

**Transcription ICANN London  
IPC  
Tuesday 24 June 2014**

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Kristina Rosette: Good afternoon everyone. This is the Intellectual Property Constituency meeting. I apologize for the late start. I didn't anticipate that the room was going to be booked until literally our start time.

So if you'll bear with us for a minute we're getting the remote participation all set up. There are still seats at the table. I would ask that IPC members and designees have preference for those.

But you should certainly feel free to sit at the table in large part because although I do have many mother skills, one of them that I haven't developed yet is the eyes in the back of my head. So I'm not necessarily going to be able to see if you want to speak. And I'm going to work on that.

Actually while we're getting ready to go ahead and get started, I guess what we could do is have folks just very quickly introduce themselves; name, affiliation and whether or not you're an IPC member. Phil, if you wouldn't mind starting.

Phil Morano: Phil Morano, IPC member, Katten Muchin Rosenman.

Griffin Barnett: Griffin Barnett, Silverberg, Goldman & Bikoff; IPC member.

Marc Trachtenberg: Marc Trachtenberg, Greenberg Traurig, IPC member.

Michael Adams: Michael Adams, Mayer Brown, IPC Treasurer.

Brian Winterfeldt: Brian Winterfeldt, Katten Muchin, IPC Counselor to the GNSO.

Heather Forrest: Heather Forrest, Australian Catholic University, IPC member.

Luca Barbero: Luca Barbero, (unintelligible) Barbero, IPC member.

(Ron Rosby): I'm (Ron Rosby), (Gucci), IPC member, (unintelligible).

Man: (Unintelligible) from (unintelligible) (Hong Kong). I'm not IPC member. Just a concerned individual.

(Rolanda Lunca): (Rolanda Lunca), Information Management Advisor and Consultant on (cyber crime and substantive) issues including Internet (property management).

(Istoff Licour): (Istoff Licour), (unintelligible), IPC member.

(John Wite): (John Wite), (CBC Inc.), IPC member.

(Ashee Redon): (Ashee Redon), (unintelligible).

Jennifer Scott: Jennifer Scott, Manager, ICANN Contractual Compliance.

Maguy Serad: Maguy Serad, ICANN Contractual Compliance.

Steve Metalitz: Steve Metalitz representing IPC member (coalition) for online accountability.

Kristina Rosette: Kristina Rosette, Covington & Burling, IPC member.

(Anna Terrosi): (Anna Terrosi), ICANN staff.

(Patrick Forsithy): (Patrick Forsithy), IPC member.

Jonathan Askin: Jonathan Askin, ISOC New York, not an IPC member.

Anne Aikman-Scalese: Anne Aikman-Scalese, Lewis Roca Rothgerber, IPC member.

(Tom Farrens): (Tom Farrens), (unintelligible) U.K. Curious trade marketer.

Jonathan Cohen: Jonathan Cohen, Shapiro Cohen, Ottawa; IPC member.

Russ Pangborn: Russ Pangborn, Marksmen, IPC member.

Michael Graham: I'm Michael Graham, Gnosis, IPC member, soon to be (Expedia).

(Martina Netance): (Martina Netance), IPC member representing (unintelligible) European community trade market decisions.

Woman: (Unintelligible), IPC member.

(Peter [DurambarkDernbach](#)): (Peter [DurambarkDernbach](#)), ([WinthropWinkler](#)) Partners, IPC member.

(Natalie Dreyfus): (Natalie Dreyfus), IPC member with (unintelligible) (Dreyfus).

Linda Kinney: Linda Kinney, IPC member, Motion Picture Association.

Alex Deacon: Alex Deacon, Motion Picture Association and IPC member.

(Tina Discanal): (Tina Discanal) from (unintelligible).

(Jenny Sasgram): (Jenny Sasgram) from (unintelligible).

Tim Lince: Tim Lince, Reporter for World Trademark Review.

Trevor Little: Trevor Little, also World Trademark Review.

Man: (Unintelligible), Trademarks & Brands Online.

(Jorge Has): (Jorge Has), Legal Community Dutch Association of Registrars.

Man: (Unintelligible) from (unintelligible) Innovation Center.

(Andrea): (Andrea) from Indonesia.

Woman: (We're going to) set the intellectual policy at (unintelligible) U.K.

(Robin Masolo): (Robin Masolo), (CCKK9), Intellectual Property (expert).

(Bob Keating): (Bob Keating), Barcelona, Spain (unintelligible).

(Patrick Shawnly): (Patrick Shawnly), IFPI, IPC member.

Gareth Dickson: Gareth Dickson, Edwards Wildman in London, non-IPC member.

Sam Fuller: Sam Fuller, ICANN Manager at SafeNames. I'm an IPC member.

(Sanya Bull): (Sanya Bull), non-IPC member and account manager (unintelligible).

Man: (Unintelligible) (Brad's) Consulting, IPC member.

(Nevin Chalem): (Nevin Chalem), (unintelligible).

(Mark Lacher): (Mark Lacher), Reed Smith, New York, IPC member.

(Simon Tennis): (Simon Tennis), non-IPC member. (IT) attorney at (Sapara).

(Lisa): (Lisa) from Singapore, Corporate Lawyer, non-IPC member.

(Roger Kramers): (Roger Kramers), University of Oxford, non-IPC member.

(James Clark): (James Clark) from (tech) ICANN, non-IPC member.

Yan Agranonik: Yan Agranonik, ICANN Compliance, Contractors Compliance.

Zuhra Kasap: Zuhra Kasap, ICANN Contractual Compliance.

Man: (Unintelligible), non-IPC member.

(Stephania Requir): (Stephania Requir), (unintelligible), non-IPC member.

(Marian Anu Perez): (Marian Anu Perez), non-IPC member.

Alexander Schubert: Alexander Schubert. You probably know me as applicant for TLD. But I'm also a Consultant for Domain Name (acquisition) and I would like to become an IPC member.

Man: (Unintelligible), (Deloitte), non-IPC member.

(Jimmy Rothman):(Jimmy Rothman), (Deloitte), gTLD Evaluation Services, non-IPC member.

Lewis Whiting: Lewis Whiting, Stobbs, non-IPC member.

Man: (Unintelligible), IPC member.

(Cheryl Alkire): (Cheryl Alkire), non-IPC member.

(Larg Dee): (Larg Dee), non-IPC member.

Woman: (Unintelligible), non-IPC member.

(James Madison): (James Madison), Managing Intellectual Property, not an IPC member.

Ashley Liu: Ashley Liu, ICANN Contractual Compliance.

Selim Manzak: Selim Manzak, ICANN Contractual Compliance.

Kristina Rosette: Could the folks who've dialed in identify themselves?

Greg Shatan: Greg Shatan, Reed Smith, New York, IPC member.

Glenn Deen: Glenn Deen, NBC Universal, non-IPC member.

(Diane Shawn): (Diane Shawn), MBA, IPC.

(Ebony Closs Price): (Ebony Closs Price), non-IPC member.

(Natasha Shawma): (Natasha Shawma) from Detection (unintelligible).

Man: (Unintelligible), Partner of (John Stay) in Munich.

(Sharon Goodman): (Sharon Goodman), (POS music).

(John Morelofoniac): (John Morelofoniac), Ministry of (ITT), Qatar.

(Tracy Ahn): (Tracy Ahn) from (Elite) London.

(Chris Olfan): (Chris Olfan) from (Elite) London, non-IPC member.

(Clare Oncay): (Clare Oncay), (The Publishers) Association.

(Lewis Embobwich): Lewis (Embobwich), (IP) Law Professor from Serbia, not a member.

David Carson: David Carson, IFPI, IPC member.

(Cheryl Sheree): (Cheryl Sheree) from (Thomas) and (Timberbrook), non-member.

(Erin Smiver): (Erin Smiver) from (unintelligible), no member.

(Mark Witty): (Mark Witty), SafeNames, non-IPC member.

(Mark Gradupey): (Mark Gradupey), head of (IPS SafeNames), non-IPC member.

(Eva Starling): (Eva Starling), (select participant in) (SafeNames), non-IPC member.

(Sanda Chi): (Sanda Chi). I'm from (Challenge National Images), non-IPC member.

(Kitty Sanwanche): (Kitty Sanwanche) from (unintelligible) and Partners, Hungary, IP Lawyer  
and non-IPC member.

(Lena Po): (Lena Po) from Hungary from (unintelligible) and non-member.

(Anne Kinney): (Anne Kinney), (unintelligible), non-IPC member.

(Dixie Sheckler): (Dixie Sheckler), RIA, IPC member.

(Martin Kushental): (Martin Kushental), (unintelligible), non-IPC member.

(Mahim Delage): (Mahim Delage), (unintelligible), non-IPC member.

Kristina Rosette: Is there anyone in the room who hasn't had a chance to identify himself? All  
right.

((Crosstalk))

Man: ...IPC.

Kristina Rosette: We have a couple more seats at the table here. I have asked (unintelligible) staff to bring in some more chairs to kind of fill in the middle. I think if I could possibly ask whoever owns that purple bag to put it on the ground so that someone could sit. That would be great. And we'll be getting started momentarily.

Jonathan Zuck: Jonathan Zuck from ACT and member of the most popular constituency in ICANN.

Fred Felman: Fred Felman, MarkMonitor, IPC member.

Faisal Shah: Faisal Shah, (unintelligible), non-IPC member.

Fabricio Vayra: Fabricio Vayra, Time Warner, IPC.

Ty Gray: Ty Gray, non-IPC member.

(Austin Beck): (Austin Beck) (unintelligible), Munich, non-IPC member.

Frank Cullen: Frank Cullen, U.S. Chamber of Commerce, Intellectual Property Center, non-IPC member.

Kristina Rosette: Can we have the folks on the phone - oh, go ahead.

(Amy Gesner): (Amy Gesner), BMW, non-IPC member.

Kristina Rosette: All right. Can you have the folks on the phone identify themselves?

(Susan Payne ~~B. Valadayas~~): (Unintelligible) me as well. I'm ~~(Susan B. Valadayas)~~ Susan Payne, Valideus, IPC member.

**Comment [1]:** Susan Payne, Valideus, IPC member.

Paul McGrady: Paul McGrady, ~~Westminster~~ Winston & Strawn, on IPC member.

**Comment [2]:** Winston & Strawn, IPC member.



(John MacRoy): (John MacRoy), (Nelson) (unintelligible), IPC member.

(Adam [CohoScoville](#)): (Adam [CohoScoville](#)), RE/MAX, IPC member.

Kristina Rosette: All right. Excellent. Wow. I think we could be done with our outreach right now if everybody filled out a membership application. So Marc Trachtenberg, would you mind kind of waving your hand? Marc is the Chair of the IPC Membership Committee. You - okay. Volunteer.

And he's the Chair of our Membership Committee and I'm sure that he and all the other IPC officers and members would be delighted to answer any questions you may have about becoming an IPC member.

Our online membership application is acceptable through our Web site, [ipconstituency.org](http://ipconstituency.org). I'm going to run very quickly through the agenda and then we'll go ahead and get started because we're already unfortunately a little bit behind.

First we're going to receive a briefing from ICANN Compliance followed by a briefing from the Global Domains Division, a briefing on the GNSO review, an update from the Trademark Clearinghouse. And then we will move into discussions about our talking points for the NTAG new gTLD session tomorrow. We'll talk a little bit about membership outreach.

I understand that IPC members who are members of the SCI Working Group need some guidance and instruction from us. I suspect that there are some GNSO Council motions for which our Counselors would like some guidance.; and finally, the joint statement of accountability that was referenced earlier in our CSG meeting this morning. If we have time, we will move to any other business.

So without any further ado, I'm going to turn the floor over to Maguy Serad from ICANN Compliance and her team.

Maguy Serad: Thank you Kristina. I think this constituency group has grown much faster than the compliance team.

Woman: (I think you're right).

Maguy Serad: Yes. I know. Just a time check. We're supposed to be here for 30 minutes. You want us to still respect that or - twenty? All right. Thank you.

Good afternoon everyone. Maguy Serad from Contractual Compliance. With me in the audience you heard them introduce themselves but I'll ask them to raise their hands, no more introduction.

But we also have some other staff members sitting in with the Board supporting the Board for the Registry Board, the stakeholder group discussions and any other Board discussions.

What we - I'll go today to give you a very high level update. Twenty minutes is not enough to discuss a lot of things that you bring to our attention. We'll give you high level update related to your area. We do encourage and invite everyone please, and I do mean it by saying please, tomorrow, Wednesday, we have a compliance outreach session at 9:30.

It's open to all. It's a very good forum that will have everyone represented; ALAC, registrars, registries, everybody's there. And we usually have some representation from IPC. It's a group forum to dialog. So with that, next slide please. Next.

All right. Since we last saw you in ICANN 49, since we all got lot of new contracts in effect, so ongoing efforts to bring our contracted parties into alignment and readiness.

Compliance now that we have stabilized our systems processes and metrics, what we've started doing is launching what we call a quality process. And you'll get a more update on that from Jennifer. And the quality process initiated with Whois inaccuracy, which is near and dear to this audience.

We contribute - continue to contribute to the policy and the working groups and we just completed (year two) audit program. Again, more details will be provided tomorrow. And we can take some questions at the end. The other effort is completed - the new registry agreement, audit plan and outreach. We target to launch that in July. Next slide please.

I will leave those slides with you, this slide and the next one. It gives you some start on complaints that we receive in both areas, registrars and registries, since ICANN 49.

What I would like to remind this audience is when we speak of complaints, it's not necessarily all external. We log them ourselves. Compliance does very proactive monitoring. Monitoring is the Web site, the blogs, the Twitters but also monitoring through our technology and tools to ensure compliance with the contracted parties. That effort - we strengthened that effort now that we have a stronger team also. So next slide please.

Registry complaint process it's relative new. And it's ramping up. Most of the complaint types we address here are related to non-compliance with the new registry agreement and all that was translated from several monitoring efforts that the team conducted. Next slide.

With that, I'm going to turn it to Jennifer for very high-level update that concerns this audience.

Jennifer Scott: Thank you Maguy. Jennifer Scott, ICANN Contractual Compliance. Respect the time and just hit the highlights here. (I'll give you) some of the lessons learned by ICANN with regard to the registrars since ICANN 49 as they

continue to sign on to the 2013 registrar accreditation agreement or RAA. And today we'll focus on the Whois inaccuracy and the abuse handling report. Next slide please.

