BUENOS AIRES – GAC Morning Sessions
Tuesday, June 23, 2015 – 08:30 to 12:30
ICANN – Buenos Aires, Argentina

CHAIR SCHNEIDER: Good morning, everybody. Please take your seats.

We do have another interesting agenda for today.

So I see that Portugal, you want to say something? Thank you.

PORTUGAL: Thank you very much, and I'm going to speak in Portuguese.

Good morning.

Thomas, I realized that an email was sent to the GAC list with issues relevant to our discussions on IANA stewardship transition and on accountability. So I would like to ask you to review our agenda, because I think that we need to have a debate within the GAC, and that debate should take place as soon as possible.

So please revisit our agenda for the day, because we need to find space to talk about this within the GAC.

CHAIR SCHNEIDER: Thank you.

So there is a request that we would revisit the agenda. Do I understand you right? So you would like to have more time to discuss the CCWG in order to help us come up with something.

Yes, Iran.

IRAN: Good morning, everyone. Thank you for this proposal.

CHAIR SCHNEIDER: We have a request -- two requests to modify the agenda to free more time for the discussion on the CCWG proposal, and we've always said that in case we would feel that we would need more time for this, we would be willing to modify the agenda.

                               So I'm in your hands. You need to tell me how you see this. Maybe other views from the floor on -- And the question would be where do we free more time?

                               Would you want us to maybe use some slots in the afternoon for this discussion?

                               I see some people nodding. Is there anybody --

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CHAIR SCHNEIDER: That does not seem to be the case.

                               Yes.

MOROCCO: Morocco speaking. Thank you. Dear colleagues. Just to clarify, when you say that we are going to have more time for discussions in the afternoon, this means that we are going to modify our agenda and that we are going to spend time talking about IANA stewardship and accountability. Could you please clarify that?

CHAIR SCHNEIDER: Thank you for the question you have just asked to me.

From what is in the agenda now and others, we can defer to a later discussion, be it in a next meeting or electronically after this meeting.

So I think if we have a look at this afternoon's discussion, we have a few slots that deal with working groups that the GAC has established and with the high-level governmental meeting and with an update on the NomCom working group. And the community applications issue.

So, for instance, what we could do is refer the discussions on the working groups to a next meeting or basically to continue to let them work electronically intersessionally but keep the substantive items, like the community applications and the high-level governmental meeting discussions, I think we may need the preparation for the meeting with the Board. This is something which is difficult to skip because we have the meeting with the Board tomorrow morning. We should be prepared.

So just thinking out loud, that would be a proposal. Would you be ready to -- That would be free sessions. That would be from 2:00 to

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3:00 and then the session after the break, so that would mean that we would have one and a half hours more for discussing the CCWG.

Your views on this.

Yes, France, please.

FRANCE: Thank you for this proposal. Thank you.

Keep on working electronically with the group. I think this issue is much more important.

CHAIR SCHNEIDER: Iran.

IRAN: Yes. I'm happy to do that. We have to look into the priority of first and most important priority is transitions. And we have to pay necessary attention to that and not miss this very important point. In particular because of the special situations and characteristics of GAC.

Just one example. Yesterday we receive an email that how we could make S.O. and A.C. responsible. I replied very vigorously, you cannot make the GAC responsible to anybody. We are responsible to our government. So how we want to make the GAC responsible to anybody else? Because GAC is different from other S.O. and A.C.

So these are the things that we have to discuss (indiscernible).

Thank you.

CHAIR SCHNEIDER: Thank you, Iran.

Brazil.

BRAZIL: Thank you, Chair. Good morning to all. I think Portugal made a very wise suggestion. I couldn't agree more with that. And I think we have plenty of things to discuss, and I totally support having extra time in the afternoon to get back to this point.

Thank you.

CHAIR SCHNEIDER: Thank you.

So I guess we have an agreement that we would use this free half-hour slots. But in that case, in order to try to have them all in a row, I would suggest that we would move agenda item 20, which is about community applications, in the afternoon to where we have now the NomCom discussion on 21. Because then we would have the time from agenda item 18 from 2:00 until the coffee break for the CCWG discussion.

And in addition, as you see, we have a slot before lunch which says "review of the communique" that we will need to see what we have so far on the communique. We may actually start -- also use that slot for

discussion, so that would give us two hours, actually, if that's okay for you. So we'll see where we're at at 12:00 with the communique. And then we'll use the time in the afternoon before the coffee break for the CCWG.

I see people nodding.

Okay. So let's proceed like this, and then see what we can make out of this additional time.

I think I agree with you, we may need it, so thank you.

Let's, then, go back to this agenda items issue which is the discussion -- presentation and discussion of the work of the working group on geographic names. The lead is Argentina, so I would like to give the floor to Argentina.

Thank you.

ARGENTINA: Thank you, Chair. Good morning, everyone. Buenos dias.

We have until quarter to 10:00; right? Thank you.

So first thing that we have to decide is if we agree on the working group terms of reference. I would like to remind you that the work of this working group started exactly in this room in November 2013 after the reference in the GAC communique in Durban that said that we had to try to provide some ideas and work with ICANN to refine the terms -- the documents about the new round of new gTLDs.

So the working group has been going on for a while. We have developed a draft background document that has several versions. The last version was put -- was open for public comments, not as a GAC agreed document but as a reference document prepared by a working group.

We received many, many comments. We did some revision of these different positions this the meeting in Singapore, and now I will show you some more in-depth detailed revision of these documents in this session.

So the formalities of the working group is having the terms of reference, which I think it's very good to have a good idea, but just to clarify that the working group has a previous story and work that has been done.

So the terms of reference were distributed in the GAC list. We did receive several comments. I think we did achieve in including them all, and I would like to know if you have any comments, and if we are okay with those terms of reference and if we accept them.

I see no comments, no hands, so I would understand that we are okay with them.

So we could proceed. Is that okay? Great. Thank you very much.

So one thing that was requested, also, during the Singapore meeting and in previous meetings was that we should work in more coordination and with more frequency with the Cross-Community Working Group and the use of country and territory names as TLDs,

which is a Cross-Community Working Group that is co-chaired by the ccNSO and the GNSO.

One inconvenience that I personally had to participate in the calls is that they were in the middle of the night for me. I am in UTC minus 3, so it was really difficult for me to participate, but the working group was so kind to change the time, so now I am able.

Anyway, some calls were conflicting with other calls of the IANA transition process, so I did participate as much as I could.

The working group is -- the Cross-Community Working Group is now working on a document, and I think that the -- really the value that we could add and we could work with them is the definition that they're working about what is a geographic name, that it's something that our working group could benefit from. So I will try to keep on working with them.

And also, they were very interested in what we are doing in this GAC internal working group. So I have updated them, and I will do that in the next conference call.

Unfortunately, yesterday it collapsed with a regional meeting I had to attend. You know, when the meeting is in our region, there are many regional activities that I also am involved in so I couldn't attend. But I think someone from the GAC, Nigel, I don't know, from CTU, if he is here, I think he attended because I saw some comments in the list.

So now I would like to know if there is some comment from the audience about other ideas or further involvement that you think that

we could have with the working group. Also, I would like to encourage other GAC members that would like to join me, because the GAC also participates in the working group, in the Cross-Community Working Group. If you want, I can brief you. Maybe we can have a Skype conversation. And if you want to get involved in the -- in this Cross-Community Working Group activities, that would be for the GAC also good and also for our working group.

Any comments about the activities with the Cross-Community Working Group on country and territory names as TLDs?

I will make a list. I have Iran and Norway and Indonesia and U.K.

Kavouss, please.

IRAN: Yes, Olga, thank you very much. It was a little bit disappointing that we saw the 2013, and now today I'm happy that we agreed with the term of reference.

It seems to us that the second round of the gTLD will be started soon. Not next month but soon. So we should be very prepared for that.

On the other hand, while we give you all respect for your timing, but this timing zone is for other people as well. Therefore, we should accept the difference time. I have been up 2:00 in the morning, 4:00 in the morning for CCWG, but that is that. That is the life.

I suggest that we concentrate on the correspondence, mailing list more effectively, efficiently, encourage the people, but reduce the

number of the conference call if you have to only one or two maximum between now and Dublin because we have the CCWG which may take a lot of time with us and has more priority. But I agree with you, we have to have some outcome as soon as possible, so we reinforce and encourage the people and perhaps they have some sort of, let us say, informal commitment of the people attending the correspondence group or participating on your call.

