring back again to Bill Smith and Aisha’s comments and Marilyn...

Tony: What would really be good Bill is as you develop that strategy to go out to 2015 as part of that - if we could have an ongoing dialogue with the community so that we can all work together on that. And actually have a plan that we can all buy into and support probably in a better way than we do currently, that would be a great step forward.

Bill: Agreed. Yes, thanks Tony.

Marilyn Cade: I’m just going to ask Aisha to come back on a comment but Bill for the past three meetings and our interactions with CSG, with the board, be it a specific topic. I see that to the board particularly because of the presence that the participants in these three constituencies have.

We are not alone in that presence. The technical community has strong presence. Representatives from several societies do as well. But, you know, I think that I just asked Aisha to speak for a bit perhaps about the experience we encountered at CSTD.

There is so little linkage that the friends of the internet governments are typically are friends wherever we find them but there is very little linkage across ICANN in how we understand how to be effective collaborators in the additional where (unintelligible) are being identified.

And Aisha and - was just a long with others - we are just in Geneva for two weeks and maybe might say something about what we are seeing and merging in some of the parallel paths.

Aisha Hassan: Certainly. Aisha Hassan, ICC.

I think what we are seeing - it was very clear it’s a message that we’ve been hearing in some shape or form for the past several years that there are certain concerns about ICANN, it’s relationship with a particular government and its location and jurisdiction in the US, that are of concern to certain countries. So that was something that was very clear.

It’s also very clear that certain countries are present there as we’ve talked about in the context of Bill Smith’s comments and my own and others that there’s a search for alternatives. And I think that it also comes through that certain governments feel very comfortable in certain other environments where they are used to participating.

And what I guess the landscape I see ahead is there is the need for a real alarm bell, not just for ICANN but for the community to understand that the shopping is going on to find those alternative spaces where it would be just intergovernmental participants and that would mean that the rest of the community was not a part of it and so the message is how do we keep strengthening the multi-stake holder model of ICANN to be as inclusive as possible. And respond to some of the areas of concern.

Marilyn, I hope those were the things that you wanted me to say from the long hours we spent in that process.

Marilyn Cade: I would just add one thing to what you said. And that is -- to me - and I think too many in these three communities, the IGF -- the Internet Governors Forum -- is an essential organization to ICANN. And I personally would like to really see much more concentrated support and endorsement of that concept because many of the governments that are shopping - some are hostile to the multi stakeholder model and others are just looking for help.

And so Bill, the strategy to reinforce what others have said - I think that strategic discussion needs to involve, not just the staff and the global partnerships board committee, but also those who are facing these challenges externally and maybe we could just leave that as a question and see if anyone wants to have the final - a final question for you or final comment before we turn to you for any wrap up comments you would like to make.

Anyone on the call want to ask Bill a final question?

Hearing none, Bill, are there comments you would like to make in closing?

Bill: Thanks Marilyn and thank you all for taking the time and providing me with a very good conversation, a very good outline of what your priorities are. This is extremely useful to me.

I think what I’m taking away from this as a kind of meta point is that we need to do more, both at the board level and at the staff level, to insure that there’s early and open communication with US stakeholder group. And that that has not been going on to a level that you believe is satisfactory and you have made it very clear that there is a level of frustration building up that the transparency, and to a certain extent, the accountability mechanisms are not yet working well. And we still need to do a lot of improvement on that.

I personally completely agree that these are critical aspects of the ICANN model and things that we do need to improve. I see the on boarding of a new CEO as being a critical opportunity to move forward on that because we, again, have an opportunity to really emphasize the importance of reaching out and taking advantage of the freely offered resources from the stakeholder groups.

So I think that that’s the major kind of Meta point I’m hearing. I’ve taken notes of a number of specific issues pertaining to the RAA obviously to the ongoing new and continuing creativity and new GTOB issues as we actually now are heading into the implementation process concerns. But the ATRT review team recommendations and how those are going to be implemented.

And particularly in the last few minutes, concern about the external ad handles and the internal threats to the organization. I think I - actually I have to say as someone who participates very actively in the board global relations committee as an observer since the membership is limited in numbers, we probably have not been paying enough attention yet to bring this out for public discussion. And I’ll make sure that that is brought forward because you’re exactly right.

I mean a lot of you are much more expert than staff in these areas and we need to be - need to be working with you. Some very good points on how we deal with some of those threats. And I particularly thank Bill Smith and Marilyn for comments there and Tony as well. These are all excellent points that we need to be working.

I don’t know if ICANN with the community but ICANN as a member of the community in terms of addressing the external threats. So I think that’s my feedback on what I’m taking away from this. If there are any last minute comments on that I would be happy to hear them but in general and in closing I really do appreciate you’re taking the time and I take on these issues as something I’ll try and move forward with.

Thank you.

Marilyn Cade: At this point I’m going to just allow everyone to thank Bill for joining us and remind all of us that Bill and Bruce Thompson will also be joining these three constituencies on Sunday morning in Prague.

We’ll work on a - an agenda for that as well and Bill we will try to have breakfast for you and for our members there since it is an early morning Sunday meeting. But let me ask all of you to join me in offering a round of applause and thanks and appreciation for Bill so that the transcript can show applause.

Group: Thank you.

Bill: Thank you very much I really appreciate it. I’ll see you all in Prague I hope.

Marilyn Cade: See you there.

Coordinator: Thank you. You may stop the recordings now.

END