ICANN has seen a lot of effort by registrars recently to align their efforts with the Whois accuracy program specification in the 2013 RAA. The specification requires that registrars both verify and validate Whois information for new and transferred registration as well as those that have changed the registered name holder.

And where there's information suggesting that the Whois information is incorrect such as through a compliance notice forwarding a Whois inaccuracy complaint.

Registrars must obtain an affirmative response from registered name holders within 15 calendar days of an inquiry or else suspend the domain until the registrar can verify the Whois information.

Therefore beginning with ICANN's second compliance notice, which will be sent after 15 business days, and so there's a built in cushion there, we'll start to inquire of registrars why they have not yet suspended the domain.

As Maguy mentioned, ICANN started a periodic review of suspended domains from Whois inaccuracy tickets to ensure that they remain suspended or if they're unsuspected, we inquire why. And if the Whois has been updated, we will ask that registrars provide the verification and validation to ICANN for those updates. Next slide please.

Turning to the abuse report requirements of the 2013 RAA. We've seen that registrars have been aligning with these new requirements and setting up their abuse report, handling procedures, publishing their abuse report contact information on their Web sites and in the Whois output as well as setting up

investigative processes to take reasonable (prompt) steps to investigate and respond appropriately to abuse reports.

Abuse reports must be investigated by registrars whether they are from law enforcement or otherwise and without a court order. Slide please.

Turning now to a consensus policy. The uniform domain name dispute resolution procedure or UDRP, there are some general issues that we've seen. And in particular is the problem of registrars not keeping the status quo of a registration that is subject to UDRP proceedings and/or transferring the registry (unintelligible) instead of implementing the UDRP decision.

These problems will hopefully be addressed by the proposed revisions to the UDRP rules, which define lock and require registrars to lock a domain within two business days of receiving the verification request from a (UDR) provider once that's been received.

Also we note that ICANN is aligned with UDRP providers since June of 2013 reaching out to providers to ask them to file any formal complaints that they have with registrars in relation to UDRP proceedings directly with our consolidated complaint tool. Slide please.

ICANN has also seen an increase in complaints regarding a registrar sending deceptive transfer and renewal notices lately. And we are investigating those. And these notices seem to be an attempt to trick registrants into taking action at the threat of losing their domain name. And the registrants end up unknowingly transferring or renewing their domain with another registrar.

Although the investigation is still in process, we do note that it's likely such (suptive) notices would violate the registrant's benefits and responsibilities.

And now I'll just talk to some of the registry lessons learned since ICANN 49.

Comment [3]: deceptive?

And we've seen a lot of issues regarding the rights protection mechanisms, mainly the two listed on the slide. And in the first one of improper allocation for domain names before the end of sunrise is an area where we've been trying to educate and provide further clarification and guidance to registries.

And the requirement is not to earmark or allocate domain names before allocating and registering sunrise registration. And where we've detected failures with this requirement we've brought registries into compliance and helped collaborate with them to do so.

Another opportunity for improvement was the registries have been the requirement to send the trademark database a list of the registered domain names in a timely manner. This is critical of course to rights holders with their names on domain name lists so they can get notifications of potential infringements.

Another lesson learned in the registry space is regarding abuse contact data in that some registries have not been fully complying with the requirements by publishing their email and mailing addresses as well as the primary contacts. So we're helping them come into compliance through our informal approach.

And finally I'll just touch quickly on the public interest commitments or PICs. Compliance has not received any complaints in this area yet. And we've been monitoring - we've been monitoring that the mandatory provisions required under the PICs are incorporated into RRAs or registrar registry agreements.

Maguy Serad: Slide please. Brief update on the audit program. We just completed year two audits. Results will be shared with the public tomorrow and will be published on the ICANN Web site by end of the month.

As I stated earlier, the new registry audit program will launch next month also. We've conducted outreach sessions with the registries to ensure clarity of the scope and expectations of the timeline and the delivery on the audit.

We will also in tomorrow's session share more details about the content of the scope. The internal audit was an internal activity, part of our continuous improvement.

As I shared with this audience over a year ago, I know that there are a lot of new members; apologize. But basically we have a risk and audit function that Yan Agranonik is the manager of. And he is totally independent of what we call the operations aspect of compliance.

We had identified 45 total controls and Yan conducted an internal audit on those and we discovered eight findings that were non-compliant on ourselves. So we made sure that the mitigation plan was implemented and retested and corrected. Next slide please.

So with that, we'll take questions Kristina.

Kristina Rosette: Absolutely. Thank you very much. And I will take a queue. Anyone have questions for Maguy? (Unintelligible). No. Okay. Thanks Jonathan. Okay. So I see Jonathan. I see Marc Trachtenberg. Steve Metalitz who I (unintelligible).

Maguy Serad: I'm going to volunteer Faisal for a question. The deceptive slide question. Also known as FRN.

Kristina Rosette: All right. So Jonathan, Marc and Steve and okay. Lady from BMW. And anyone behind me? All right. Jonathan, go ahead.

Jonathan Zuck: Sure. I have several but I'll hold some of them for tomorrow. But just out of curiosity has the issue of XYZ sort of opt out, you know, give away of domains come up for you yet and if so, what was the resolution of that?

Maguy Serad: Thank you. The issue of non-compliance in the new registry space has been, as I shared with you at that slide, they are - ICANN compliance found out through, like I said, monitoring efforts. And right now we are in the informal resolution process, which means that the investigation and the interviews are under way.

I cannot share with you more than that at this point. But there are efforts under way to review all this information and make sure that the compliance gets addressed. The number of complaints that we put the stats on is one of them, yes.

Jonathan Zuck: Okay. No, I just meant did the XYZ thing - one of the things that was on your list of things that you're looking at.

Maguy Serad: So the short answer yes.

Kristina Rosette: All right. Marc and then Steve.

Marc Trachtenberg: This is a quick one. For the two slides where you had the pie graph - so the registrar compliance and then the registry compliance - those two different slides it says enforcements and under that it says volume breaches, volume termination.

Under enforcement it says volume breach and volume termination. But when you say volume there do you just mean a number of breaches or is a volume breach a specific type of...

Jennifer Scott: The volume breach is just that we're referring to the number. It's not a term of (art) or anything.

Marc Trachtenberg: Okay. Thank you.



Kristina Rosette: Steve Metalitz.

Steve Metalitz: Thank you. And I'll second the plug Maguy for the session that she's doing tomorrow. If it's like the ones in the past, it will go into a lot more detail and be a good opportunity for further questions.

Can I ask if - has compliance looked at the question of whether the domain names that are currently, excuse me, reserved from registration because of the domain name collision issue? If and when those come off those lists, do they have to - do they have to go through sunrise?

In other words to the extent that those are identical to marks that are - could be in the Trademark Clearinghouse, would they be subject to sunrise? Is that - what - have you formed a view on that or are you waiting to see what happens?

Maguy Serad: We don't form a view. But I think - I'm sorry. I don't have it on the top of my mind but we will have to see if it - Krista, do you know the answer to that? Is it in the contractual scope for them in the process to go back?

Woman: (Have a seat).

Krista Papac: Thank you. Hi. Krista Papac, ICANN staff from the Registry Department. So just because names are on the claims list, excuse me. Let me start over. Names that are on the block list - the name collision block list can still go through sunrise. They just cannot be activated in the DNS. They're turned on on (low tech).

Comment [4]:

So I don't - the tech people would kill me for the way I'm saying this. But so it's turned on in the DNS. So just because they're on the block list does not mean that they're not available in sunrise.

Steve Metalitz: (Unintelligible).

Krista Papac: But if they come off - sorry.

Steve Metalitz: Yes. It's mandatory.

Krista Papac: But they were never not on the list. Like they were available during sunrise unless the registry is...

((Crosstalk))

Krista Papac: ...has deliberately put them on a reserve list, it would be available during sunrise.

Steve Metalitz: Right now the registries have an option whether to make them part of sunrise or not because technically they're able to do so but there are many names on the reserve list that were not made part of sunrise. So they will eventually become part of the normal availability at which point that would call for another sunrise period for them because they weren't put in sunrise (in the first place).

Krista Papac: So there's not - like just one clarifying point there. There's not an option. If it's on the block list, put it in sunrise or don't put it in sunrise. Like that - those two things are not...

Steve Metalitz: There are registries that are not putting names that are in...

Krista Papac: Right. I understand that. But that's a different...

Steve Metalitz: So that's a violation. That's not what we understood to be the case.

Krista Papac: I don't - I wouldn't say - I mean I don't know the specific circumstances. All - (unintelligible) Maguy.

Maguy Serad: So if you can give us couple of minutes. I'm jabbering out a registry person who's in a different forum. And if we don't have an answer for you now while we're still in session, we can address that later.

But to just to make sure I understand the question. The question is the names that are on the reserved list now if they come off that reserved list do they have to go back through the sunrise period.

Kristina Rosette: Let's be more precise. The name collision lists for almost every registry are full of globally famous distinctive brands that are the subject of trademark registrations that have been deposited with and validated by the Trademark Clearinghouse.

But for the fact that they were on the name collision list for the specific registry, they would have been made available for the trademark owner to get them during sunrise.

But because they're on the name collision list, some registries are saying sure, we will make these available but we're not going to activate them. Other registries are saying it's on the name collision list. Sorry you're out of luck.

At a certain point they're going to be able to release those names. So our ask is we think that in that latter scenario where the registry has not allowed the name collision names to be part of sunrise. That once those names are released that they are released subject to the prerequisite that there first be a sunrise period.

Krista Papac: So understood. So it sounds like maybe there might even be a communication problem with the registries that we should also talk about with them I mean. Make sure that there's a clear understanding because I realize that this blocking name collision thing is confusing to everybody.

And then to the second part of it - so thank you for rephrasing it. Let us come back to you guys on that.

Kristina Rosette: Thanks. And I had the lady from BMW and then unfortunately I think we're going to have to close the queue to stay on schedule. Go ahead.

(Amy Gesner): I had the same question about name collision and sunrise. So I don't have to ask it again. I do have another point about - to ask about premium names. So are there any standards or rules about what names registries can put on so called premium name lists, which are not yet available for the public?

And what happens if there possibly are any of those names that are for example could be generic in the sense of which have acquired secondary meaning is there any process for trademark holders to show rights so that names can be released from premium names?

Maguy Serad: Can you ask the question - just ask me the question without the full story. What is the question?

(Amy Gesner): Is there any mechanism for trademark holders to be able to show or prove secondary meaning to be able to release certain names from a blocked premium name list of a registry?

Maguy Serad: We'll get back to you on that one.

(Amy Gesner): All right. Thanks.

Kristina Rosette: Thanks Maguy. Thank you to you and your team. We very much appreciate it.

Maguy Serad: Thank you. Hope to see you tomorrow.

Kristina Rosette: All right. Thank you. All right. Next Krista is going to make a second appearance at the table. Floor is yours.

Krista Papac: You know how I love a microphone. It's actually not true. Okay. So Krista Papac again from ICANN staff, Registry Services - Director Registry Services.

So before you guys (have) to hear an update on PICDRP Standing Panel, I'll stop talking - just ask. But before I go into that I just wanted to add one more thing on the question about name collision block list and sunrise.

I know that this did come up earlier in your discussion with the Board and I believe the Board committed to us taking a look at it and providing some further clarification or information. And I just want to make sure you guys know that that's been captured and that the, you know, the staff is working on it. (Sure).

So PICDRP Standing Panel. So the last time we spoke in the last city we were in, Singapore, I believe we had just received a number of responses to our call for expressions of interest for people interested in being on the PICDRP Standing Panel.

As a reminder, the Standing Panel is there to handle issues. So public interest commitments; reports that a registry is not complying with the public interest commitments are submitted to ICANN via the compliance page of the icann.org Web site. And they are worked by compliance through compliance's process.

(If it) gets through that process and realize that the issue was outside of ICANN's remit, something that we don't have a area of expertise in, we have the option to refer the report to a Standing Panel.

We have been recruiting for that Standing Panel and, as I said, the last time we spoke we had received I think it was 63 expressions of interest to be on the Standing Panel.

We have over - since then we've interviewed a number of candidates and that actual process is coming to a close. The panelists are going to be selected based on their understanding of the Public Interest Commitment Specification 11 of the registry agreement as well as their understanding of the actual dispute resolution procedure of the PICDRP. Their experience with handling disputes as well as other relevant experiences and skills to evaluate PIC reports.

The types of people that we interviewed have not all of these skill sets I'm about to name off are in one body. Perhaps we're looking for multiple things that don't normally come in one person's suite of skills.

So we're looking for some of the obvious stuff, which is, you know, experience in arbitration and mediation and international dispute resolution, informational technology, Internet related disputes, sort of the usual stuff you would expect to find.

But we're also looking for folks with licensing compliance background, international public policy, privacy, social law enforcement and forensic background. People who are used to the various entities like ICANN and ICU and ITF, etcetera, online content, cultural sensitivities and cyber security.

So now that - once we finalize the interview process which is just coming to a close, we will short list those that we interviewed and agree as a team - the team by the way is comprised of the Registry Services Department, the Compliance Department and the Legal Department, and all of those departments participated in the interviews as well as, you know.

We'll also get back together and say, "Okay, who do we think, you know, we should offer, you know, or selective panelists?" Then we'll go through a contracting process with those panelists. And once that contract is finalized, then we would announce who the panelists are.

And then once they're contracted, we would initiate a training program with them to make sure that they sort of understand how the workflow is and what we expect in the reports that they would give back to us, etcetera.

That's my update.

Woman: Thanks Krista. I'll take a queue. (Steve), anyone else? Susan? Yes, and of course just to be clear. Folks who have questions, you don't need to limit yourselves to just the [pickPIC](#) panelist selection.

So I have (Steve), I have Susan. Anyone else? All right, Anne. All right, let's start with that.

(Steve), go ahead.

(Steve): Yes Krista, thank you for the update and just two questions. One, how many panelists are you expecting to pick or has that been decided? I guess pick isn't the right verb. Sorry about that.

Choose; how many panelists are you expected to choose. I understand the steps but it would be helpful if you had a timeframe when you think the names of these people will be announced.

Krista Papac: Thanks for the question (Steve).

So this is, you know, the same thing that keep having again and again which is we don't really know - I don't think we've had issues with picks yet - no. So no pick reports submitted so far; knock on wood. Every time I say something

it comes back ten minutes later in a different form. So yes, so far we haven't had that but we really don't know what to expect.