Thank you.

ARGENTINA: Thank you, Kavouss.

Norway.

NORWAY: Thank you, Olga. Just a quick comment on the -- as you said, the objective of the working group.

So we agree on the terms of reference, too, that your objective is to improve the protection of geographic names in the second round, but I think we should also be mindful of not trying to protect everything, and that will then end up that we will actually get less protection in the next round than we actually got in the first round.

So I think we should focus on talking and discussing about how to get protection or what is actually most valuable for us in the public-policy aspects. For us, that would be the country and territory names in special, because I heard that this Cross-Community Working Group

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discussing of having both nonassigned two-letter codes as new gTLDs. They also want to have country and territory names as new gTLD, which we think they should not, and so on.

And I understand, also, from the past experience with the first round, of course, with the other controversial names of regions, et cetera.

So I think we should try to find a way to focus on the most sort of valuable names in the public-policy aspects. I think that's worthwhile sort of doing in this work, in our working group.

Thank you.

ARGENTINA: Thank you very much, Norway.

Indonesia.

INDONESIA: Thank you, Olga.

My short comment is about how the -- having followed the discussion, what I wonder is how you would do the protections if there is intense public interest. You mentioned public interest, community conscience, because community may change from time to time. Just, for example, if somebody from Argentina make (indiscernible) domain like .BALI, perhaps people in Bali are suddenly very happy because there are more and more tourists coming to Bali. But in one year time maybe they start to complain because, oh, that guy from Argentina

who make .BALI got a million dollar profit every day. Something like that. Why don't it should be given to the people in Bali.

Sense of the community, consider like that, how we can handle that?

Thank you.

ARGENTINA: Thanks to you, Indonesia. United Kingdom.

UNITED KINGDOM: Yes. Good morning, everybody. My comment was pretty much in line with those of Norway. And the definitional work is a very critical element both for us and the Cross-Community Working Group. So we should really focus on that. And I was wondering, actually, if you could recount the state of play with the Cross-Community Working Group on its work on definition for the benefit of this meeting. Is it possible for you to say something more? And how you envisaged the modality of the GAC group interacting with those discussions. As Norway indicated, these are key issues for governments.

So we need some precision, I think. Sorry if I missed the point that you might have indicated on that. But perhaps if you could recount the state of play. Thank you.

ARGENTINA: I will, U.K., after United States. And then we can comment. Suzanne, please.

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UNITED STATES: Thank you, Olga. I would concur with the U.K. and the comments from Norway as well. I think it's really helpful for us to have a better handle on how we are interacting with the Cross-Community Working Group. I confess I believe I have fallen a bit behind in their work. So it would be useful to have an update.

But I also wanted to ask whether it might make sense as a next step since the draft proposal, which was not a working group proposal yet and not a GAC proposal yet, but since it has been posted and we do have comments, is perhaps one of the next steps we could consider responding to the comments? Because I believe we received some really, really helpful feedback. And so I just wondered when do we tackle the input that we have received? So I would like to get some clarification on that. Thank you.

ARGENTINA: Thank you, Suzanne.

Before I give the floor to Netherlands and Norway, yes, I can comment on the definitions that are being -- it's not the purpose of the document that I prepared. But I can comment on that. And then perhaps Annabeth can help me in explaining where the working group is on that point of definitions.

Suzanne, this -- I'm going through detailed revision of the legal concerns especially, which is what we agreed in Singapore and some community concerns. So thank you for bringing this up.

And I have Netherlands, please.

NETHERLANDS: Thank you, Olga. Just coming back to the remark from Norway, U.K., and United States, what I would like to stress is that protection is, I think, is a term of reference. Protection means protect from misabuse or abuse, sorry.

Meaning that protection doesn't mean block or reserve a name.

So I think, given the fact that we have several gradations of probably categories of geographic names, we should also focus on which kind of protection is needed. Maybe for some you need protection by really reserving or blocking the name. For many others I believe we should work at protection, which means protection that it can be used but not abused. Thank you. So it can be given, but on certain restrictions. Thank you.

ARGENTINA: Thank you, Netherlands, Norway.

NORWAY: Yes. Thank you, again. And also I just wanted to -- since we also are trying to follow the CCWG working group on this, but we are working very closely with our ccTLD on this issue. So, if I would ask if I can ask our Annabeth from our ccTLD to give us a quick update on some issues on this Cross-Community Working Group to inform us on what they have recently discussed, if that would be helpful to inform us.

ARGENTINA: Thank you, Norway.

Sorry, Annabeth, for putting you on the spot. But you are so kind to be with us this morning. And you have been very active and also trying to engage me with the working group, which to me has been challenging because I follow on several lists and several calls.

Would you give us comments about the issue of the definition? After Germany, would you talk about the definition. Annelise said you're doing that. I think it's very interesting and answers the concerns from the United Kingdom.

Sorry, Germany. I didn't see your hand up. Please go ahead.

GERMANY: No, just to be brief, I would like to second what U.K. and others said. I think we need to have strong protections for the future, and it's important. And we should concentrate on the real important issue for governments. That's one issue.

A second one: I wondered and would ask whether there was some stock taking on the first round on the taking. Because I think we might have had some experiences. And I would be interested how many new gTLDs now were introduced that were geographic names without the part of the respective government. Because this was our general aim. And, hopefully, there were not so many, frankly speaking. And yes.

And the third one, I just want to also support what Netherlands had said. Our aim should not concentrate on blocking geographic names. Our aim should be on providing guidance for applicants for geographic names and to help them, to integrate them, not to conflicting or leading to misinterpretation from a consumer point of view. Thank you.

ARGENTINA: Thank you, Germany. Peru.

Sorry. I don't see you very well. If I don't name you, just wave me more. Go ahead, Milagros.

PERU: I will speak in Spanish.

I would like to tell you that there has been some progress in multilateral discussions that will be really useful for the Cross-Community Working Group and for the GAC. I'm speaking about WIPO where some steps have been taken, really significant steps, regarding geographical indicators. Some months ago there has been a discussion regarding (indiscernible) something which has not been dealt with at the GAC. WIPO has discussed about this and has made a decision in this respect.

So what to do when these things -- this issue of similar names arises. So there's a lot of work outside the ICANN. And we can take advantage of that.

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ARGENTINA: Thank you very much, Milagros. If you can send me that information, we will use it as our reference material for our working group.

Requests from the floor.

Annabeth, will you so kind as to give us an update about the -- especially the definition discussion you're having in the working group.

ANNABETH LANGE: Thank you, Olga. I'm Annabeth Lange from the .NO registry but here as a cochair in the Cross-Community Working Group from the CC side.

It's two cochairs from the CC side and two from the GNSO side. And it's also ALAC people in the group and GAC.

So we're happy to have you there. Last time Nigel Cassimire came and had some really useful information to the list. Thank you for that.

I think it's really important to note that what we are working with in the Cross-Community Working Group is only country and territory names. It's not geographical names as such. So the definitions we are working with in this paper is only for country and territory names and the different forms for that, like, two-letter codes, three-letter codes, short name, full name, which languages, et cetera.

So -- and it's only on TLD level, not on second level. That's also a different distinction from what you are working with in the GAC.

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But it's important that we discuss the country and territory names in the same way so we don't end up with this working group, which, of course, has a strong influence from the G side, end up with different result than what can be accepted or what you want.

So, therefore, your input is essential, especially now the definitions we work on that all the time. And we have not decided on or be agreed on a definition for what the country and territory name is.

So we welcome every input from your side there. And then we have been discussing on this meeting and up to this meeting the use of two-letter codes, which, in my view, is the most essential thing for -- since that is the ISO code, it's the two-letter code, it's the CC world.

So, as Ornulf said, we have discussions. And, of course, it's different interests from the G side and the CC side how to use that in the future. So we should be aware what's going on. So we really are very grateful if the GAC come to the meetings and give us your opinion on this. Thank you.

ARGENTINA: Thank you, Annabeth. And thanks for changing the time of the call so I can participate always. More comments? Okay. Let's move forward to -- Julia, can you go to the next slide, please.

Just to remind you which is the objective of our working group, we -- it's extremely challenging. And I know and I appreciate all the comments from colleagues. We should try to lower uncertainties for both parties, the applicant and the countries and the governments

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and the communities. That's the challenge of our work. Lower conflicts. Once the results are informed and give some background to ICANN to enhance the next version of the -- any rules that -- or guidebook. I don't know how it will be called in the future.

So that's the purpose of our work. And, of course, if there is an outcome from the GAC, it will have to be with consensus with all the parties if not all the opinions from some countries.

Can we go to the next one, Julia, please.

So we worked in a new version of the document. You have a previous version that we will work in a new one.

We did a detailed analysis of the legal concerns raised by the comments it received. That is something that we agreed in Singapore that I will show you a summary now.

We also did an analysis of the community concerns. And also we gave -- we received some comments in Singapore and after Singapore what is -- if geographic names are somehow related with community-related names as community applications, what has been happening with community applications, which are the challenges that these community applications have been facing.

Also, we revised all the transcript of the Singapore meeting. And several colleagues said that it could be important to think about defining public interest, which, after a detailed analysis, we have realized that it's extremely complex. And it is not very well defined. It

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could be different visions or perspectives of a definition of public interest. I will go into that in a minute.

And also, as requested by the United States, we will include in the next version of the GAC/Board consultation on geographic names document -- is that what you were referring to in our call, Suzanne? A document from 2011. In the call, I remember you reminded us to put it into the -- is that the document you were referring to? Sure, go ahead.

UNITED STATES: Thank you, Olga. I was actually trying to -- since this was a document that was intended to give an historical overview of how the GAC addressed these issues, it was to refer -- and I'm hoping that Hubert from Germany can clarify -- to refer to the fact that the GAC actually tackled this issue in the context of developing the GAC scorecard on new gTLDs. And we reached a particular point where we realized we did have to retreat because we did not have a proper legal basis for asserting ownership of certain geographic names. And we removed that from the scorecard at a certain point.

Because what we had been asked to provide was an appropriate third party -- neutral third-party source or reference documents that both ICANN and the community could refer to to understand when we were seeking protections such as two-letter country codes. It's relatively easy to go find ISO3166. You see if the two letters are on the list. You may not apply for those two-letter codes at the top level.

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So I believe that's where we got to a certain point where there were no reference documents that we could turn people's attention to so that they could know what was considered protected and what was not. So I was just sort of suggesting that we go back in time and reflect the fact that we have actually covered some of this territory before. Thank you.

ARGENTINA: Thanks to you. And the idea is to include that document as reference into the background document to have the whole picture.

Julia, can we go to the next one? Sorry, Germany.

GERMANY: Thank you.   And, since I was asked, I would like to bring my perspective so these discussions we had. I think we -- yes, we had some proposals on protection of geographic names. Yes, we learned that it is difficult to come to an agreement defining lists or clear the names that are 100% sure that are only geographic names. You have always some gray shades, and that's always difficult.

But our idea was, during the negotiation process, after it was clear that the GAC could give advice on new gTLDs, this would be an instrument that would allow us to clarify that there should be some, as I said before, some agreement between the respective government or government entity and a registrant or -- no, not registrant or applicant to come to a mutual agreement. And the instrument for that was the GAC advice.

And, as also I mentioned before, that's why we had quite a lot of geographic names in our GAC advice the first round because there were some countries or names that were considered from various government as geographic names.

I think this is what we made. And I also can give you our experience from Germany. Because in our country, I think we are one of the countries with the most geographic names applications in the first round. We are something like seven, eight geographic names that have become now a new gTLD.

And our experience was that we alerted our applicants in Germany that they should try to seek support from the local government. But it was always mentioned that we do not want to block the gTLD. We want to seek, as I said before, assistance, guidance, allowing guidance to the new gTLDs rather than stopping it and preventing it from being put in this. Thank you.

ARGENTINA: Thank you, Germany.

Before I move to the analysis of the legal concerns and the community concerns, in Singapore there were comments about the community applications and, if this is somehow related with what would have happened is this -- if these geographic names would have been presented as community applications. And we have seen that there were some difficulties.

Would someone from the community or in the audience give some feedback about how these community applications are moving forward and which challenges have been faced in this evaluation process? Giacomo. EBU. Sorry.

EBU: Thank you for the floor. The situation for the community application is quite bad, as you know. We will discuss it later today whether there will be this specific focus on the paper prepared by Mark Carvell.

But the reality is that all the applications that are in contention are currently blocked. None of the community application has been gone through if there was a commercial competitor in front of it. So the overall result is very bad. And I think that in the current condition to talk of a new round of new gTLDs until this heavy problem, huge problem had not been solved will be science fiction.

The -- if you look at the contentious situation to all the IRP that are currently issued against ICANN board, all of them are concerning geo names or community applications. So there is a problem there. And it's very clear and evident, but I think we can come on this later.

Just one more consideration and suggestion. And Milagros mentioned WIPO. But I think that also ISO could be -- could help in these efforts. I think that, if we are starting to think ahead, we have to contact this organization and ask for their support. Because this kind of topic, the geo names are discussed in other arena in many other fora. And we can ask for advice. I think they will be more than happy to support it.

ARGENTINA: Thank you very much, Giacomo, for the suggestion.

                                DotGAY, Scott.

SCOTT SEITZ: Thank you. I'd also like to just add my comments as somebody who is currently in the 6th year of a 2-year process for a community application for dotGAY.

                                We're currently receiving our second CPE evaluation. And our learning from the first CPE evaluation was that a couple of different things. One is that the definitions around us serving the public interest and whether or not we're actually doing it have been highly subjective. And so I would encourage and will continue to get involved in public interest commentary. I'd also mention that, in the event of a commercial application along with a community application, the definitions and the guard rails around what is considered spurious activities, which could include paying not for profits to file objections and complaints to block points and to block the application, some of this has to be looked into, especially in the situation of a country TLD or a regional TLD where you might have the same scenario.

                                And then I think, lastly, importantly, transparency inside of the EIU process is significantly flawed.

                                Many decisions were based on very brief definitions of what a community's all about. In our case losing a lot of our points.

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And the issue here is that the EIU defined the community from the Oxford dictionary versus the 250 organizations with 1500 locations in 110 countries representing well over 20 million members who define our community as we do.

So it's an interesting and a curious place to be and where you can be denied many, many points with no transparency as to what that decision process was or how it could happen. And I think in the country and regional TLDs, you will have the same issue.

Thank you.

ARGENTINA: Thank you very much, Scott. So it seems also the concept of community is a subject of debate.

Can we move to the next one, please, Julia. So this -- Yes, Iran, please.

IRAN: Thank you. In the previous one, I have one clarification, if you go back, please.

ARGENTINA: Can we go to the previous one, Julia?

Can we go to the previous one, Julia? Thank you.

Yes, thank you.

IRAN: Yes, a clarification.   In bullet three, is it suggested that the geographical name in the new round of new gTLD be limited to community application? Because the way it is drafted is this.

Thank you.

ARGENTINA: Must be my bad English. Sorry. My first language is Spanish.

The idea is that for many of us, that we had some conflicts with geographic names, we were approached by several members of this community telling why didn't you apply that geographic name as a community application?   And then we saw that community applications had some problems also in moving forward. So this is -- But yes, apologies for my limited English. That's not the idea of the bullet.

Julia, can we go to the next one? We don't have much time, and I would like to review, it's a summary of the community concerns rights in the public comments and also the legal concerns, which are opposite, two of them.   They present different concerns that are extremely challenging to try to find a way to conciliation in between them but that's our work and that's the challenge. Maybe we don't get there, but we should try, at least.

So the ccNSO comments, I will just highlight part of it. It would avoid time-consuming discussions and disagreement if ICANN and governments encourage the applicant to get in touch with related

local governments to try to reach agreement in advance. The concept of reference to public interest should have priority.

The ALAC said the ALAC advocates a strengthening of the nexus between an application for a geographic TLD and the public interest of the geographic area for which a TLD is sought.

So this is a reference to the public interest twice in the community comments. And something that I think is essential in this process is how could we encourage the -- an early -- early contact in between the interested parties, in between the applicant and in between whichever community it is involved in the name.

Can we go to the next one, please. Julia.