That being said, we ideally would like to have at least a minimum of five panelists, but we would also look to continue to grow that panel.

There was a lot of redundancy in the applications we received so kind of the same thing over and over again. We don't need five of those, right, we need a variety of five that can handle the different types of reports we're expecting to see based on mandatory commitments in combination with the voluntary commitments that will be seen.

Timeframe, yes, I thought I was missing something.

We've actually, through the interview, while we're interviewing, we're trying to build the agreement, and you know, concurrently so that we don't stop them and start the next thing.

I think we're fairly close on what we would like the agreement and I'm hoping to finalize that within the next two weeks because of the ICANN meeting and people being gone the week after. So I'm sorry, a couple of weeks after this meeting assuming that we can come to an agreement on the agreement - keeping up with you on the terminology.

It's really going to be just a matter of the panelists. They haven't seen this document yet, I don't know what they're going to think about it, etcetera. But our goal is - I hope you know - that it's obviously to get this panel in place as soon as possible. So we'll be pushing them hard enough to not scare them off to sort of come to a conclusion on the agreement with us and then we'll be done, yes.

Woman: Thanks. I have Susan, I have Anne, and I'm going to put myself in the queue. Susan, go ahead.



(Susan [PacePayne](#)): Yes, (Susan [PacePayne](#)). I just wanted to know, and forgive me if I should already know this, but is it anticipated that you would have say more than one person as the panelists working together on a particular PRP or is it that you're anticipating that you'll have different types of assessments needed and that we'll select from your panel the most appropriate ones to deal with a specific issue?

Krista Papac: Thanks Susan. Yes, so definitely more than one person and we would select from the panel. And I think our current vision is that we would need three panelists just so that you've got the balance there.

Woman: Anne?

Anne Aikman-Scalese: Yes, it's Anne Aikman-Scalese, Lewis Roca Rothberger.

I thought I should mention there are a lot of people in the room, you know, with newcomer badges and what not, and this whole DRP thing that we all talk about that registries, many registries, when they applied and afterward made public interest commitments. And those public interest commitments are what we are calling the PICs, and the DRP is the Dispute Resolution Procedure for if you think that the registry is not measuring up to its public interest commitments.

And so that procedure went through several drafts. And this final draft, now there are panelists and the dispute is within ICANN, it resolved within ICANN itself.

My question is about I guess standing - two questions. First, standing in relation to, you know, making a complaint within ICANN about not living up to the PIC process.

I honestly, very honestly, don't know exactly how the final draft turned out. So it's about who can make a complaint with respect to violation of the public interest commitment.

And then the second question is what does the last - the final draft say about the civil action about a separate remedy? Does it say nothing about civil action at this point in time? And I apologize that I don't know the final version but those are the two issues that I was curious about. Thank you.

Krista Papac: Thanks Anne. I'm actually looking at the DRP myself because it's amazing how much time you spend in the leads and the stuff and then you can't remember.

Woman: Krista, do you want to maybe let me pose my question and then either answer Anne or come back to us with an answer?

So my question is and this is from the perspective from someone whose client suffered because there was no conflict of interest policy that applies to independent objector.

What conflict of interest policy is ICANN applying to the PIC panelist applicants and what conflict of interest policy will apply to them as they are identified for participation in particular proceedings?

Krista Papac: So that one is easy; I don't know. And I mean we have a standard conflicts of interest policy that we utilize, and I would rather ask our Legal Department before I give you an answer on that.

Woman: Thank you.

Krista Papac: Sorry, conflicts of interest...

Woman: What conflict of interest policy was applied in considering the potential candidates? In other words, was there any type of conflict that just was so

significant from the outset that you just excluded someone from further consideration?

And then second, what conflict of interest policy will be applied to each panelist as they are identified to be seated in a particular dispute?

I think that was it for the queue unless - anyone?

Krista Papac: I'm sorry; just really quick. You had a second question Anne which I did not capture. The one was about standing and then the second one was about...

Anne Aikman-Scalese: Yes, I think the original draft PIC DRP contained the provision that when there was like an outside complaint process that was going to a third party dispute resolution procedure, that that would suspend any kind of civil action or whatever, that you couldn't - there was no civil action.

That's no longer the case, that there's a third party dispute resolution provider. Everything is happening I think within ICANN itself. So I was trying to understand whether there was still anything in the PIC DRP that, you know, talks about civil action in any way or tries to deal with the issues of civil action in any way or preclude it. Or I assume it does not.

Maguy Serad: So this is Maguy Serad for the record.

So first of all, your question was about filing a complaint; who can file a complaint. So the complaints have been stood up, they are on the ICANN Dot Org Web site compliance and there a lot of (learn) mores on there. Anyone can file a complaint and answer those questions.

The way the ICANN staff was going to do is review it. And if there is a scenario - and it's got to be reviewed on a case-by-case scenario. If there is a case or a pending case or something of that nature happening, that would be part of the material you would provide when you're filing a complaint or when we discover through the

review. And then we'll have to take on a case-by-case situation to determine what is the next step.

But it goes through - the complaint comes through to ICANN staff, we review it and then a decision is made from there to proceed.

Ann Aikman-Scalese: Thanks Maguy. And just to follow-up, in terms of standing, I know that the governments are wanting to be reassured that they could file such complaints in the PIC DRP process.

And how did that turn out? Did they - was that determined governments can file such complaints?

Krista Papac: So the exact language of the DRP is that any person or entity that believes they have been harmed as a result, you know, they're not being compliant with their PICs, may report this as non-compliant through the method that Maguy just articulated.

Anne Aikman-Scalese: Thank you.

Woman: I think we have time for one more question and then we need to turn to our next presenters to get back on track. Yes, go ahead?

(Chester So): Just wondering besides the technical and figuring out, you know, (unintelligible), or you know, requirements for searching criteria. Is there any consideration on like (unintelligible) such as geographic and cultural backgrounds? In terms of - and is there any term limits on certain for the panel?

Krista Papac: Thank you. I'm actually very glad you brought that up because that was one of the big considerations.

Yes, we're definitely looking to have a panel that's geographically diverse. Again, we did have a very consistent - there was sort of one type of expression of interest that we received over and over again which was large in North America, but we did get some from other regions of the world as well, and definitely want to have the geographic diversity and anticipating having that.

(Chester So): Well there was cultural but then it was about the terms serving on the panel.

Krista Papac: So for term, we're looking at having staggered terms so that we also have some longevity and we don't have a whole brand new council turning over all the time.

It is something - it's still under discussion internally as we're finalizing the agreement at ICANN.

I think our most, best current thinking is three year terms but having them stagger as I mentioned earlier. But it's not completely finalized yet.

Woman: I appreciate it; thank you very much.

All right, I think next up is our briefing on the GNSO reviews. And while we're getting that one started, if I could just remind everyone, when you're posing a question to identify yourself so that we can have it clearly for the transcription. Thank you.

Larisa Gurnick: Good afternoon, my name is Larisa Gurnick. I'm part of ICANN Staff and I'm here to give you an update on the GNSO Review.

The GNSO Review is part of the ICANN bylaws mandate. On a five-year cycle, every structure goes through a review process. And GNSO is actually the first of the structural reviews to be having its second review starting up, so a couple of - sure - so a couple of processes that are being put in place.

As learning from the prior review cycle, they'll talk about, but essentially the review is going to begin on July 1st. And up until now, we've been doing some preparatory work.

The GNSO Review will include coordination and liaison role that is being provided by the GNSO Review working party. And that's a group of about 20 people that has been assembled and has been doing work since the beginning of May to provide input into the questions that will be used for the various scope work and the survey that will be part of the review process.

And let's see if the slides are ready now. Okay, next slide please. Excellent.

So just to recap as far as our agenda is concerned, I'd like to talk to you about the scope and the approach for the review, touch on the timeline, give you progress to date and talk to you about the importance of community outreach and engagement to make sure that the review gets broad participation. Next slide please.

So for the scope of the review, the objective is to examine organizational effectiveness of the GNSO and its various structures. The starting point will be to consider prior reviews' recommendations. This is review that was completed by the independent examiner in 2006, and then additional work had been done by the working group of the Board with the final review finalized in 2008, so it's been a bit of time.

But we will take a look at how those recommendations were implemented, what impact they've had and how effective they've been.

Another part of the scope will be to look at the purpose of each structure and its level of accountability, look at how each structure is organized and how participation is encouraged, the execution of work, the means of getting the work done will also be part of the scope. Next slide please.

There's been some question as to whether the review will address the structural changes. And the structural improvements committee of the board, which is the group responsible for providing oversight over the review process, has offered some clarification. That the review will include an assessment of the effectiveness of structural changes which were undertaken as a result of the last review, and this will be considered as part of how effective all the recommendations have been and how well they've been implemented.

Those structural changes are needed. That should be considered as a topic for discussion after this particular review is finalized. And it's expected that those discussions would take place during the implementation planning, but of course which is beginning the process so the outcomes are not at all certain. Next slide please.

As an overview for the review, there are important components to ensure that the GNSO community has input into the process and then opportunity to engage with the independent examiner, the GNSO review working party has been created to serve as a liaison with the independent examiner as well as the structural improvements committee.

The independent examiner which was announced yesterday to be ([Wesley Westlake](#) Governance), will conduct the review based on a tightly defined scope. And they were selected after an RFP and a selection process which included responses from seven different firms.

The work methods will include several different elements. One is a 360 style assessment which is designed to collect feedback from a diverse group of people, the GNSO community as well as other SOs and ACs, the Board, the Staff and any interested community member.

In addition to the 360 assessment which is an online tool, there will be an examination of documents and records of each structure and desk reviews.

Ellen Shankman: Sorry. Ellen Shankman, may I ask a question?

Woman: The questions at the end but I would just remind listeners that we only have 20 minutes total for briefing and questions. Thanks.

Larisa Gurnick: Thank you. The work methods in addition to the 360 assessment and the desk review, the work methods will also include supplemental interviews with the members of the community to ensure that the information is properly contextualized. And next slide please. Keep on to the following slide in the interest of time.

As far as roles and responsibilities of the Structural Improvements Committee, the Board provides overview, Staff provides the support and the logistical efforts. The independent examiner actually conducts the examination will do the summary and the analysis of the feedback that's collected through the 360 Assessment and the interview process and will issue a report.

The working party is providing coordination and feedback and will be involved in developing the implementation plans. Next slide please.

The review has begun and is expected to last through the early part of 2015 with draft report expected in the October/November timeframe, public comment November/December. And of course this will be updated based on the progress of the review.

Once the review is finalized, then we will have the implementation phase which is expected to last a year, also depending on the nature and the outcome of the recommendations of course. And then a Phase 2 will



operationalize the recommendations, assess the impact and the review cycle will then begin again after December of 2018. Next slide please.

I already touched on the fact that the GNSO Review Working Party has begun its work. Twenty members representing six/seven groups have been participating in providing feedback on the 360 Assessment, the scope and the questions to be included as the first phase of the review. Next slide please.

Even the outreach and engagement activities are quite important. We've created a FAQ, Frequently Asked Questions-and-Answers brochure that has been distributed and continues to be distributed, provides information to the community as to what the GNSO Review is all about, how to engage and provide feedback with different mechanisms. And we have various activities planned to ensure that the word gets out as to the importance of participating in the 360.

Everybody is welcome to provide feedback when the 360 is launched. And we will continue to provide updates and announcements of the progress of the Review. Next slide please.

A couple of different ways to engage with this process. One is to - and you can see the different channels. The GNSO Review Working Party is certainly a channel to provide feedback and recommendations on the various questions and items that they're working on. The 360 Assessments will be another opportunity to actually provide each person's opinion or each structure's opinion on how the different structures are performing.

The independent examiner, there will be an opportunity to engage with them through the interview process. Of course public comments, that's targeted for November/December timeframe as well as feedback directly to the structural improvements committee and of course to the staff. Next slide.

Here are various resources that are available to get more information. Information is posted on the community Wiki about the GNSO Review and has various documents and background information that is going to be useful.

That concludes my portion.

Woman: Thanks very much. I'm going to go ahead and take a queue. I have Ellen. Anyone else? All right, go ahead Ellen.

Ellen Shankman: Ellen Shankman.

You said in your slides that the independent contractor has a very tightly scoped contract. And as I'm sure you're well aware, there's a lot of debate about how broad the scope of the review of the GNSO Review should be by the community.

If the committee pushed it in fact to expand the scope of the GNSO Review to include structural change, and if the decision is taken to push to that, are you saying that the independent contract would also have to change or is the scope of that contract sort of big enough to say, "Well the independent review is supposed to just review all the information that's provided."

Larisa Gurnick: Thank you Ellen.

The independent reviewer has been contracted with to conduct the review. They were not asked to propose a new structure for the GNSO. So in terms of a tight scope, that isn't an area that they were asked to get involved in.

What are they asked to do, as I outlined in my initial slides, is to take a look at the various structural changes that took place as part of the recommendations of the first review, so that will be their starting point and not just structural changes. They will take a look at how the recommendations from the first review have been implemented across the board and that will go from there.

Ellen Shankman: But if that is expanded, then the independent reviewer wouldn't do that or might do that? I understand it wasn't done yet but is it outside the scope of what the reviewer would be able to do?

Larisa Gurnick: Well what's outside of the scope for the reviewer is to propose a new structure; that would be outside of scope. But taking a look at the effectiveness of the different structures which includes the structural components is within the scope of the review.

Woman: Any other questions?

I know that we had a closed [IBCIPC](#) Meeting yesterday during lunch, and one of the topics of discussion was the GNSO Review. And there was in particular kind of how respondents, for lack of a better word, to the 360 Assessment will be identified, how that information will be collected, how it will be disclosed, how will that be tracked.

Can you give us - and there was a little uncertainty about it. We've just recently had one of our members join the working party so I think we're a little bit behind the curve.

But I think it would be helpful for clarification purposes if you could speak to that, to kind of the current thinking, if that's likely to change, and if not why not.

Larisa Gurnick: Sure. As far as the 360, who would be selected to participate in the 360, everybody is encouraged to participate.

And what we anticipate is making sure, promoting, some understanding of the numbers, the responses that we hope to achieve through the 360 in order to make sure that the information is broadly based and sufficient to make a conclusion. So we anticipate identifying - having the independent examiner provide us with

that information so that the 360 is based on a broad enough base of participation.