So, also other comments from previous stages in our working group, the meaning of the geographic name, what does it mean for the citizens and the community. It has an economic value, also, not only for the applicant that is requesting that TLD but it has a value for the companies in the country that have already registered that trademark under the national laws.

So that is something that we also faced at the national level. Many companies already had that geographic name as a registered trademark under national law. They pay taxes and they are authorized companies working in our country. So that would bring us a conflict in not being against a name that is referred to companies that already exist in the country, being a TLD, a global reference of that name.

Of course the historic value for citizens and communities.

Can we go to the next one, please, Julia.

So these are the legal concerns. And as you can see -- Oh, yes, United Kingdom, please.

UNITED KINGDOM: Yes, thank you, Chair. Sorry to interrupt the flow sort of thing, but that is a key issue. And I'm not sure what direction we're going in in trying to find a solution. And I'm very mindful of the growing level of interest of small and medium-sized enterprises in the prospect of another gTLD application round. And many of those will be in that situation, having a name which is longstanding, registered, authorized, as you were saying.

And I would not favor any kind of signal emerging from these discussions, that they're going to be on a sort of difficult track.

So I'm just flagging that is a really important aspect of the work, and we need to give that very careful attention, bearing in mind business, economic interest, and so on.

Thank you.

ARGENTINA: Thank you, U.K., for your comment. I fully agree with you.

I would say that some are small companies, some are not small companies, but are medium or big companies already established in

the country. For example, Patagonia, there are more than 200 companies that have that name. They do different things: wines, meat, tourism, different things. Some are small and some are not.

And the country -- as the companies are legally established and they pay taxes and they have registered their trademarks under the national trademark law, they have their rights. So that is something that, at the national level, we have to also think about. And it may happen in other countries with other geographic names.

Germany, please.

GERMANY: Just to second our colleague from U.K. I think in respect of trademarks, as far as trademark rights are infringed, I think we have regulations. And I don't -- we need to reinvent the world here again in the geographic names issue, on the geographic names issues.

I think the question is what happens if somebody has a trademark in one country and another one in another country, and the applicant comes now from the other country? These are issues that I think ICANN has some solutions for the top levels, and I think we need to apply these solutions. And it would be a bit awkward if we try to find solutions here under the umbrella of geographic names.

Thank you.

ARGENTINA: Thank you, Germany.

In the sake of the time, I will -- I want to show you the legal concerns, which is something that we agreed in Singapore that we should take a close look at because these regulations exist and they're in place, and they're somehow the reason why several companies did apply for new gTLDs using some names which were not in specified list of ISO and other United Nations list.

So the applicants -- and I understand why the applicants went forward. So these are the legal concerns expressed. It's a summary. The document has many, many more detailed information, but sovereign states have no rights over use of geographic names outside their own borders. This is somehow what we were talking. This is one of the -- This is the comments that -- it's a summary of the comments that we received. It's not that I'm -- because I didn't see this. The comments that were received.

Geographic names maybe used as trademarks. Where this occurs with national borders, states may claim a national interest but not to the detriment of the trademark owners.

Trademark rights are legal property rights and exist in international forums, exist for resolving conflicts related to trademarked terms. This is a summary of the comments received.

Julia, can we go to the next one?

International law has a defined set of sources. Geo names only feature in these laws for the way geo names can be described in product origination.

By reason of government interest, some names and symbols are excluded from becoming private property, and therefore possibly subject to trademark laws. But these names and symbols exclude country or geographic names. Therefore, governments can have no exclusive or priority rights over country or geo names. To have such rights would require the creation of a new international law.

I don't know if we have another slide about this. Julia, can you go to the next?

So the document has a very detailed explanation of these comments received. What we see, analyzing these comments, is that we have two different, totally, perspectives. We have the perspective of the legal framework and we have the perspective of the community interest at the national level.

So how could we find a way to improve the next round rules to try to reconcile these two totally different perspectives?

How much time do I have?

CHAIR SCHNEIDER: Two minutes.

ARGENTINA: Two minutes. Great. We will make it in two minutes.

There is also in the document -- and I think we did share with you, and if not, we will do -- an analysis of the public interest. We search in

several documents that ICANN has produced. The term "public interest' is named many time but it's quite not defined. So it may mean many things. For the countries, it may mean the public interest of the community having that name, the value for the community. And for trademark owners could be the respect of the regulations that give them the right to have that trademark. So those visions of the public interest are different.

So the definition, we couldn't find it in documents, and we received some comments from Switzerland about going towards a pragmatic view of the public interest, trying to find examples.

We don't have much time. Can we go to the next one.

I would just like to -- Go to the next one, please, Julia, in the sake of the time.

One thing that could be essential, but I don't know if we can work further on it, and I would like to close with this and work with you electronically until the next meeting, is how could we try to reflect in a document this idea of the early engagement and between the applicant and the relevant communities, countries, or geographic regions?

I think -- this is a personal idea. I don't know if it's real or not, or it's my hope that if in some cases an early engagement of the applicant and the community would have been done, there may be some success stories to tell now instead of conflicts. That's the feeling I

have after reading so many different opinions and so many different views.

The thing is, how this could be reflected and how could a document be written in the way that this early contact could be really real and happen?

We don't have much time. I don't know if we have some time? No, nada.

If you have comments or questions, I encourage you to send emails or to me directly or to the working group email address. And thank you very much for your attention, and we keep working on this.

Thank you.

CHAIR SCHNEIDER: Thank you very much, Olga.

We have now a session with ALAC. I have seen some ALAC people coming in the room. Maybe we should free a few spaces here or squeeze us in so we can have at least some of you here, and also the others. Come closer so that we'll have the possibility to have an exchange; i.e., that you might be close to a microphone in case you would wish to speak.

Okay. While the physical arrangements are continuing, we will start with the session. It's a long transition that the GAC meets the ALAC and discuss things of common interest or concern. So this is no surprise that we're doing this again here.

We have a number of issues, as you see on the -- on our agenda that we may talk about. Of course we may also discuss the issues related to the IANA transition and, in particular, to accountability, but also issues related to safeguards and accountability one and two PICs, geo names and so on.

So let me give the floor to Alan. Thank you.

ALAN GREENBERG: Thank you very much.

To a large extent, we have far more items on the agenda than we're ever likely to be able to talk about, so I guess I'm looking to Thomas to actually give any guidance as to which ones you want to do before we run out of time. We can certainly talk at any of them.

I'd like to address just a few minutes on what we're doing still, because we are still active on the whole issue of PICs on category 1 of safeguard 1 to 8, TLDs, and we can certainly share where we are on the CWG issue. That one we're pretty close to closure on. The CCWG, I don't think we're close to closure on at this point, but I can certainly say what the At-Large position is as of the last time we talked. We have about five hours scheduled this afternoon to talk about it further, so I won't pretend we're finished on that one. And really, we can provide any guidance.

Perhaps we want do the PICs first and get it out of the way because I think it's a short one, from our perspective.

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As you know, there were various discussions held between At-Large members, a few GAC members, the registries, and other stakeholders.

We went into the last meeting and presented a -- an At-Large analysis, and to be candid, the analysis of three people who were heavily involved in it. And of the 39 TLDs, we ended up with -- 39 applications, because there were cases where multiple people applied for the same thing, we ended up I believe with seven that we classed as red, that we thought something had to change, about 15 or 20 that were green, that we think the registries are doing a good job, and the rest questionable, either -- sorry.

CHAIR SCHNEIDER: Sorry to interrupt you, but you are so much into this issue that maybe it would be helpful, because we have some new GAC members --

ALAN GREENBERG: Okay.

CHAIR SCHNEIDER: -- to give them a quick background on what we're talking about.

We're talking about, in particular, sensitive strings for regulated sectors of industries that -- where consumer issues are involved. And this is all -- and others, this is linked to the so-called safeguard advice from the GAC that is dating now, actually, two years back, a little more than two years back from Beijing. And there has been a lot of exchange between the Board and the GAC and discussions with the

ALAC and with business and others on how to make sure that adequate safeguards for consumers, in particular, but not only, are in place.

And so the 90 -- the 39 that Alan has referred to is the list of those applications that are directly related to the sensitive strings.

I just wanted to make that clear, because not everybody may have that background here.

Thank you, Alan. Go on.