In terms of what happens to individuals that participate in how they provide feedback, the feedback would be collected through an online survey. We at this point, the thought is that people would be asked to provide their name and certain other information about their identities. That information would be available to the independent examiner on the backend as the data is being collected.

People would have an option of indicating whether they want their statements and responses kept confidential or not. And through the interview process, it would be a similar approach when people would speak with the independent examiner. Obviously their identities will be known to the independent examiner, but if they choose to have their comments maintained confidential, then that would be between them and the independent examiner to have that. Summary information will be available publicly.

Woman: Thanks. Just to follow-up on that in terms of the option to indicate that the person responding to the assessment wants to keep that information confidential.

Is that keeping it confidential from the examiner as well or just from the report that's eventually published?

Larisa Gurnick: From the report that's published.

Woman: Thank you. Anyone have any other questions? All right, excellent. Thank you very, very much; we really appreciate it.

Next up, we have the folks from the Trademark Clearinghouse. Why don't you go ahead and introduce yourselves while we're dealing with our technical difficulty.

Vicky Folens: Hi everybody, this is Vicky Folens from Deloitte who is providing the Clearinghouse services.

Jan Corstens: My name is Jan Corstens also Deloitte.

Vicky Folens: I know time is very valuable today and that we have a very short presentation. So while we're waiting on the presentation of such, we just wanted to give you a brief update as to where we are with the numbers on the Clearinghouse.

Some of you we've seen during the (~~Inta~~[Inta](#)NTA) Meeting, but we just wanted to give some updates as well and then actually open the floor for five minutes to discuss some issues that we are receiving from the market and explain them to you. And also to get some suggestions on your end as to what we can do better for you if there is anything else that we at this time need to be looking out for.

I can start by telling you how many Trademarks we have in the Clearinghouse. So we have 31,000 Trademark records in the Clearinghouse currently coming from 117 jurisdictions. So we still see that there are quite some new jurisdictions coming in every day, so that's good news. So it's definitely the global database it was perceived to be.

As for ongoing notifications, I don't know the number by heart but I think we're at 67,000 and the slide will show - oh 50 - yes, sorry. So we're actually, if you look at the slide here, so the stats - the second page - so the second bullet point, sorry, so you'll see 51,000 approximately.

These are unique notifications. And if you look on our Stats page on our Web site, you'll see that we have around 74,000 notifications. That includes sunrise notifications and Trademark name notifications. And we have actually (teared) it down to see how many unique registrations or unique labels are

receiving a claims notification or unique label - Trademark, sorry. And you see the number there; it's around 51,000.

So you see that there are currently much more notifications being sent out than Trademarks that are being registered, so that means the system does work.

And from sunrise notifications, we have up to 19,248 sunrise notifications if you look at the different sunrises that have closed. So we took a measurement when we passed 153 first sunrises, and now you that number of sunrise notifications that were sent out.

To be honest, I don't know and this is something that is also a question to you. Again, you don't have to answer it today, but we received from a lot of clients as well as to why we receive a sunrise notification when we're registering ourselves.

And a question that we have for you, is this something that we need to keep on doing or is this just more administrative work as a holder, as an agent, to deal with. So this is just an open question as well for you. Go to next slide.

This is something that we show you here on the slide so you're seeing that this is something that we've done for Dot Global, Dot London, Dot Vegas, Dot Moscow. We call it the Sunrise Agent Page.

What is it? Well, we actually see that a lot of Trademark holders are getting lost by the fact that they want to go ahead and register for Sunrise. They go to the domain name space, they go to the registry. The registry says, "Go to the Trademark Clearinghouse, get your SMD filed." They don't know what an SMD file is.

Finally they get through the system. Then they get there's a need file, go back to the registrar, so they're spending a lot of time moving back-and-forward through the Web sites. And Trademark law is not always as easy as

everybody thinks it is as you all are aware of that. So we see that there's some difficulties for Trademark holders.

So we have created the Sunrise Page for registries that are really into protecting the brands on the markets where the agents are listed there separately so that the client knows if we go there we can go ahead and register the domain name, get the Trademark in there; it's a little stop solution. So that's the purpose of this.

Are we doing it with every TLD? In principle again, it's with the TLDs that are partnering up with the TM stage that are creating real value in the market.

Then this is a view of what it's going to become on our sunrise - I'm sorry - on our Web site. It's the new version of the Sunrise Calendar. So we have also received a lot of queries about the fact that people want to know what's going on, that it's not always clear as to where the TLD is. Is it general availability, sunrise?

So we've added this whole new concept of the Sunrise Calendar. It's in addition to ICANN's calendar. But here also the nice feature will be - and I don't know, maybe this is possible on ICANN's calendar. But you'll be able to add it in your Outlook as well so that you are aware of what's going on if you are interested in a particular TLD.

And then for the latest update, again, ongoing notifications. Some of you have heard about this. Others apparently are not fully aware.

So next to the 90 days claims notification, the Trademark Clearinghouse provides ongoing notifications. How is this - because we've received a lot of queries from where do you get this information. So this information is based on the zone files from the TLDs. And we actually send out notifications to the Trademark holders when a domain name is activated or something has happened on the zone file level, so that's after the 90 days.

Also for the mixed scripts, again just an update. We had some issues especially with Japanese trademarks consisting out of Latin scripts - sorry, and Japanese scripts. They were accepted in the Clearinghouse but there were domain names or labels that could be generated.

This has now been changed. ICANN is currently, at this moment, telling the registries and registrars that this will change. But this will be implemented from the Clearinghouse level as of the 14th of July. So that is something that is new.

We had currently the possibility to transfer - I'm sorry - transfer a trademark from holder to agent or agent to agent based on the SMD file. So it wasn't possible to have a transfer when you didn't have proof of use although some trademarks are recording in the Clearinghouse just for the purpose of notifications. So this is also something new that will be implemented in a few weeks where it will be possible to transfer these records as well based on a simple two-clicks.

But it's important to note when records are being transferred that the Trademark holder always gets the notification and he has to activate it. So an agent cannot do this just for the purpose of providing it to another agent. So that's something that might be interesting.

We also, for those of you that are using the system know mostly about it, but we provide webinars. We're working TLD registries as well to get the message out about the different sunrises coming up.

We do, as this is an open webinar, so anybody can participate. Also we have an event calendar, so if you're interested or have clients that are interested, we are happy to have an open session. We do this normally twice a month with different registries.



And then for the stats, from the 31,000, 87.5% is coming through agents, so we see that that's clearly working well and we're happy with that.

And then we just wanted to also let you know that renewals will be starting as of the 5th of November this year. So for those of you that don't know, we had the Early Bird Sunrise, so anybody who registered or recorded in the Clearinghouse before the 5th of November was automatically extended to the 5th of November. And we will be sending out emails to everybody 60 days and 30 days prior to the expiration of the Trademark record - sorry - to let you know that you can renew.

And then yes, following suggestions and maybe you want to...

Jan Corstens: So one of the - we get a lot of feedback and we've lost a lot of feedback but also have settled this week (unintelligible) with most of our agents to make sure that we understand from them what works well, where need to improve some of our service delivery.

One of the biggest remarks that we are getting from our clients and from our clients to our agents is that there is still sometimes quite some confusion between what we do as a Clearinghouse and some of the limits of registration periods, especially if there is an alternative validation engine in place.

So yes, we try to communicate as much as possible with all of them to make it clear what the difference is between what we do and what they are doing. Obviously we can't conquer all of the messaging that is out there; we're doing our best. But it will definitely help if we are able to get a consistent message and explain what the difference is because clearly there are a lot of people out there that don't understand all of this and don't understand what messages that are coming out. So that's one of the things that I had (unintelligible) ask so that everybody is aware of it and send out consistent messages.

Vicky Folens: And one other item that keeps on popping up is that a lot more people are asking to at least be able to see what is a part of it, what is in the database. Again, just giving you a heads up about the queries that we are receiving because we of course tell them that it's not possible or that it's not meant to be that way. Nevertheless, want to let you know.

Woman: Thanks very much. I'll take a queue. I see Paul and - anyone else? All right, (Hall)?

Paul McGrady: I've written to the Clearinghouse about this issue.

Woman: Paul McGrady is speaking.

Paul McGrady: Oh I'm sorry. Paul McGrady for the record. In my personal capacity, at the end of the day, we'll - at the [queueskids'](#) table.

I've written to the Trademark Clearinghouse about this issue in the past and keep expecting some change. I did briefly review your Web site. Hopefully you have not made this change in the last seven days and I'll look foolish.

We need a coherent and publicly published process for the assignment of records within the Trademark Clearinghouse. And I don't mean assignments from one Trademark Clearinghouse agent to another, I mean from one entity to another.

There's nothing on the Web site that I can find. When we check with the Trademark Clearinghouse agent, they say, "Let me go to the records and we'll take care of it with the Clearinghouse." That's not a process.

When people are doing due diligence to buy a company, they say, "What's the Trademark Clearinghouse?" They have no idea. We spend hours trying to explain what you are.

And then they say, "What's the process for closing to make sure that these records end up being assigned?" And we say, "Just mark down in your closing document that we'll reach out to the Trademark Clearinghouse agent and they'll take care of it." We actually don't do that but that's what we're stuck realistically doing now.

So can you please let us know how it works and publish the process on your Web site so that we have clarity and certainty in transactions. Because all these records are going to be, you know, assigned at some point, I'm sure.

Vicky Folens: A question I have about that, when you talk about the assignment of trademarks from one company to another company, is the assignment already done or is it currently being assigned?

Paul McGrady: It just depends on the transaction. Sometimes clients come to you before and help you solve their problems in advance and sometimes they surprise you.

Vicky Folens: So for the ones that actually have been assigned of the Trademark certificate has been updated, we actually put the Trademark record back on incorrect. You can update the Trademark information, we relook the Trademark - well we ask actually to provide us with the Trademark certificate at the time to make it move quicker.

But at that moment, the new trademark holder, the new entity that had been able to obtain the trademark is now the owner of that trademark record and will be published in the ([MDBSMD](#)) file.

Paul McGrady: I think all that is terrific. Can you explain how it works on your Web site including the specific steps.

Vicky Folens: Sure, definitely.

Paul McGrady: Yes, if it's before, follow the following steps, it's after, follow the following steps. Chances are your prior contacts can receive an email saying it's now incorrect.

You don't want to get that email after you do a big closing and the other company is gone and all you have is an email saying it's incorrect explaining why they shouldn't panic about incorrect.

Vicky Folens: Okay.

Paul McGrady: Right, so if you could just walk all of us through the process because we can't see through the walls to know what's going on. Thanks so much; that would be great.

Vicky Folens: Thank you.

Anne Aikman-Scalese: Anne Aikman-Scalese of Lewis Roca Rothgerber. And I have two topics I hope will be brief.

The first one, our firm and our clients are very happy about the ongoing [IP](#) Claims Notification. And one thing I wanted to mention about that is it's our understanding that that doesn't happen automatically. In other words, the registered agent has to now go back in and opt-in in relation to that ongoing claim notification. And I'm not sure that when you're presenting this benefit that people are being reminded that it's not just going to happen automatically.

And so my question is about when people are entering new records or when a new registered agent comes on, how is that particular option offered to them? If you will opt in to the ongoing - IP Claims Notification. And particularly with respect to individuals because they're not going to be, you know, I guess the other 13%, they're not going to be on top of that type of topic.

And I can remember that back in 2010, we actually argued for this type of ongoing notification and didn't get it. So it's absolutely wonderful to have it now. First topic.

Vicky Folens: So thank you for that. We've actually - that's one of the reasons why we again tell it here because this is - for each service next to the mandatory services, sunrise services, we always have to provide an opt-in, yes, even if it's free of (unintelligiblecharge) we include it in the pricing. There's no additional cost for it so that might be important to know that as well.

And we sent out quite some newsletters about it. We've provided it in so many presentations at this moment that it's - either people don't read, that's also a possibility. It's an over flood of information. And we've actually tried to sometimes even contact the trademark holders but unfortunately they do not always provide the correct telephone numbers so that's even hard to do as well.

So we're definitely - I mean from trademark holder level we can only do what we can what we do. I mean more than providing presentations, seminars and newsletters unless there are other ideas we're really open to it.

Woman: Having probably the same comment in a way that Paul made that on the Web site did you know you need to opt in?

Woman: We did that, that was clear on the Web site. And some agents the ones that are registering now they see it automatically when they create their accounts.

Woman: Great.

Woman: So that should be a difference from an agent's level.

Woman: The second question is probably much harder to answer with 31,000 records entered and so there are 15 million registered trademarks (unintelligible)

provide any theories on the relative lack of interest? Is it just to new a topic people don't understand it yet, what are your theories?

Woman: A lot of people don't understand it yet to be honest even though that this is happening in this world and a lot of IT forums are aware of it but we've even at (unintelligible) actually noticed that even some law firms did not even know that this was existing.

So there's definitely still a lot of awareness to do, which we are trying to do as much as we can of course but we also are counting on our agents as well. We provide everybody with marketing materials, we have easy videos about it, we have it in translations.

We're working with our different teams worldwide to get more messaging out. And again yes and also if you look about the trademarks there is also the question that you have is how many - you have a lot of firms that are registering within the U.S., registering within (unintelligible) for example registering with European community.

Will most likely only record one trademark as well - so the number is different as well.

Man: We feel that through our agent at least our biggest agent of the corporate market has been relatively well addressed. We did an analysis, we did find some really tier one brands, which were not in there, which would typically be in the top 100 or top 200 list.

That was limited there was only a couple. So that the impression that we have is that the message is out there. We also see that they mostly hand in a couple of trademarks. They definitely put in their complete portfolio their aid grant go in there.

And however on the small and medium business space I think there is still a lot of work to be done and we also feel that we still lack a number of agents that are really active in that space.

Some of the (unintelligible) are really active in that space are currently trademark clearinghouse agents. So that is something that we're still trying to change or that we're talking to them we're hoping to convince them to also invest in this because they reach a different community and than we typically do of them than some of the other ones - regions.

So it is something that I think I mean we expected a big bang 1 1/2 years ago that clearly didn't happen but it continues to grow. So everyday we still get trademark (sent). So if then the new gTLD program is such and the trademark clearinghouse get known then it will probably, hopefully become something that is established over time and that will get more traction than it has currently.