ALAN GREENBERG: Thank you. And thank you for stopping me.

So the summary was we thought there were a fair number of the strings where we thought the applicant had done a good job. There were some where we believe there are potential real consumer harm issues, and other ones where we weren't quite sure because we didn't know exactly what the registries are planning. Their wording is very vague. The wording in the contracts are particularly vague. And we had seven that we flagged as red, a problem. It turns out one of them we were not given the full information and it's probably green, and that's .LOTTO, but we're looking at that right now. And that's basically where we sat.

We had originally given the Board advice to simply stop contracting and stop delegating any of these TLDs. That advice has not been

rejected but also wasn't taken. And, therefore, contracting has continued, delegation has continued.

The Board is in a particularly awkward situation because they don't really have a mechanism to fix the problem if contracts are reassigned.

So we are where we are right now. We are still pursuing it in that we are making sure that the position taken by the small number of individuals is, indeed, the ALAC position, and we have determined that it is. And there are still issues on the table that the GAC has issued advice, which as of the last interchange I saw, the GAC is not wholly satisfied that you have been listened to.

So to some extent, we've pretty well exhausted the powers that we have, and we're hoping maybe -- we're now tossing it back to the GAC and something can be done.

It clearly shows a breakdown in the overall long-term process. This issue should not have been on the back burner for so long and then woken up again, and there's a breakdown in perhaps several different processes. So all we can do, I think, at this point is learn from the lesson and still see if there's any remediation that can make sure that consumers are not potentially harmed.

So that's really all I have to say on that. We can certainly open the floor if anyone has any other comments.

CHAIR SCHNEIDER: Thank you, Alan. As this issue of how to implement or how to make ICANN make the registries implement adequate safeguards, we may spend a little time on this also, giving the floor to members of the GAC for expressing opinions or asking questions.

One thing would, for instance, be looking at the work that ALAC has done since Singapore, in looking in a pragmatic way at these concrete applications, and as Alan has flagged out, looking at the specific safeguards and public interest commitments that the registries make and qualify them with different levels of care-taking of these safeguards or not is something that is actually worth looking into, also for GAC members.

So I don't know, is this list public or would you want to send it to the GAC members for information so they can have a look at this list?

ALAN GREENBERG: I had planned to, except late yesterday afternoon it was pointed out that there was one critical potential error in it, and we're trying to correct that. But, yes, we're certainly prepared to send that to you, probably by the end of today, and if not, by the end of the week. And to demonstrate the kind of things.

I mean, one of the real problems we have is that we're not able to say there will be harm. This is all perceptions. We are looking at the TLDs. We are imagining how they might be used, how consumers will react to them, and looking at whether -- you know, we can't be sure. Some of the ones we're looking at are -- were potentially prime TLDs for

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phishing. You know, .BANKS. The .BANK was the prime one. They have implemented good restrictions, but if they hadn't, we know the people doing phishing would have used them gloriously and very successfully. The other ones are more subtle.

So it's our hypothesis that we believe if deployed without additional safeguards, there may be problems. Two years from now we'll either be proven right or wrong, or maybe somewhere in between, but it's really nothing we can prove.

CHAIR SCHNEIDER: Thank you. This is what safeguards -- I think this is nothing special. You have this also in other regulatory environments.

So if you have comments or questions on this issue -- Yes, European Union.

EUROPEAN COMMISSION: Thank you very much. Well, just to underline the importance of what the GAC has been expressing on safeguards. I don't think -- and this is clearly a question of public policy. I don't think there is any necessity or requirement to prove damage to introduce safeguards. The whole point of safeguards is to prevent damage.

So I think we should be very careful not to require proof of disaster when you're trying to prevent it.

And from what we have seen of the GAC advice over the last two years, this has been a consistent position. And Thomas will tell you in more

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detail what we're planning to do this time around, but we're certainly planning to bring the issue back again into the communique.

So the more we work together, the better we will be, I think.

Thanks.

CHAIR SCHNEIDER: Thank you, European Commission.

Any other comments or questions on this issue?

Spain and then Olivier.

SPAIN: Thank you. It's only to remind GAC members that in a study done by Architelos on abuse in new gTLDs has been distributed to the GAC mailing list. It's -- I think it's very interesting having a look at it because it shows, although new gTLDs have not grown very much so far because they have been in the market for very little time, there are already a worrying index of abuse, phishing, and all of that in new gTLDs.

Thank you.

CHAIR SCHNEIDER: Thank you very much for flagging this. I think this has been sent to the GAC list on Monday, this report.

Olivier.

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OLIVIER CREPIN-LEBLOND: Thanks very much. Olivier Crepin-Leblond from the ALAC. I just want to correct. There are, indeed, 39 strings that are on the cat 1 list at the moment. There are only five which we have kept as red, and these are casino, credit card, doctor, lawyer and lotto. And we've made that determination from the actual PICs that were filed, and also specification 12, and what's in the contract, basically.

We are told with some of these strings that there might be some internal arrangements at the registry level, but if it's not in a contract, then, I guess, it's not enforceable and it just depends on the goodwill of the registry itself. And these are concerns. These are particularly sensitive strings as such. I know they are regulated industries in some countries. And as Alan very well said, we actually have given a green to many of the other strings in there, and we believe that out of fairness, it would probably be a good step forward to engage the dialogue to release those strings from the category 1 list so as to permit them to have more confidence with their investors, and so on, and clients, I would say, that they can proceed forward. Because what they've implemented is actually satisfactory and will protect the end users and be in the public interest.

So thank you.

CHAIR SCHNEIDER: Thank you. Thank you very much, Olivier, and thank you -- thanks to ALAC for trying to be constructive here. And, actually, the GAC may

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consider looking at this, and also having an opinion on the use of such a list. So the sooner you would be able to get this to the GAC, and you know our timelines and when we have to work on our communique, so the sooner the GAC has this list and may be commenting on it, if the GAC feels right --

ALAN GREENBERG: Given that, I will make a commitment that before I go to sleep tonight, you will have something.

CHAIR SCHNEIDER: Thank you, Alan.

Yes, the U.K.

UNITED KINGDOM: Thank you, Chair. And just very briefly, we have been consulting with our gambling regulatory experts, and I was very interested to note .CASINO is on that list. So I'm just sort of underlining that we are particularly concerned to ensure that there are adequate safeguards for that particular sector in addition to others, actually, but that one really jumps out at me.

Thanks.

CHAIR SCHNEIDER: A very brief remark and then I think we have to terminate, but you may, of course, follow-up bilaterally those who have particular

questions on particular strings. Maybe you say something short and then we move on to the next one.

ALAN GREENBERG: Very quickly. The GAC issued eight safeguards, requested eight safeguards for these specific TLDs. Five of them were essentially passed on by the New gTLD Process Committee without changes. Two of them related to verification of credentials. The last one related to interactions with regulatory issues.

The safe -- The PIC that was required was, I'll be blunt, watered down a lot. Instead of requiring interaction, sort of said, well, try to talk to them. If they answer your email, then go for it. If they don't, then don't really push it very much.

And that's one of the problems that we've certainly raised, that there should have been, in our mind, more of a stringent requirement to interact in areas where there is clear regulation.

Thank you.

CHAIR SCHNEIDER: Thank you very much.

I think we should move on to another item.

I don't know, I see slides about the third leadership training program. How long will it be taking? Who will present this? Is that maybe useful, but it should not take too much time.

ALAN GREENBERG: I can say where we are.

CHAIR SCHNEIDER: If we can quickly run through it in a very few minutes.

ALAN GREENBERG: The leadership training program was something that was proposed by At Large as the first step in trying to make sure that when people start working in ICANN or have been here for ten years, know a fair bit about the organization.

For those people, the limited number of people who have gone through the program, and it tends to be limited to two people per year per group, it's been exceedingly successful and people have been very pleased with it.

It started as an ALAC project, and we still have people involved, and particularly the person who started it is still involved, but it is a formal ICANN program at that point. There's still some issues of what it's called and where it shows up on the ICANN Web site and things like that, but we strongly recommend, if you haven't been using it for your people, that avail yourself. It's unfortunate we can't send 20 people instead of two, but certainly I went through it last year and I was very impressed, and I'm sometimes hard to impress.

CHAIR SCHNEIDER: All right. Who do people need to turn to if they're interested in this work to get more information?