Kristina Rosette: Thank you, all right next go ahead.

((Crosstalk))

(Brunella Lungram): For the record my name is (Brunella Lungram) and information...

((Crosstalk))

(Brunella Lungram): ...thank you for the quick overview that's a huge subject I understand. I think there is some voice in the background, is anybody else talking? Okay on the phone can you switch the phone please thank you very much for the record.

And the question, thank you and the question is since you have been appointed by ICANN I understand have you done or are you planning to do any work in relation to the new voice procedures?

You didn't mention at all but I thought that maybe something in relation to with the voice, new voice procedures. And the second aspect of the same question that this relates to the process and you all understand you are putting in play is how do you manage the I suppose verification validation conflict within (unintelligible) trademarks and registered marks in so different jurisdictions?

Man: I'm sorry what money.

Woman: For the first question...

Man: Okay I'm sorry.

Kristina Rosette: My IPC members who are on the phone [will be](#) come back to you momentarily. In the meantime if you could please put yourself on mute thank you.

Woman: ...as for the first question I'm not aware that the [team TMCH](#) is playing a role with the Whois or the new proposal on the Whois. I know there is a new...

Woman: On this though it seems that they still have opening - the opening stage of collecting and granting feedback until the third of July I understand from the Web site.

Yesterday somebody introducing the new - new Whois and Whois said the stage of comments, requested comments so was closed so it's a bit of confusion. But I would recommend to have a look at the final records of the expert working groups about (unintelligible).

Woman: Okay will do thank you. And in relation to your second question so the trademark clearinghouse accepts registry trademarks, court validated marks and marks protected under statute of treaty.



In most cases unregistered trademarks does not qualify or unregistered common law rights don't qualify but there are some countries that have specific treaties where these marks are - the trademarks are actually listed in databases.

So those specific countries they could qualify under the mark protection statute of treaty but in principal common law rights are - unregistered common law rights are out of scope of the trademark clearinghouse.

Kristina Rosette: Do any of the IPC members on the phone have any questions? No, okay all right. Well thank you both very much we appreciate it. These regular updates are very, very helpful thank you.

Woman: Yes.

Kristina Rosette: All right so we are now done with our briefings. Just to kind of recap the topics that we need to cover between now and 4:15. First is feedback and I guess position points for lack of a better word on the (ENTAG) session tomorrow in new gTLD's.

Kind of lessons we've learned, what was done right, what wasn't done right. I will be participating on behalf of IPC so I very much would like some guidance and input.

Second, the membership outreach efforts that have been circulated to the list in terms of the data collection. Feedback on the SCI projects I don't know whether for GNSO council motions whether (Petter) and Brian what feedback you all need for those.

And then finally kind of closing with the joint statement that we discussed in our CSG meeting this morning. So, you know, frankly I'm just going to take a

queue on points that folks think we should be making in the (ENTAG) session tomorrow. Anyone else? All right.

Man: I think the primary takeaway is that for round two we really need ICANN the corporation to take seriously GNSO policy stating that there will be a defined process at the beginning, which will be predictable and will not be changed unless something extraordinary happens.

I think that's been the number one flaw with round one. All the people in this room who are used to ICANN are used to the experience but the problem is it doesn't translate well to the boardroom and out there in real life.

Kristina Rosette: Thanks Anne.

Anne Aikman-Scalese: Thanks Anne Aikman-Scalese (unintelligible) and I want to raise a question about whether or not for this group you want to talk about premium and reserve names at all in terms of policy making for the second round because I know that we've raised a lot of compliance type issues in relation to premium and reserve names but I also know that for new applicants, you know, some of that may (cut) in the way of restrictions as well.

And so it's just raising the topic of what do people think about premium and reserve names in connection with the second round?

Kristina Rosette: Well that's not my decision to make, what do folks think about that? Anyone have a view? No, Steve. So we'll put a marker in that and then Steve.

Steve Metalitz: Yes first I'm a little bit unclear about what is the purpose and timing of this session that you're speaking at? The whole question of the next gTLD round and lessons learned from this round is a huge question that the IPC I think needs to take very seriously and be very well prepared for.

And certainly there are some things that I'm not objecting to raising some things but let's make it clear that we haven't really had that review internally to try to identify, you know, what were the four biggest problems or four things - biggest pitfalls to be watched out for the next time around.

And I think we need to figure out how best we're going to do that and there are these upcoming new gTLD reviews. So we will be put on the spot on that fairly soon so just to bear that in mind.

I guess my second point is really in response to Paul, I agree with you that it would be great to have a more predictable process with fewer hiccups and changes in it.

On the other hand when there are hiccups and changes we need to have the flexibility to respond to them like the issue that was discussed at the board session earlier today.

Obviously a problem with the first round is that the domain name collision issue was not picked up on early enough or ICANN did not take that into account early enough in the process.

But once they were picking up on it and made a decision then these questions rose about, you know, it's interfaced with other aspects like the sunrise. So one thing that we suggested today by a board member today is maybe there needs to be some way to make an interim change in the process that obviously lowers predictability but it may be necessary to achieve other things.

So it's really just kind of a nuance on your point yes we want to as predictable a process as possible but we also want a process that's able to adapt to new things that are - new roadblocks that are thrown in the road and make sure that we don't run over them.

Man: Kristina if I may respond.

Kristina Rosette: Sure absolutely and I'm going to put myself in the queue I see (Susan), anyone else and then Heather, Paul go ahead.

Paul McGrady: So thank you, this is Paul McGrady. I agree Steve but I would like to draw a distinction between [nationally](#)[naturally](#) occurring phenomena, [national](#)[naturally](#) occurring hiccups things that no one predicted like name collision versus hiccups thrown into the process by unhappy members of the community.

Kristina Rosette: I think the point that I feel pretty strongly about is that with the notable exception of the legal rights objection I think the entire module three of the (ICANN) guidebook needs a very, very close review.

I think we saw significant inconsistency in objection determinations, there needs to be more clear, precise, definitive guidance both to the dispute resolution panelists the providers rather as well as the panelists themselves.

And, you know, my personal view is subject to just being okay with everyone is that I also think we need to take a really close look at the independent objective role and CPE. So then I had (Susan) and then Heather.

(Susan Payne): (Susan Payne) (unintelligible) I think not to precede the next time around but this sort of one size fits all would be one of our big requests. There are different types of applications and that should just be recognized and different processes so slightly different guidebooks for, you know, slightly different application forms potentially.

But a slightly different procedure I mean they can't all run along an exact same process immediately to and that could extend to also some things like, you know, we really think whether there is a lower risk then you don't necessarily - and perhaps less work from the start.

You don't necessarily need to (unintelligible) the same thing and that kind of thing or, you know, essentially to a company for a particular type of community you may want to be looking at (C) levels but it's just a general across the board not one size fits all. You have to recognize that there are different types of applications.

Kristina Rosette: Thank you, Heather.

Heather [DrydenForrest](#): Just picking up on Steve's comment about timing I just wanted to remind everyone that we do have or we've only just started work in the study group on receiving work on group country and territory names.

And that policy that dare I call it development process or world recommendation process is only just beginning so in terms of timing of the second round I think we need to bear that in mind.

Kristina Rosette: Heather can I follow up with you on that? What's the current timetable for that group?

Heather [DrydenForrest](#): Good question Kristina and I should have said Heather for the transcript apologies. There is a meeting tomorrow at 8:00 am. We've only just met twice by phone prior to London, really to constitute the chairs ~~three~~ [cultures](#) [there's](#) myself, Ching Chaio and (Paul Sindler).

And Thursday morning 8:00 am our meeting will largely be to develop timeline projected outcomes this sort of planning.

Kristina Rosette: Anyone else? Okay I see Anne all right Anne go ahead.

Anne Aikman-Scalese: Anne Aikman-Scalese and just wanted to comment on something that Paul mentioned about issues that no one could have anticipated versus the kind that could have been anticipated and addressed.

And he mentioned name collision and I was speaking with Patrick Falstrom from FS - from FSAC the other day and he said that this name collision thing was first raised in 2007, it was raised again in 2011.

He brought it up again in Beijing and this is to my mind an accountability issue it's certainly not something that could not have been anticipated. There was not sufficient attention paid to the name collision issue.

And I think especially when security and stability raises an issue that, you know, there needs to be a bit more attention. I think we'll get a lot of pushback on that from registries and registrars because I know in the name collision session there was a statement that this wasn't really a problem that that in fact, you know, is just going to prove to be something that is not a problem.

But the notion that this is something no one could have anticipated is not at all a point of fact accurate. So I think it's an accountability issue where staff and board need to listen to FSCA when they're talking.

Kristina Rosette: Can you help me condense that into a bullet?

Anne Aikman-Scalese: Okay after?

Kristina Rosette: I guess I just need to, you know, from what I understand they're expecting kind of [pissypithy](#), you know, talking points so I...

Anne Aikman-Scalese: I think (Les) can do it.

Kristina Rosette: Okay, all right this is about to get interesting. I have the woman from BMW and then I have Paul.

Paul McGrady: I just want to respond to that.

Kristina Rosette: Okay go ahead Paul.

Paul McGrady: Two seconds, I didn't mean to inadvertently (unintelligible) ICANN that is...

((Crosstalk))

Anne Aikman-Scalese: I was sure you didn't.

Paul McGrady: I'm trying to draw a distinction...

Anne Aikman-Scalese: That's why I, you know.

Paul McGrady: ...between things that have to do with the Internet versus things that have to do with I'm a registrar and I'm not going to make money on that model or whatever right.

There's sort of a difference between, you know, things that pop up at us and things that come at us from our friends, thanks.

Kristina Rosette: All right thanks, go ahead.

(Amy Guthner): My name is (Amy Guthner) from BMW. I just wanted to add on to what (Susan Payne) said about having different requirements maybe in the second round for the applicants.

For the ICANN requirements for example for the, you know, financial standing of the applicants. One big example with the letter of credit that we had to provide the wording in it was so broad and so wide that a lot of banks at least in Germany came back to us and said BMW you have been a great client for many years and, you know, we financed bigger investments with factories in this.

But the wording in this letter was absolutely not compliant with banking policies. So I think if we are going to go to our second round let's look, you know, at ICANN requirements to make sure, you know, we can use them and it's fair to applicants to be, you know, to have to provide some things.

Kristina Rosette: I will note just - Kristina Rosette for the transcript. I actually raised that specific question with at the time Kurt Prtiz back at the Toronto meeting because everyone was banging their heads against the wall, this letter of credit issue.

And my ask was well gee, you know, you should have something of the 10 countries from which the most applicants are going to come. Wouldn't you be able to generate a letter of credit form that would be usable for applicants from each of those countries?

And the response that I got, which is the response I think you'll need to address if you want to see that happen is well what about all the other countries how does that not give applicants from those countries and advantage?

I don't want to have the dialogue now but just something to think about going forward, you know, given that they've already told us what their response is going to be whatever solution you ask for I think we'll need to take that into account.

Anyone else in the queue? Okay I see (Susan), all right go ahead.

(Susan Payne): Okay (Susan Payne). (Unintelligible) I think - I know something that they should at least consider is to look again at (unintelligible) potentially having insurance instead.

On the other point (unintelligible) is the timing I mean people having to go back now and re-issue them and obviously that's because this process has



taken so long but there has to be some consideration about when is the time you need to be presenting last years credit because it's ridiculous that companies are having to go and get another one.

Kristina Rosette: Let me say something that I hope you all don't take the wrong way. But we're the IPC and I think they're probably expecting to hear from us on what we think about the RPM's and not so much on how the application process should be changed for the benefit of the applicants.

So if we could perhaps kind of steer the discussion in that direction I think because that's what they're expecting to hear from us and if we don't say it no one else is going to.

Anne Aikman-Scalese: Kristina it's Anne, that's why I raised the question of premium and reserve names, which were unlimited because those are things that are resulting, you know, in problems for trademark holders now, premium names, you know, why you suddenly have to pay, you know, \$12,000, \$15,000 for a domain name registration.

Kristina Rosette: Anyone want to get in the queue on my redirected topic? Come on really.

Anne Aikman-Scalese: Well heck why not bring up the topic of non exact match I don't know, I mean the sky's the limit right second round.

Kristina Rosette: Well I mean and that's kind of my point is, you know, and I certainly take the point that Steve made and my first comment is going to be that any comments I provide are illustrative and not intended to be exhaustive but this is an opportunity to kind of start reminding the community that we weren't happy with what we got for this round and, you know, to the extent that we think it's strategically helpful to perhaps hint at what we're looking for for second round. Okay I see Brian I see Mark.

Brian Winterfeldt: Brian Winterfeldt for the record. I just agree with you Kristina I think it's a really good opportunity to start talking about some of the insufficiencies in the RPM's that we've seen.

I don't know if we necessarily want to go all the way back to the IRT and remind everybody that there was a long list of RPM's we are really looking for.

I mean I know I've gone to a lot of my clients and presented to them and it kind of actually dovetails of what we were actually deterring from the clearinghouse where there are still big corporations that are still trying to wrap their had around the trademark clearinghouse and how to use it.

But even at the same time as it's explained to them they're like what do you mean it's on the exact match and what do you mean I don't get variations what about in generic terms does that get flagged.

And then also the (unintelligible) issues with the limitations I know that there's been some extension of at least part of the claim service but I think that's something that I think those are all issues that we should go back and like you said maybe have a few examples but not necessarily pin ourselves down in that meeting specifically at this time.

But give a few things where I think brand [owners](#) are struggling to get act - and I don't - I actually wrote to a couple things. Number one where we can see improvements but number two there clearly is an issue with getting branders engaged and getting them to actually use the trademark clearinghouse.

But I don't know if that's an education issue that may be we need to look at ourselves and blame although I feel like we all think we've tried really hard to in many ways educate brand owners.

But also is there some sort of, you know, accessibility or educational component that ICANN could be (unintelligible) and helping with to make these RPM's more appealing and accessible to brand owners.

Kristina Rosette: I had Mark, I had (Ellen) I had (Susan), all right go ahead Mark.

(Mark [DrackenbergTrachtenberg](#)): (Mark [DrackenbergTrachtenberg](#)) from ([unintelligibleGreenberg Traurig](#)). I think based on some time with being in the earlier session board it looks like there may be some movement on the issue of, you know, whether reserve names had to go through sunrise.