ALAN GREENBERG: I believe probably to you as chair will get a request at some point asking who do you recommend that we send to the meeting in Dublin. It's just a few days just prior to the ICANN meeting, typically Wednesday, Thursday, or something like that. And I'm assuming there will be -- I haven't received a request for At Large yet, so I don't know exactly when that will happen, but presumably it will happen soon.

CHAIR SCHNEIDER: Thank you.

So GAC members, there will be some slots for GAC members to participate in this, but we'll be informed, then, by those running this program in due time so that we can inform you all about what exactly this is and when it's taking place and what the conditions are for participating.

Yes, I have a question.

UNKNOWN SPEAKER: Thank you very much. This is for participation in the leadership training. But the ICANN Academy is a cross -- is an ICANN group, and all the community, all the stakeholders of ICANN are participating in this group. I don't know if there is a member of the GAC. If there is not, please send someone to be a member of the group.

CHAIR SCHNEIDER: Thank you very much.

Olga.

OLGA CAVALLI: Thank you. I have expressed personal interest of participating in the academy working group, but as far as I know, maybe correct me, Chair, if I'm wrong, the GAC has not received a formal invitation to appoint members.

So if someone could give us some feedback about that. Thank you.

ALAN GREENBERG: One of the people responsible for the program is looking very interested, and I'm sure you're going to hear very soon.

CHAIR SCHNEIDER: I don't see --

ALAN GREENBERG: I guess we're finished on that topic.

CHAIR SCHNEIDER: -- any more people. But please follow up also individually bilaterally and keep the GAC informed about this because this is a very useful offer that has been offered.

ALAN GREENBERG:

I will make one correction, I realized as I was talking. For ALAC we were given the opportunity of various people, per region, so it is more than the two that I quoted.

CHAIR SCHNEIDER:

Thank you.

Let's move to other issues.

Is there any -- I think we should devote a lot of the remaining time to discussion on the IANA transition, CCWG. Is there something else we should quickly touch upon? I see here geo names, but I think we can also discuss this later. So if it's okay for you, we will start having an exchange on the IANA transition and the stewardship, the accountability work.

Maybe we start by just giving you some minutes on telling us where you are with both processes, what your -- how you will given the feedback to the ICG on the draft proposal or the final proposal, sorry, of the CWG. But noting that for us, the bigger issue is -- probably the way the discussion went so far will be the accountability part of it. So we're very keen on knowing how you discussed this, what reflections you make, and what the process is in ALAC to come to grips with this issue. Thank you.

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ALAN GREENBERG: Thank you. The ALAC and at-large has been very heavily involved. We have a good number of people who have been very active in the workgroups and we have a shadow group who has met on a pretty well weekly basis to discuss the issues and get guidance from the rest of at-large.

And so we have -- we've been very active. And I think what we are talking about is generally representative of the user community as a whole.

Our position on the CWG right now is we are largely satisfied. The original proposal that was made in last December we thought was -- there are few polite words we can use to describe it.

We thought it was really bad in many ways. And I don't think we need to go into the details because it's gone now.

The proposal that we are talking about is really pretty close to what we were advocating from the beginning. We have decided we will be ratifying it, I believe, at our Thursday meeting. Conceivably, something could happen, but I doubt it, to change that.

We will, however, be issuing some comments with it. Now we understand that those comments -- if there are real policy issues, it's too late to incorporate them.

But we want to go on record as saying what areas we believe we may want -- that we believe were not quite done properly. However, although we do not agree with some of those details, we do not believe that the long-term outcome is going to be any different. The

issues largely focus around having a larger multistakeholder component at some of the decision points.

But, in all honesty, even without that we believe the outcome would not be different. The optics and how it looks to the rest of the world may be different. But we believe what is being proposed is a viable plan that is implementable and will ensure reliable IANA functions for the foreseeable future.

So we will be making some comments, but we will be ratifying it. The comments are not -- there's no condition that the comments have to be addressed prior to submission to the ICG. Some of our comments, in fact, were implementation issues. And, hopefully, they will be used as guidance going forward.

So that's where we sit on the CWG.

The CCWG --

CHAIR SCHNEIDER: Sorry to interrupt. We give a short slot on questions or comments on this one. And I see Iran and the U.K., please.

IRAN: Thank you very much, Alan, for the presentation. We have listened to the SSACs, and we will also have a little bit of confirmation from you that your ratification to the CWG would be in a case that mentioned that, yes, subject to satisfactions of the CWG requirement as interdependent with the CCWG to be committed implementable with

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some provision your ratification or without any provisions and without any conditions and without any qualifications. That is one point.

The other point that whether or not there would be any further room for comments now speaking as ICG member, ICG once received the proposal from CWG. And, if -- considered that and put in the public comment, if there are questions for anything about the three communities -- number community, the CWG that is naming community, and the IETF -- those questions from the public will be investigated by ICG and take necessary actions in order to put them as appropriate in the final proposal from ICG to NTIA. Thank you.

CHAIR SCHNEIDER: Thank you, Iran.

U.K.

UNITED KINGDOM: Yes. Thank you, Chair. Just very interested in your process of consultation with your regional at-large structures, for example. We -- in the U.K. ministry, we have a multistakeholder advisory group. And that's been our sort of sounding board on IANA transition and so on. I'd be quite interested to see what is the sort of collation, perhaps, if you have that, of use within your European at-large structure on the stewardship proposal and accountability, if you have such a document. It would just be very informative for us. You know, if -- you know, through your consultation processes, through your local

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structures, what are they saying?   You know, so on.   So is that possible? Thank you.

ALAN GREENBERG: Regarding the question from Iran, our understanding is that the conditional -- the conditionality, I guess, is the right word -- of the CWG on the CCWG fulfilling its mandate is implicit in the recommendations. The CWG made it very clear that their report presumes that the CCWG delivers -- that the CCWG delivers. In my mind, it's off the table. Sorry. If the CCWG does not deliver, then, to all intents and purposes, the CWG report cannot go forward. So we may say something like that also, but my understanding is it's implicit in that report. Someone once described it, I think, as a poison pill that, if the CCWG cannot fulfill its mandate, then the other one goes up in smoke.

So, in terms of the question from the U.K., no, I don't have a document like that. We have not -- the ALSs have not formally been involved as such. We solicited volunt- -- not volunteers, but we asked essentially anyone in at-large on our very large mailing lists who is interested subscribe to the mailing list associated with the IANA transition and the accountability and have been participating in teleconferences. And at this point I think on the average we've had about an hour and a half to two hours of teleconference a week most weeks for the last several months on this. We have logs of names, but we didn't try to relate them directly to ALSs or what region they were from.

CHAIR SCHNEIDER: Thank you. Further questions? Indonesia.

INDONESIA: Thank you, Chairman. Just to comment for the CCWG and CWG, because these two are trying to get the inputs from the communities. And it has to be our understanding that not all countries have strong Internet communities. I mean, the communities in Indonesia were not as strong as the one in England or the one in the U.S. or the one in Argentina or, you know, things like that. You can see in this ICANN 53 who comes from Indonesia? Only the government. Because our community is not as strong as the other countries' communities. We have strong Internet communities, strong economy, strong high per capita income, and so on. Only when ICANN was in Singapore that we can bring many countries coming, because it was close to Indonesia. But here it was difficult.

So, when we're talking about communities, please take into account that is not that all countries' communities that can be included. It's only strong economic communities that is taken their advice.

Now, it is in this respect that the GAC voice will become more and more important because we're trying to include the community's voice from our country in our discussions, in our intervention, in our inputs.

So this is -- the work of communities has to be seen very, very carefully.

Now, just another point is the training that you mentioned. This just a bit different. But I think the -- our leaders, our next leaders, whatever you call it, should be aware that now we are living in a borderless world. And where in this borderless world the stronger your capabilities, the borderless is the country. And you can even make your own border. This will be very important when we are talking about public interest, about the country's interest, and so on. Because it is the functions of the capabilities of the country itself. The borderless and the border countries, it's really depending very much on the capabilities of the countries and so on. And this morning we are talking about what you call it? TRIPS, WIPO, and so on with this regulation on the bordered world. Now we are talking about the regulation of borderless world, which is different with the bordered world. And this has to be taken into our leaders' account when they make regulations, when they make comments, when they make inputs to this CWG or CCWG. Especially bordered communities. Thank you.