I'm not really to optimistic in that regard but regardless of what happens there, you know, I think we should maybe state unequivocally since they didn't seem to hear us the 5000 times before that in the next round we want to see that there is no way that a domain can be allocated without first going through sunrise.

No matter what the situation is whether it's name collision or reserve names or any other crazy mechanism that they set up. Just to make clear that there should not ever be a way when the domain name cannot go through trademark sunrise.

Woman: (Unintelligible).

(Ellen [ChankmanShankman](#)): (Ellen [ChankmanShankman](#)) it's often (unintelligible) table quite (unintelligible) going back to the [IRT](#), which I'm always in favor of. The...

Man: Tapestry.

(Ellen [ChankmanShankman](#)): ...(Champ) already left the room. What about place on the table that we want these to be for the existing dot coms and the existing registries? If rather than just focusing on what RPM's we've got (realize) it's strong enough and let's put them in the new ones.

Maybe one of the strategies would consider saying you know what we've got these they're pretty good, they've worked, you've had your evaluation to show that they might be working now, now let's apply them to the existing registries.

Kristina Rosette: So (Susan) and then you and then Steve and anyone else because I think we're going to have to close this topic off so that we can get through the agenda. We might be able to come back to it but I think we need to be able to move on.

No one going once, going twice, all right. (Susan) go ahead.

(Susan Payne): Okay (Susan Payne), again not to go back to the IRT but why not, (FD)PML I mean why not some kind, you know, the (unintelligible) has worked to some extent I have some concerns myself about the cost and - of that.

But, you know, it's clear that you can do that and so that's something that should be looked at for across the board.

(Brunella Ungram: (Brunella Ungram) suggestion on the issue you mentioned of how to name this bullet, that first of all. And secondly how to handle all these very difficult topics?

I think this is a risk management the entire name collision matter appears to me as a lost opportunity to exercise on (unintelligible) capability. And for the future from now on not probably but be better to consider the process (unintelligible).

There are definitely lots of undefined steps in the process and that's in respect of name collision issues, in respect of the new (GDT) domain and several others and new service including the one I mentioned before the

voice a new registration directory service vital for writing Internet property procedure.

And something definitely different from the past is going to be put in place with the new voice that must be considered in the process together with the trademark clearinghouse.

So probably a bit of reflection about holes in the process with the risk management (unintelligible) wouldn't be a waste of time.

(Amy Guthner): (Amy Guthner) again for the record. I just wanted to go back to the issue again of the premium name. So about 10 years ago or maybe more than that when (Dot Mob*ij*y) for example was launched there was a system and an RPM done for premium names and I know that ([WyfewWIPO](#)) was one of the carriers of this dispute resolution system.

I'm just wondering why, you know, for (Dot Mob*ij*y) it was, you know, a system that was used and now for the new gTLD's there is no protection mechanism for this premium name issue.

And if there is a way to get that system and again I would welcome it because it was sort of a - it was a burden on the trademark owner to have to, you know, show prior to (synching) that there was a procedure for it and if you could show evidence, survey evidence whatever you would get the names.

So I would welcome some, you know, addressing of this issue in the next round.

Kristina Rosette: Thank you, Steve you're going to have the last word.

Steve Metalitz: Steve Metalitz, I just wanted to second (Ellen's) suggestion that some of the improvements made in the new gTLD space could be applied to the legacy gTLD's.

But we don't need another round for that that could happen now where we could start that process now and I hope that will be an issue that we can put on the IPC agenda about how best to get that conversation started within ICANN, thank you.

Greg Shatan: We're here.

Kristina Rosette: So I think what - Greg, it's the voice of Greg Shatan. Is there - I think it's Greg. Is there any - for the folks on the phone is there anything that you wanted to add to this before I close the topic and move on?

Man: No I said enough already thank you.

Kristina Rosette: So I will change my cryptic notes to myself into a bullet point list. I'll send that to our IPC list so folks can take a look at that and come back with any concrete and specific suggestions for change given the time constraints, something more specific than, you know, I don't like it would be helpful, thanks.

So the next thing we're going to do is move on to the membership outreach discussion, I'm about to put (Peter [DurambarkDernbach](#)) on the spot so (Peter) is one of the three folks in the constituency who volunteered to do research to identify entities and organizations in Asia, Africa and Latin America that could potentially qualify for membership as category 2 and 3 organizations.

So that once we have a complete or as complete as we think we can get collection of information about these entities that we can identify the best way to go about reaching out to them.

So you should have all seen at this point the spreadsheets that the three volunteers each who was working on a separate region had posted to the list. So (Peter) if you wouldn't mind just saying a few words about kind of your

experience, what your thoughts are in terms of how much more work would be necessary to get what you think is probably the best possible list.

Kind of keeping in mind that we don't want the enemy to be the perfect of the, you know, perfect to be the enemy and the good whatever, go ahead.

(Peter [DurambarkDernbach](#)): Thanks this is (Peter [DurambarkDernbach](#)) for the transcript and what we did was we just did some online searching and then reached out to some folks. You broke the globe down by the ICANN regions and I was somewhat surprised to find that Asia Pacific has 70 some countries in it.

But what we did was we reached out and we identified a handful of trans-national organizations that might be appropriate for membership in the IPC. And then in the national organizations we did identify organizations in some 16 different countries in Asia Pacific. So I think that one of the things in terms of the next step for us would just be to identify - because we do have a number of category 2 and category 3 members already and to identify a kind of a template that we can reach out to.

What we did was we identified the organization and we tried to identify a contact person that that organization. For some of them we don't have complete information yet but I think we'll be able to flush that out a little bit more with the help of some friends in each of those jurisdictions.

But I think then if we could at the IPC basically have some reach out materials that explains the benefit of being a category 2 or category 3 member, which I think we could come up with reasonably easily then that would be something that each of us in our regions could then kind of reach out to the organizations that we've identified.

Kristina Rosette: I'll go ahead and take a queue on this. I see Steve and (unintelligible) go ahead Steve.

Steve Metalitz: Yes thank you Steve Metalitz. Just three points first this is important for the IPC in a number of ways. One of which has to do with the GNSO review. We're going to be in a better position in the GNSO review if we have greater diversity of our membership, geographic diversity. So there's a real plus to this.

Second on what (Peter) said one thing that ICANN has agreed to fund for the constituencies are outreach materials, printing and publication type of things. They turned down a lot of our other requests for things that would help us do outreach but they did approve that one.

They also approved a process that whereby for example we could get ICANN funding for (Peter) to travel to somewhere else in Asia Pacific to go to a meeting of one of these groups and, you know, talk about the IPC. It only works within the region there's some bureaucratic steps but in any case it does exist.

The third thing is, you know, a we went around the room here at the outset and we heard all these people say not an IPC member I'm thinking to myself many of them potential IPC member if any people and I know some people have left by now.

But if people in this room know of organizations that they belong to or have some relationship with that should be in the IPC national or regional organizations of IP attorneys or that represent holder, you know, trademark owners who are copyright owners please let us know.

If they're in Asia Pacific I'll tell them to tell (Peter) and if they're not in Asia Pacific since the other two people on that team are not here please come see me and I'm glad to take that information and you can also stop by with (Mark [DrackenbergTrachtenberg](#)) and he can tell you how to get - how you can become a member yourself.



But it would be very helpful to - if you have contacts with these organizations that's ideal because you've already - you're already engaged here so let's leverage that and try to bring some of these organizations in, thanks.

Kristina Rosette: Jonathan.

(Jonathan): I wonder in some of these places in the world if money is an issue and is there some way for us to work out any kind of financial aid or anything like that to make it easier to become a - those are the more expensive memberships that we're after is the only reason I raise it.

And some of these regional organizations maybe not the international but the regional ones may have an issue with money. I'm going to - I'm very excited as a category 3 member myself I'd be very interested to read what the benefits are too so I'm - I assume this is one of them right? So I'm...

Kristina Rosette: Jonathan you might have just volunteered.

(Jonathan): It's cheap labor but not in the way you think.

Woman: If I can give you feedback but frankly I've been involved with the introduction (unintelligible) for 20 years now and owner of (unintelligible) trademarks myself and consults (unintelligible) I've always thought this constituency as very (unintelligible) and low terms nothing more than that.

So this is the first time after I don't know how many years I know in the back of my head year exists that I decided to come and see what you do. Probably there is a general outreach problem I would say yes.

Kristina Rosette: Anyone else want to get in the queue on this one? All right so why don't we plan to do this. I realize that the spreadsheets came out when folks kind of in the last few days before folks were preparing to travel.

If you could all take a look at each of those and to the extent that you know of other organizations I think the documents are configured in such a way that you can each person I think can edit them right.

So please don't delete anything but do add any additional organizations or to the extent that there is an entity identified but no contact information that you happen to know someone there please go ahead and do that.

And then I think probably the next step will be to identify kind of what the process the most efficient and effective process is going to be for moving forward with outreach to folks, (Peter).

(Peter [DurambarkDernbach](#)): I just wanted to echo Steve's point that if any of our guests who are here today who are not RPC members they obviously would not have seen the list. But I'll be here after this meeting and I'd be happy to meet anyone if they're in the Asia Pacific region and know of anyone I would be happy to meet with them after this meeting, thanks.

Kristina Rosette: Thanks, so we're going to close that off and move on to the SCI issues for which our members who are members that the SCI working group needs some guidance.

Unfortunately because we have a couple other things we also need to cover Anne if you could kind of present the issue and identify what the specific guidance is that you need.

Anne Aikman-Scalese: Absolutely thank you, are we posting this in Adobe as well because...

Kristina Rosette: Yes you're in Adobe.

Anne Aikman-Scalese: Okay so I'm the primary - Anne Aikman-Scalese, I'm the primary delegate to the funding of IPC to the SCI, which is an arm of the GNSO. It stands for standing committee on improvement implementation. This charter is we're responsible for reviewing and assessing the effective functioning of GNSO operating procedures. Example Greg Shatan who is on the phone is also - is secondary delegate and very hard worker I might add.

So we have a couple things we are asked by GNSO to address. The first is the circumstances under which the advanced notice for a motion before GNSO council might be waived.

The current rule is that there must be 10 days advance motion or advanced notice of the motion. And so the language that we've been focusing on states three conditions where that 10-day advanced notice may be waived.

And the first condition is that it's submitted at least 24 hours in advance of the GNSO council meeting that the motion is accompanied by request to consider the motion despite submission after the submission deadline. In other words state your rationale for not meeting the 10-day advance notice.

And the third that a vote on requests for consideration shall be called as the first order of business for the agenda item that deals with the motion and this is very important, that there must be unanimous support in favor of considering any motion that was not submitted 10 days in advance.

This, you know, I guess became a practical problem at one of the meetings. Brian would like to say more about that but we got the request from the GNSO council.

So those are the conditions that were developed by the sub-team. I think Greg Shatan did a lot of the drafting on this so we could also ask him to comment if you have questions.

The language that we've been debating the most about is how to make sure that a motion that is not unanimously agreed to be consider on this space is - would not be considered resubmitted later and not subject to the rules about resubmission.

Now unfortunately I guess we're not displaying the language. I did send it yesterday morning to the IPC list. I would ask that if you have input on this rule let us know now because Ron Andruff chairs SCI is getting ready to finalize and call for the vote on this.

And what's different about SCI is that they are - we work on 100% consensus we do not move forward in our recommendations to GNSO without 100% consensus.

Kristina Rosette: Anne, sorry to interrupt what's the view of the current - to the extent that SCI numbers have expressed a view is there unanimous support for this change in other words...

Anne Aikman-Scalese: Yes.

Kristina Rosette: ...if we opposed would we be standing alone on it?

Anne Aikman-Scalese: Yes.

| Kristina Rosette: Okay, Brian did you want to add anything or (Petter) because I know this issue has come up a couple of times in the last several meetings? Based on and this is directed to Brian and (Pete

Based on your experience on the current council do you think the conditions the safeguards really are they robust enough to prevent abuse? It's a yes no question.

| (Petter): Without going into any detail yes I think so yes.

Kristina Rosette: Okay, all right, all right, all right. So given that it seems that we would be isolated if we opposed it and given that the conditions at least initially appear to be robust enough to prevent abuse I guess what I'm inclined to say is that unless Greg Shatan and this is a shout out to you has any strong views to the contrary that perhaps that should be the way we move forward, Greg.

Greg Shatan: Hi it's Greg Shatan for the record. Speaking on purpose this time. I do support this as Anne mentioned I've been a primary drafter maybe the primary drafter of much of this.

We have included I think very robust protections especially the need for a not only unanimous vote of those present but unanimous vote from every seat in the GNSO council in favor of this.

So a true (unintelligible) would need to vote for this in order for the request for reconsideration or request for consideration excuse me to go through. And that plus the 24-hour rule, you know, avoid kind of ambush motions, motions from the floor or anything like that there's still some time for folks to go back to their constituent season. So I'm all in favor of this and I think after a lot of words, I think works quite well. Thank you.

Woman: Thanks Greg and the second item if I may turn to that is the item dealing with email voting. And again, of GNSO of counsel. Again this is a request that comes from GNSO counsel to CSI how can we implement possibility for email voting on motions. We believe the scope of this in between meetings. We've actually asked GNSO counsel to clarify to us the type of email voting they're looking for. But, I worked on a sub team with Thomas Rickert and Avri Doria on this language

Thomas had done an original draft, but actually after a couple of SCI meetings, it was determined there were things that he hadn't addressed and there was another call during which a lot of consensus among three of us about how

this was to operate and after that Mary Wong drafted this particular amended rule and I would say again that there's pretty consensus within SCI about how this is supposed to be used.

There are two questions outstanding. One is whether email voting would apply to just motions or would it apply to other votes of GNSO? And that was one question. And then the second question was whether email voting could somehow be used to whether it only applies where a motion is properly introduced and discussed full discussion at a GNSO council meeting? Or whether it could be used to somehow introduce a motion. So Brian.

Brian Winterfeldt: So Brian Winterfeldt for the records. I wanted to add and that I believe we did get some clarification during the working sessions. Staff reminded us that the contacts that this request came in was where a motion had been submitted but not properly within the window in advance of the council meeting. So there was actually a discussion of the motion and I think the frustration was that we had to wait a full term until the next council meeting in order to cast a vote.

And so we were wondering whether there wasn't a way in this situation where a motion wasn't controversial. It seemed like it was going to be fully supported that we could have some sort of email vote between council meetings to allow motion like this to move forward and to allow work to get started rather than have it have to be delayed unduly. So that I think was the contact so at least the answers is part of your question.