CHAIR SCHNEIDER: Thank you.

I think Alan and Cheryl would want to quickly reply. Thank you.

ALAN GREENBERG: To some extent, you're correct that it depends on the level of the country. But it also depends on individuals and people of interest. One of the strongest voices from at-large is from Nigeria. But that was

contingent largely on one person who has chosen to put a lot of time and effort into it and had the background to enable him to do that. So we have a number of very developed countries that haven't participated particularly through the at-large process.

So it's very much an individual issue as an addition to the status of the country.

CHERYL LANGDON-ORR: Thank you, Thomas. Cheryl Langdon-Orr. I had the honor to serve on both the CCWG and the CWG. And I just wanted to pick up the question on our participation. Whilst Alan didn't have those things at his fingertips, part of the reporting requirements, of course -- and the staff has been collecting and collating throughout this whole process -- is, indeed, the outreach and mechanisms that have been used by all the component parts in the community. Because, of course, it's one of the five criteria we have to attest to at the end of all of this process to show how broadly we've engaged.

So one of the things I've just asked staff to do now is go to our mailing list that Alan described. And we'll get out some analysis for you to get back to the GAC post haste. And, along with that, we'll give you at least a briefing, a very short annotation of the general activities. In other words, the numbers of meetings held. A number of the regions held separate webinars and outreaches locally. And a number of the at-large structures, Alan -- not to correct you, but to merely embellish -- had actually locally run information sessions or subregionally run outreach and information sessions. So we've got to pull all that

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together for the reporting anyway. We'll just make sure that the GAC gets an, of course, draft, in advance.

ALAN GREENBERG: Cheryl, you can always correct me.

CHERYL LANGDON-ORR: I usually do.

ALAN GREENBERG: Thank you.

CHAIR SCHNEIDER: Looking at the time, maybe we can now shift to the CCWG and how you deal with this, what the issues are that are of concern, what issues do you think are critical that remain in the proposal or would come into the proposal. So yeah. Thank you for informing us about the ALAC's deliberations.

ALAN GREENBERG: Thank you very much, Thomas. As I said, the -- we're in flux right now. And, moreover, the proposals are changing. The proposal that -- where the -- for which the public comment just finished has now been abandoned, and we're looking at other things. So this is a very difficult area and very moving.

The general principles that we're looking at in at-large is we are not among the people who believe we need legal enforceability on everything. The bylaws have been in place for many years right now. The Board could have said the SOs no longer appoint board members. You know, the Board picks the next members themselves. They could have done that. They haven't.

There are many provisions in the bylaws which are not legally enforceable or even very unusual in California law. But they've been honored.

And we do not believe that that's likely to change. However, the majority of people in at-large believe that we should have the ability of removing board members. There is some question about whether they should be removable by the single organization that appointed them. How do we remove NomCom members? But we believe that the threat to remove board members is strong encouragement for the board to listen to the community. That doesn't mean they agree in all cases, and maybe they can justify it.

So we would prefer a model where we have the ability to ultimately change the Board, if the Board is really going in a direction that the community as a whole believes is incorrect. But we don't need legal enforceability on some of the other issues.

That being said, we are not the only group around. And not everyone agrees with us.

We would prefer to see an end result which is not a membership model. We believe the membership model changes the culture of the organization significantly. And there is a potential -- because the ALAC has real worries. We don't have companies backing us. We're really worried about liabilities. And, you know, we're -- we don't really want to take on personal liability when we're completely volunteers.

So the membership model has some concerns for us. We would prefer to avoid that and do something simpler and lighter weight and minimal changes to the overall ICANN structure.

The details we're still talking. And I don't know where it's going to come out. We are a little bit worried that, if we end up with a model where the ALAC doesn't want to participate, the GAC may find difficulty participating. The ccNSO, which is made up, to some extent, of government entities for some of the ccTLDs may not want to participate.

We could end up in a situation where the only formal member is the GNSO.

So even if the rest of us still have power, they on the books are the only formal member. And that would look just horrible, as far as I'm concerned, to the rest of the world.

So we have some concerns. We probably have more flexibility than some of the groups in adapting to what comes out of it. But we would like it as lightweight as possible. Although the ability to remove board members, we believe, is the important one. Because it's the ultimate

threat that, if the Board doesn't agree with the community, get a new board. Companies do it all the time.

CHAIR SCHNEIDER: Thank you. Maybe just, if you allow me, to ask one question because this for us is the key question. Are you having in the ALAC a discussion of what you think the role of governments should be in the future of the organization? Just for information it might be interesting for us to see how the role of governments is discussed in ALAC.

ALAN GREENBERG: I don't believe we've had a formal discussion on it. The position the ALAC has taken, however, in the proposal that was just -- that's just gone through public comment, the proposal there was that they were assigning various weights to ACs and SOs. And we said we supported the model that, if an AC wanted to participate, they should be participating with an equal status as an SO.

So we believe that the ALAC should be able to participate in equal status with the GNSO, the ccNSO, the ASO. And we equally believe the GAC should have the same -- that same level of status should the GAC they choose to exercise it.

CHAIR SCHNEIDER: Thank you. I think that's been interesting. So the floor is open. Namibia, Henri, please go ahead.

NAMIBIA: Thank you, Thomas. I just wanted to get clarity on the phrase that you used. And that is that the ALAC, basically, proposes that there must be the ability to remove board members but it should not be a legally enforceable arrangement.

I'm not quite clear on that. Because a board member -- to remove a board member, there must be legal rules, legal principles and so on. How -- where does the last part of the phrase comes from "should not be legally enforceable"? Thank you.

ALAN GREENBERG: For clarity, on that particular power of the community, we believe that one should be legally enforceable, that we shouldn't have a board director who says no, I'm not going to step down. Now, the only legal enforceability is to essentially say someone -- the director has to honor the bylaws of the organization. And it may involve a letter that the director has to sign an irrevocable letter prior to taking their seat. But, yes, we believe that one should be legally enforceable.

It's the others that we believe the threat of removal should be enough to convince them to talk to us and try to come to closure. That doesn't mean they agree. But to talk.

CHAIR SCHNEIDER: So you mean issues like financial plans, strategic plan, these things? You see no need to have a legal enforceable right to have an influence there?

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ALAN GREENBERG: That's correct. And on the bylaw changes. They have to agree in the bylaws that the community has a say. That's not very different from what's happening right now.

CHAIR SCHNEIDER: Thank you for this clarification. I have Iran.

IRAN: Thank you for the clarification provided. It gives us some room maneuver to further discuss the issue.

As you mentioned, the issue of removal of the board could be easily included with the irrevocable letter of the resignations and so on and so forth. So does not require. The problem is that which of these powers required to be a membership. And two of them require for membership approach is the budget and is the strategic plan. Perhaps GAC should look at -- four other powers to see whether it requires that the two last powers relating to the budget and relating to the financial plan could not be satisfied by the reconsideration approach rather than enforceability and requirement of the membership.

One question was raised that the -- all of these powers could be implemented if there is only one member. Could you say that what is the risk that, among the seven SO and ACs, if one only becomes a member and the other would not become a member, again, all of

those seven could have the possibility to exercise all powers using that single member for the enforceability and stand before the court. What is your view on that? Thank you.

ALAN GREENBERG: If we put the rules in such that one SO, for instance, became a member but they couldn't act without the support of the other ACs and SOs, that would be acceptable. I'm not sure you could build a rule that stops a member which, at that point, has legal standing within, you know, within the jurisdiction to -- I don't think we could prohibit them from taking action. We might prohibit them from taking action and have it be funded from ICANN. I'm not sure we could prohibit them from taking action. Period. I just don't know whether it's legally possible to have a construct to do that.

In terms of the strategic plan and the budget -- I'll talk on my behalf because we haven't discussed it. I think it's supported by ALAC.

I don't really care about the strategic plan. You know, a plan that says what we're doing in five years, if it's really, really bad, we have plenty of opportunity to change the Board and change the plan.

In terms of budget, there are real downsides. The Board has fiduciary responsibility. Members may legally have that responsibility. But, ultimately, they don't have to live with the results. The Board is going to have to live with the results. So I'm not really particularly worried about the budget issue either.