Woman: Yes, I think it does, and thank you and I would say that let me describe in terms of next steps with these if we did a full consensus with them the SCI. What happens is it goes out for public comment and then we take public comment on it before actually making the former recommendation for the final language. So that's another important step.

Kristina Rosette: Okay, Brian, am I hearing it based on your comments that this is something that the counsel or least to the extent that there's been discussion of it on counsel is something that they would support?

Brian Wintefeldt: It was actually I think a frustration that the entire counsel felt. We had a motion of unlike many motions. It was actually not controversial. It was something that was going to kick off work process and so people were frustrated that there was total unanimous support for who wanted to get the work started. But we were basically bound because of the rules around the time for motions to be submitted in advance of the meetings to have to wait a full 30 days.

And it just felt like a waste of time. And so I think there definitely is support of the counsel and I think it really was sort of across the board that this was something that people thought was good idea yes.

Woman: And I'd also comment Kristina that we do have some checking to do with legal with respect to quorum and how quorum operates in relation email voting, and so we will - SCI will get that tied down before putting anything out for public comment. And these two proposed changes will go out together for public comment. Because as Brian pointed out, they are very much related.

Woman: And a (unintelligible).

Man: Yes, I just want to make sure I understand what's being considered now would allow this email voting? And between meetings?

Woman: Yes, and it would require advanced notice from the Chair to say the email vote on this will open in - I think it's seven days and you will have x period of time to vote, and then the vote closes. And then there's a validation...

Man: Okay.

Woman: That says for the...

Man: Yes.

Woman: Vote.

Man: And I'm assuming that you and Greg are recommending that we support this change?

Woman: Yes. Greg. Hello, Greg.

Greg Shatan: Yes. This is Greg Satin. I'll come talk to you. I support it as well.

Man: Okay. Thank you. I do too.

Woman: All right. Thank you. All right so we have your consensus?

Woman: Thank you very much; appreciate your time.

Woman: Brian and T(Anne)r, I understand that there are a few motions coming up for a vote at the GNSO council meeting tomorrow. I was hoping - I don't know that we have them in Adobe but I was hoping that you could briefly summarize what the issue is. Whether - where you see the vote going and what you're really what your ask is from us.

Brian Wintefeldt: Sure. There are two motions. They're on the table right now. The first would approve the PDP working group charter on opening up or creating a new RPM for IGO's and INGO's. The charter is on change since our last [eounselCouncil](#) meeting with the IPC offered from the amendments that were actually accepted. Mainly we are modifying the URS DDRP or creating a new RPM. We are looking two options that resulted.



IPC clearly supports the latter option creating a new RPM rather than making any amendments to the URS or DDRP process. And we recommend supporting this motion right now. And we do think it's probably going to be supported as a counsel. The second motion would preserve and clarify the GNSO's continued interest and role to play in evaluating and improving the first new [Dg](#)TLD application route.

So it kind of falls on some of the discussions that we are having today here. As you might know from the CSG sessions, the motion would create a committee of the whole to discuss the experiences gained in the first round and identify subject for future issue report and potential changes to the program.

We're also requesting subject matter input from the NGPC. And also requesting a status report from the staff on any pending studies or evaluations regarding the first round. As well as looking for a timetable for those studies to take place. So based on CSG discussions, I think it's clear that we would support this motion, and this is something that we obviously I think all very interested in and would like to have a lot feedback and input on how this process goes and how the evaluation of round one can (unintelligible) programs plays out.

Woman: Thanks Brian. Does anyone have anyone have any questions or want to comment?

[\(Connor\)](#): Yes.

**Comment [5]:** Not sure who was speaking here, referred to as "Connor".

Woman: Okay, (Connor) go ahead.

(Connor): Just want to add something about the proposed motion. It may not be initially so interesting - meeting with general trademarks when it comes to information on the front loans and organizations and introduction of all organizations, but if it's general meeting with dispute resolution board, and as I said, we have

managed to get even an ore there but, it's still a possibility that if we're not going into activate in this working group, it can become discussions about changing the NVRP modes. I strongly recommend (unintelligible) in this issue to join the working group.

Woman: Thanks (Connor). Are you, I guess, you know based on what your vote said made some adjustments there doesn't seem to be any concerns or questions raised from the floor. I think that what I'm hearing is that yes, you all should go vote in support of both of those, so I would ask that if any IPC members feel differently, then now is the time to raise that concern. All right, excellent.

Brian Wintefeldt: I did want to actually just highlight for folks over the discussion topics. Maybe to get feedback or input or just temp you to actually attend the counsel meeting tomorrow. Do we have one more minute Kristina and just quickly go through those topics? Okay. So the discussion topics for tomorrow we're going to talk about the recent [NGBPC](#) letter on protection of IGO, INGO identifiers.

There was counsel feed over the weekend about the perception by some that the letter falls just short essentially of rejecting GNSO policy. As we know, that there's a lot of folks on the GNSO who I think are very sensitive to feeling like the Board is sometimes circumventing or jumping over us in the policy development process. So that's something that I think will be an interesting debate.

We're going to talk about the final issue report on uniformity of reporting. We're going to look at the cross feed working group to develop a transfer process where they have a stewardship role. We're also going to be discussing the GNSO review -- GSO review working party and the GAC GNSO consultation group. So I think there are going to be some concessions and if anyone has thoughts or input that they'd like me to provide, during this discussion with the counsel.

I'd love to have more to stay. I was very stoic over the weekend. I felt like I didn't have all kinds of gems. So Heather and I would love to hear from all of you about what we can contribute to those conversations on aspect.

Woman: (Unintelligible). Really quickly on this GNSO review. I keep thinking about the fact that we don't have any sort of paid staff support in actual preparation of comments and stuff like that. Is that a reasonable inquiry in relation to the GNSO review? How do we become more effective as an organization? We don't...

Woman: That I think is a separate issue, and frankly it raises questions that I think would require more time than we can devote to them right now. Only because that raises the question of the extent that which we feel comfortable having ICANN draft our positions for us.

Woman: I didn't mean ICANN staff. I mean like you know, the BBC have what, the money that we get.

Woman: Well if you're volunteering to start...

Woman: The money that we get...

Woman: To start the group that will put together kind of the qualifications and criteria to hire for someone.

Woman: Sorry, policy and implantation working group is too time demanding at this time.

Woman: Okay.

Man: Just - and there's a little background on this. We asked ICANN for this. When ICANN was first coming up with this so-called tool kit of the services it would supply, we got on that list that they would pay for us to procure the services

ourselves and then they changed their mind about whether they would ever allow that. And I think the legal department would not allow it.

So therefore we only - the only surface we can get from them are the ones they provide us and that's ongoing discussions about secretary support. I think will be forthcoming. We can procure that - some of that support with our own thoughts if we choose to do it.

Woman: Okay.

Man: And we do have some thoughts, but you know. And we've done that in the distance past occasionally, but I think that's kind of a snapshot of where we are.

Woman: Mark, go ahead.

Mark Trachtenberg: Mark Trachtenberg, (unintelligible). In respect to the secretary issue, I actually spoke to (Rob Oburns) earlier. I think I've actually identified some of you who really want to do it. The attorney who's kind of a solo practitioner and really wants to get involved in ICANN. And he understands it's a little pain, but he just wants to have a foot in the door, so (Rob) said that they had some challenges in identifying persons. They had some candidates they looked at that didn't really work out, so I'm going to work with him and see if we can set this up as quickly as possible.

Woman: I guess before we get into the joint statement, Brian, do you want to introduce Elaine?

Brian Wintefeldt: Sure. I'd like to introduce Elaine. She is here on behalf of her efforts for outreach through the COC program and we're really happy to have her. She's been here since this weekend attending all the sessions. And Elaine you want to just quickly introduce yourself?

Elaine Pruis: Hi.

Woman: Can you use the microphone so that when they transcribe it, they hear you?  
Thank you very much.

Elaine Pruis: Yes. Hi everyone. My name is Elaine Pruis. I am from Greece. It's my first ICANN and I'm actually an IP attorney. I am learning a lot. I have been doing the (unintelligible) work for over ten years now in Greece. So it's great to be here and I appreciate the opportunity and I hope that I will be joining you guys again in the future. Thank you.

Woman: Thank you. Welcome very much.

Elaine Pruis: Thank you.

Woman: You're welcome. And of course, you know, it should go without saying but as you go forward through the rest of the meeting, if you have questions about anything, don't hesitate to ask, you know, frankly any of us, and we'd be happy to help.

What I'd like to do now is I have sent the list on proposed text on this joint statement on accountability that we discussed in our CSG meetings. I need a five minute break. So perhaps for those of you haven't read it yet, if you could get on to the list and read it, and then we can talk about it. This text that came from the registry stakeholder group. So at least it's my understanding it has preliminary approval from at least them.

I thought it did a good job of capturing the bullet points that I sent around earlier this morning. So I guess maybe just to get a few minutes to read. I don't know if Steve, you want to. Yes, why - so Steve's going to lead the discussion.

(Steve): Okay. I don't know if those of you - I was just looking for my copy over here which I can't find. But I will find it. My - and this key - the background here is that this is an opportunity we think to get a lot of parts of the GNSO [counsel](#) together on the issues. It doesn't happen that often. And...

Woman: (Unintelligible).

Steve Metalitz: Okay, well I don't have it. Do people have this document in front of them? Okay, let me just read it because it's not very long. This is Steve Metalitz [from for the Transfer transcript](#). I stand before the ICANN Board and staff today in the rare showing of the unanimity of among the GNSO. As such, the ICANN Board and staff should take our statement with appropriate seriousness and consideration. We agree that ICANN has earned the trust of NTIA to operate the IANA functions under a contractual arrangement that could be re-vent or terminated. ICANN has also earned the opportunity to convene the multi stakeholder community to help determine the future accountability/stewardship mechanisms.

However, ICANN has not yet earned the trust of the ICANN community to operate the IANA functions absent new meaningful and independent accountability structures for the entire organization. Sure accountability does not mean ICANN is only accountable to itself or is vague definition of the world, nor does it mean the government should have the ultimate say over community policy.

The Board's decision must be opened to challenge and the Board cannot be in a position to reviewing and certifying its own decisions. We need an independent accountability structure. One that is identified and created by the community that holds the ICANN Board, staff and various stakeholder groups accountable under ICANN's governing documents.

And serves as an ultimate review of Board, staff decisions. In addition, we need third party independent manual operational and detailed financial audits

from a respective firm. One of NTIA's four principles is that the recommended IANA transition plan be multi stakeholder. So the multi stakeholder community has the opportunity and responsibility to propose meaningful accountability structures and go beyond just the IANA specific accountability issues.

We the community are committed to coming together and developing recommendations for duration of these mechanisms. We ask the ICANN Board and staff to fulfill their obligations and support this community-driven multi stakeholder initiative.

So for those who haven't committed that to memory, hopeful it will be arriving in your inbox soon and we will take it to for comments on that. Ellen, Jonathan, Suzanne? We're start with that queue Ellen.

(Ellen [ChankmanShankman](#)): I think it's a powerful statement, and I think the fact that it's likely proposed with to the extent that we can tweak it only loudly, well I think it's faster and I think it's fantastic that it came up. There are a couple of terms here that strike me as a little bit loaded. That I'm not sure whether they're intended to be or not. So I would just throw in - I guess three places. One is the very first sentence we stand before the ICANN Board and staff today in the rare showing of the unanimity of among the GNSO. I would make that even stronger Steve.

Because you know, very broad opinions. Not just the GNSO, but that even with the GNSO, we're talking about a huge range of opinions and we all agree. And I think that that point should be emphasized. I'm not sure what meaning and independent accountability in the second paragraph. Again, I don't know if the word "independent" is a front term or not a froth term or if it's neutral. It's great if it's loaded and I don't understand what it's loaded.

I think it just needs to be identified. And the last one and maybe it's good to avoid it, but notwithstanding. Back to the question. The multi stakeholder

model everybody agrees with. I don't know if the NTIA also advertises the bottoms up. The bottom up here is not the same. And multi stakeholder - multi stakeholder can also be tapped out. So, if by multi stakeholder we also mean bottoms up then that should be added as likely not presumed.

If we don't want that in there particularly, leave it as it is, but I don't think that they are necessarily anonymous for everybody. But overall, I think it's a good statement.

Woman: To respond very quickly, in terms of the first sentence, we're really kind of putting brackets around that. Simply because, you know, obviously we would like to be able to have unanimity. It's my understanding that at this point, the NCFSG hasn't weighed in really at all. So that's kind of an opened question, but I think the view among the stakeholder groups and conditions; they have waited and that we're going to go with what we have.

And if we have almost everyone then we go with almost everyone and reply accordingly.

Elaine Shankman: And absolutely and the word unanimity has to come out all the most reason to emphasize that who had waited this broad range people.

Jonathan Zuck: Jonathan Zuck from DACT. I just wonder if one of the things that might come up is the legality of this and as the highest concentration of lawyers in the ICANN communities; is someone able to take a look at whether or not a California corporation is able to have somebody the Board answers to in this way? I mean I have no idea, but I envision it as being a potential issue that gets raised by the Board that allowing them to be overruled by some other body, changes the structure of the corporation. I don't know.

(SuzAnneSusan): You know - (SuzanneSusan) I'll just released my comments - most important comment was the same as Jonathan's. That's going to be an issue I think. The only other question I have about the statement is it says we agree that



ICANN has earned the trust of NTIA to operate the IANA functions. I'm trying to recall whether the NTIA statement actually names ICANN as the heir. I don't think it does and I don't know. Are we saying we agree among ourselves that ICANN is the heir?

Jonathan Zuck: They haven't named them as a - and this is Jonathan again. They did not name them as an heir. It's not specified. It's something that we - the statement doesn't say that either. Really it just says that we're the one that put a concession out that they've done a good job to date with this oversight.

[SuzanneSusan](#): But we're saying has earned the trust of NTIA. We're making a statement about NTIA's trust rather than our own. I don't quite under...

Jonathan Zuck: That whole top section I think is meant to be throwing them a bone. But I think the phrasing of everything is kind of [incidental/incendiary](#) and I would just drop it and get right to what it is we think we're proposing.

Woman: All right...

Jonathan Zuck: That would be my recommendation.

Woman: I think you're right. I think it is intended to be kind (unintelligible) just a little, but just so that I have some specific suggestions to take back on how would you change the second paragraph. Take out that first sentence? Take out the whole paragraph?

Jonathan Zuck: Unfortunately I don't have it in front of me...

Woman: Oh, okay.

Jonathan Zuck: But there's the whole beginning section about they've earned the trust of this; they've earned the trust of this and they've not yet earned the trust dah dah dah. I would eliminate all of that about trust that they've earned instead say

whatever the next sentence is, you know, meaning proposed acts. Just from memory, there were like three sentences that had to do with the trust - the two trusts and the one they hadn't and I would eliminate all three of those and just get right to the point. That would be my recommendation. Because I feel like it's here, here, here's your bone, but by the way, we don't really trust you. I mean I just don't - I don't think it's going to accomplish what it was meant to accomplish.

Woman: I guess - yes, I guess it would be helpful to have comments on Jonathan's proposed suggested change so that I can kind of make sure that what I'm communicating back is completely accurate.

Jonathan Zuck: Right. And in sense, it's still going to be seen too. I guess the...

Steve Metalitz: Can I have - who else - okay let's - in the queue we have Paul. I'm going to put myself in the queue. Ellen. Oh I'm sorry, Mark. So Paul go ahead.

Paul: Thank you. So for clarity are we talking about deleting however comma, backwards to the rest of the paragraphs we open with? ICANN has not yet earned the trust.

Jonathan Zuck: I would delete that sentence too. I feel like that's not a substantive statement, but is instead represents a centenary remark and is not valuable. I think the next sentence after that is where I suggest start.

Woman: Okay.

Jonathan Zuck: Because I don't think it needs to be - I think we could argue that they couldn't earn the trust to operate in such [manner](#) ~~m(Arne)~~ that they're only accountable themselves. I don't think we need to say oh, well in the last 16 years if you had done a better job of being trustworthy, we wouldn't be making this proposal. That's what that sentence says. And I believe the reality of the situation is that in the absence of some outside arbitrator in the

case of NIGIA, to date, we want something to take its place regardless of what the behavior of ICANN had been to date and whether or not they had “earned our trust” or not. And I feel like that’s a bad construction that starts this whole conversation off with you screwed up and we don’t trust you.

Paul: I think it’s a meaningful thing to say to them though.

Woman: I was wondering - I mean would it be that - it’s not really ICANN has not yet earned the trust. Isn’t it actually that ICANN has not earned the trust without independent accountability structure. And so that’s where we need to start and then say what they do need to have is someone to be accountable whoever that may be.

Jonathan Zuck: I guess I would suggest we want that regardless of what had gone before, but there was an accountability mechanism. There was a fact stop that existed. It’s now longer going to exist and we think there should be something to replace it. We need to put a slap in the face to justify it. We can simply say, it’s there now. It’s being removed. What are we replacing it with? And that’s a more constructive and impartial view of this rather than starting us off which is going to have everybody rear back before we even get to our actual proposal.

We’re saying we don’t trust you. And I don’t think that is of any value. We don’t need to communicate that. Then again we want a backdrop.

Steve Metalitz: Let’s try to get back with the queue but we’ll come back with this then. It is a bit difficult because many of us...

Jonathan Zuck: Because Jonathan took up much of the time.

Steve Metalitz: Many of us don’t have this text in front of us. Well, I think Mark was in the queue. And Ellen and I put myself in. Mark go ahead and tell the world who you are.

Mark Trachenberg: Mark Trachenberg with Greenberg Traurig. Apparently the registries have been editing this text as well and I have their latest or final agreed upon version that they'll probably be sending around shortly. But notably they took out the whole trust section. Apparently, you know, at least a number didn't agree with that or had that issue so, you know, maybe if we can agree as well. But I can read the latest text if you want or...

Steve Metalitz: Can I suggest this as far as the text? I'm certainly comfortable with giving guidance to Kristina. Because we can't get it - this text is changing too fast and we don't even have it and you know. I'm certainly comfortable with giving guidance to Kristina to work with the text as it evolves and bring in some points.

I think there was some certainly some interest in taking the trust stuff out. If it's out then - although there was some interest in keeping in also but...

Woman: The other thing is that...

Mark Trachenberg: I'll forward this...

((Crosstalk))

Woman: Forward it to me. I can copy it into a Word document and put it on a drive; get it to Betty and at least we can have it up on the screen. Is that helpful?

Steve Metalitz: Well, we've got 15 minutes left in our meeting.

((Crosstalk)):

Woman: Go ahead and do it right now.

Mark Trachenberg: Okay.

Steve Metalitz: All right. Ellen.

(Ellen ~~Chankman~~[Shankman](#)): I like the trust language, but Jonathan I hear what you are saying, and if they've taken it out, then also that is worth fighting about, just put it back in. With regard to the accountability mechanism and Jonathan's point on, you know, is it legal to have it be outside or inside whatever. I don't know but I don't automatically assume that the accountability mechanism has to be from the outside.

If the community decides that they're willing to have another structure even somehow within the community that the Board somehow has answers to this. The bottom line is we're saying ICANN just can't release itself. The Board can't just rubber stamp its own - its own statement, but whether that mechanism can be legally outside of ICANN; we think it's a good idea for it to be outside of ICANN like another legal back step outside.

Or if somehow the community can come up with a different mechanism that's internal that doesn't raise any of these legal questions. I'm not assuming it has to be automatically outside. I just think the facts that say Board and staff can't keep saying, you know, can't do their own self review.

Steve Metalitz: This is Steve Metalitz. Getting back to that issue. I don't this is a major concern in this statement for two reasons. One is the accountability mechanism doesn't necessarily mean viewing the Board. It means you could take this off reform than that and it most certainly would not be objectionable under same state law showing a Board decision.

Secondly, we have an independent review panel process. I don't know that anybody's challenged in legality under California law. Maybe they have. It is not a veto. It is an accountability mechanism. It's not sufficient. There's been a lot of problems. But I just don't - I don't think that we have to be worried about foreseeing there can't be an additional accountability mechanism.

Obviously it might take - the forms that it would take might raise legal problems, but they're on - this is general enough that I don't think it necessarily rules that out. At least that's my sense.

(Rometta Longer): For the record, Rometta Longer. If - the wording - I don't think that it's convenient to say - to stick with the letter, but try to get the spirit of the statement. There is an urgency as far as I understand to make the Board, well and the overall ICANN more accountable towards external stakeholders. Then I mean external to the multi stakeholder mechanism itself.

They even need to try new language and new ways to communicate the will jurisdiction. And the course of finding ICANN word. And I think the accountability mechanism must be recognized by everybody's word, not just not by the multi stakeholders is not communities within the ICANN word.

This is the spirit of this statement, and I would recommend not to speak with the letter, but try to get the spirit.

Steve Metalitz: Okay. That would be a really big task to get one that everybody in the world accepts, but you know, I hear what you're saying.

(Rometta Longer): That is the direction.

Steve Metalitz: Well, okay. (Anne), and anybody else. Susan, Nick. (Anne), go ahead.

(Anne): Just very quickly, I heard after Steve gave Bianca's statement this morning to Board. Whether it was Steve Croker or Bruce Tockin, said, well you know, accountability isn't just about us. It's not just about the Board. It's not just about ICANN's staff. What's the accountability in your organization? And so when this statement is made, I fully expect somebody's going to say, well you know, it's not just us. What's your accountability mechanism?

Woman: I just wanted to put this and say I think the accountability that's being talked about is not necessarily external. And it's something that the community

needs to come up with a solution for. But it's just to have something which is independent and not, you know, the same people making a decision and then reviewing that decision. That's not what we need.

Nick Wood: I've just received.

Steve Metalitz: Please tell the world who you are.

Nick Wood: I've just received this. I was looking up there as well. Any obviously we very often words for the other. (Unintelligible) release a statement and we kind of started to fiddle around and etc. I think it's a really good time for us to actually surprise the rest of them and stand with them on this. I can't see that changing one line here or there will make that much difference other than we can, the overall position of the GNSO in this and so I would stand with it.

Steve Metalitz: Okay, anybody else want to be in the queue after John?

(John Notpoint): (John Notpoint) for the record. I would like to, and I think it would be important for the IPBC to maybe wordsmith this one little part Nick. Focusing on the second paragraph, first sentence with the ~~Knerr~~"nor" doesn't mean the government should have ultimate say over community policy. I get what they're getting at there, but I also think that that's a dangerous comment to make.

Comment [6]: Not sure who was speaking here. Was it John MacElwain?

I mean obviously to the extent the community policy would break any countries laws, we don't want to be saying that somehow ICANN policy is above international law. So I think we should just try to come up with some way to wordsmith that to get it back to what I think they're really meaning there. I don't have a solution for it yet.

Woman: What about adding on to the end leaving the sentence as it is, but adding after policy absent a legal foundation for giving this.

((Crosstalk))

(John Notpoint): Or subject to the rule of law.

((Crosstalk))

Woman: I like it, I like it. Yeah!

(Steve): Now that we all have the same text in front of us. So Nick is suggesting we not wordsmith; we just wordsmith then...

(Nick Notpoint): Sorry.

Steve Metalitz: Any other comments. I'm thinking we'll give people a minute to read what's on the screen there. Does anybody else have a comment they want to make at this point? Mark.

Mark Trachenberg: I would disagree with Nick. You know I think it will have little comments here and there. This is going to read and (unintelligible) the one comment to the extent that everyone tries to make little nits and changes, this document will never be submitted. And with regards to the issue about the statement with respect to governance; it might demarcate the point but I just don't see what the real fallback will be in this statement from every community so it's not like the GAC or governance anywhere are going to be able to, you know, retaliating fee.

(Unintelligible) I guess they could but it just seems less likely. But it just seems less likely there seems to be not a lot of risks here. Some potential rewards actually to get some accountability in place. And you know, even the initial work that they made, the subjects of the rule of law, well that means that you could pass some crazy law and now you know, that new law can dictate community policy or you can interpret it that way.



My point just being that I think the statement's pretty good. You know, could we all have some corrections? Yes, but I think as Nick said, let's just take this opportunity to surprise people and agree with them. Kristina had tried to say earlier, don't make the perfect [the](#) enemy [beof the](#) good.

Man: This is joining the chorus of people saying, you know, this is unique. This is a unique opportunity for us, and I'd love it if we don't blow it by asking for too many changes or edits. And also take a moment to celebrate for even having his conversation. I think that's important too.

Greg Shatan: Hi it's Greg Shatan for the record. First I would say that in terms of wordsmithing, I don't think we need to look at this document as if it's in isolation. I think it would be understood to be in the context of all the discussions that have gone on before including the NTIA statement that you know, intergovernmental or governmental solution isn't acceptable.

So the statements about governments not having the last word, that's clearly you know reference to that kind of issue and not to you, how you came to overrule the rule of law, so but I think the bigger issue here is that what this asking for is to make the enhancing ICANN's accountability issue part of back - put that back into the IANA transition issue as opposed to you know, having kind of two interdependent but also independent processes or maybe I'm misunderstanding and this is just you know, a sense that the both of those should go on the way they're [pl\(Anne\)dplanned](#) but that it shouldn't be - it should be recognized that IANA accountability goes beyond just accountability for IANA functions.

I'm must not sure if it's asking for a massive change in the process that ICANN has set up with these two, you know, processes and mechanisms that are going forward. Does anybody have a sense of what is ultimately being asked for here in terms of action?

Kristina [RodriguezRosette](#): This is Kristina just to respond to Greg's question. It's my understanding that you know, the kind of implied is that that the enhanced accountability work can't be done - sorry that ICANN's position is that it's likely interdependent mainly that there are small portions of the accountability work there relevant to IANA transition. And the point of this statement is to say, no actually that all accountability is relevant to this issue and you can't separate them out that way.

Greg Shatan: Thanks.

(Anne): (Anne) \_\_\_ I note that the language in the very beginning has been changed and it's the statement of the registry community. So registry community joins all other GNSO stakeholder groups.

Woman: I already sought verification on that because the idea of having to come up with our own statement made my head hurt.

(Anne): I just wanted to comment that thing I think we can totally agree on is the last paragraph. Even if we don't agree on all the details of the first two, the last paragraph is like yes, we concur in the sentiment, etc.

Woman: So just for a point of clarification, the first sentence is drafted in a way that it is kind of a default if no one else agrees. But that there's a definite intention to revise that first sentence to reflect which groups have signed off.

Steve Metalitz: Okay. I'm putting myself in the queue. And is there anybody else who wants to speak on this? Okay, first I just have two points to make. One is that as I said before, this document is not going to be sack or sink anywhere along the way and I'm comfortable giving Kristina the discretion to respond to other changes that might come up.

And to also differentiate those that might be, you know, problems. Second, I would like to state my support for including the phrase subject to the rule of

law at the end of that first sentence of the second paragraph. I think it is possible to read that statement that's in there now to the contrary, I think the statement subject to the rule of law is consistent with the (unintelligible). It's taken from the (unintelligible) statement, so I don't think it should be controversial. And I think it would improve this statement. Thanks.

Neha Gupta: This is Neha. I definitely add to Steve's comments. It definitely was in the (unintelligible) statement and so I don't think it's going to be controversial. And I think it's important for us to continue along those lines.

Steve Metalitz: Any other comments or, okay. Do you feel guided?

Woman: I feel guided and what I'm going to go back and tell the registry folks is that if we can, we just have teeny, tiny tweak that we are hoping - it does not seem objectionable to us. We hope they don't view it that way. If they have concerns, we're happy to discuss them. But it would be to add at the end of the first sentence of the second paragraph subject to the rule of law. And that provided that they're okay with that change, we're in.

And if they come back and say no, then I'm going to get back to you guys.  
Alice.

Alice Jansen: Yes, if when you can go back to them, if you could also please convey the very broad text how much we really appreciated and how positive we felt this development was to the group. If we can just go back in, you know, decide that we asking to a wordsmith. They're not wordsmith, this is points that also tells them also tells them how much we really appreciate that this is (unintelligible).

Steve Metalitz: Okay. So I'm going to hand the gavel back to you.

Woman: All right. So I think we've made it through a very packed agenda. So thank you all very much. I think this has been an exceptionally productive meeting

and I'm now going to call the meeting to a close. So thank you very much.  
And for those of you who are interested, the GAC board entertainment is  
scheduled to begin in about 15 minutes.

END