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And we would prefer not to see a membership model. Designator model might be acceptable. But we would prefer not to see the membership model.

CHAIR SCHNEIDER: Just a comment on this question. Actually, there may also be a minimum number of members in order to set up the membership organization. So I'm not sure if you have only one member. But that's something that's in the details.

Further comments? Questions?

Egypt, thank you.

EGYPT: Thank you, Alan. This has been very informative. It's always useful to know how other SOs and ACs are handling things.

And, having said that, we -- the GAC met with the SSAC the day before yesterday. And they mentioned their SAC069 document where they have some criteria for the security and stability of the Internet.

And they have -- they are cross-checking those criteria with the current CWG proposal. So is this something that's also being considered by the ALAC? Thank you.

ALAN GREENBERG: Certainly, if the SSAC came out later today or tomorrow and said there's a huge blaring gap that they have a concern of, we would

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factor that in, if -- assuming we heard about it before we made our decision. I can't see how we can not factor it in just as the ICG could not factor it in. So, yes, it would certainly be of concern. We've looked at it with some care. And we don't believe there is such a problem. But the SSAC does need to do their own homework. And, if they decide there's a problem, I guess I want to hear about it.

CHAIR SCHNEIDER: Thank you. Further questions, comments?

Spain. Thank you.

SPAIN: Thank you. I would like to know if the ALAC has considered -- made an assessment of the proposal in the CCWG report about the independent review mechanism. Whether you think about the independence guarantees built into the proposal, the accessibility provisions in it, and the enforceability of the resolutions adopted by the panel? Have you considered all of that?

Thank you.

ALAN GREENBERG: Bluntly, no. We have not focused a lot on the independent review.

I think I can say, again, with some surety at that I would be supported by my colleagues that we do have some concerns.

The issue was raised in the CCWG board meeting the other day of why is it we believe three independent panelists are likely to make a better decision than the people we put on the board, and that's a valid question. There certainly is some concern. We've seen panel decisions, if you look at the new gTLD process, where we don't agree with the panel decisions. And that gives us a bit of fear.

On the other hand, for certain things related to contractual issues and, you know, not how the organization is going but decisions on delegation, you know, awarding a TLD to someone, I have no real problems with it being a mandatory enforceability.

I have far more concern on internal issues related t ICANN; that some arbitrary panel may make a decision on how ICANN should act, which may satisfy some people but may not necessarily be for the good of the organization.

So we do have some concerns over that, but we have not put a lot of focus into it. We probably will on the next round of comments.

CHAIR SCHNEIDER: Thank you. Further comments or questions?

We have ten minutes left.

Yes, Iran.

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IRAN: Yes. Another question to ALAC. Do you or have you considered that in some area the reconsideration could work better than rejections going to such super complicated legal arrangements. What is the reason that if an issue raised and request for reconsideration made, why we believe that the Board would not take into account that request for reconsideration and continue to object to that without any reasons?

So my question is that why we super complicate this situation by going to this review panel, the composition which has difficult structures, and the way they are deciding and the binding, going to the court?

Why the reconsideration does not work? It could work. What is the reason that the Board would continue to object for any request reconsiderations?

Thank you.

ALAN GREENBERG: The very quick answer is the ALAC has been very vocal for a long time, or at least certain members in the ALAC that, the current reconsideration process needs to be fixed. And we need to be able to do a reconsideration based on substance, not just following procedure.

The details of how that works, obviously the details are important. We have not looked at the details in any great thing. But we, just as with the CWG, we are looking for as lightweight as possible procedures which will reasonably address the problems.

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CHAIR SCHNEIDER: Thank you. We have Cheryl.

CHERYL LANGDON-ORR: Thank you, Thomas. Cheryl Langdon-Orr, again, for the record.

Just on the matter of the independent review panels and, indeed, the reconciliation -- reconsideration. Perhaps reconciliation is a more correct term. It is important that something happens now in the accountability framework that allows for appropriate standing of people who are not able to show themselves and groups that are not able to show themselves as materially affected have standing.

So there are a few things that we do need to tidy up, and I would like to think that in any public interest, that should be seen as a fairly vital thing; that those of us who are trying to act in the best interest of a wider community do not have to show harm or the risk of harm to go into these processes.

Now, that goes right back to ATRT1, when we looked at prior history of reviews for accountability. And so the need for fixing up the matter of standing alone, let alone some of the other tweaks in terms of the independence, in terms of the having a broader geographic spread, the ability of the proponent to have one of their own choice on the panel, all these things are very important administrivia, but I am absolutely supportive of getting that done and getting this done now in this batch of renewals and reviews and changes, because that's a

leverage issue. We're more likely to get it done now than at any other time.

With concern to any of the -- and here, I'll take an example of if something was to become problematic with the IANA, Post-Transition IANA situation. Built into the mechanisms with the CWG's processes is a review, redress, repeat that at least once, try and improve. So I'm not discomfited that the concept of reconciliation and remediation is not well built in. I believe it is well built in.

This is -- It's almost a bizarre exercise, at least in my time and certainly in some of yours, that 99.999% of our effort is going in on a risk of 0.0001% of likely happening. Because we're talking so much about how we, with belts and braces and with every other form of support, risk manage something that is very unlikely, or even if it was likely, the construct of the organization would have already fallen apart before we got there.

I mean, let's face it. If we can't work in a multistakeholder model in a form of consensus, then all of this is almost moot.

But it is important to give some people comfort. I don't happen to be one of them.

We do have to live with risk, but we need to risk minimize. Do we have enough reconciliation, redress and remediation? I believe so. Do we need some IRP rules changed and clarity in that? Absolutely.

CHAIR SCHNEIDER: Thank you. Alan, do you want to --

ALAN GREENBERG: Yeah. Just one thing we haven't mentioned yet and is relevant is one of the problems with the current process is in some cases there is no time limit for how long it can take. And, therefore, one of the parties can effectively draw things out forever. And we really need to be able to resolve problems and go on with life. And that, I think, has to be one of the end products of this process.

CHAIR SCHNEIDER: Thank you. And if you are referring to, for instance, some of the cases of some new gTLDs, as we heard already earlier, that is not something very unlikely but is actually something that's happening now and that may need to be improved. So thank you. I see --

ALAN GREENBERG: I was being polite in not mentioning names.

CHAIR SCHNEIDER: So was I.

[Laughter]

Olivier.

OLIVIER CREPIN-LEBLOND: It's green? Now it works. Okay.

Olivier Crepin-Leblond, ALAC.

Just to share one of the ways that we come to analyze all of the questions that come on our table. We're, of course, in ALAC very strong supporters of a balanced multistakeholder ecosystem, and by balanced, in that no stakeholder has an over -- advantage over the other stakeholders. And of course in an environment such as ICANN, it sometimes is the case because of the amount of time that all these processes take.

So in looking at the accountability of ICANN, I know that there has been a lot of emphasis on the accountability of ICANN staff, the accountability of the ICANN Board, but we're also looking at the accountability of ICANN's communities themselves.

If we risk supporting any solution or any project that would actually unbalance the accountability and, therefore, then put so much power into a specific community in ICANN, that's not something that we would support. We would wish this to be balanced across the stakeholders.

Thank you.

CHAIR SCHNEIDER: Thank you. I think this is a very relevant point that also within the community the balance should be in a way that all stakeholders are held accountable in the end.

Other comments? Questions?

Actually, our time is more or less up. That brings me to the final issue, but there was some request from the GAC to hear a little bit from one or more chairman of this newly created or to be created Cross-Community Working Group on Internet governance. And since if I'm not mistaken, Olivier, you're one of them, we have a very short coffee break but maybe you could give us two minutes on where you are and in what way the GAC might be able to participate.

Thank you.

OLIVIER CREPIN-LEBLOND: Yeah, thank you very much, Mr. Chairman. And actually, that's probably not part of the ALAC meeting with the GAC but it's just a little side session, a little interlude, shall we say.

I don't know if any of my other co-chairs are in the room. Probably not, because they're probably busy elsewhere. So we've established a Cross-Community Working Group on Internet governance that currently is chartered by the ccNSO, the GNSO, the ALAC. The SSAC has agreed to the chartering of the Cross-Community Working Group but has not sent anyone as a co-chair on there. And we're waiting for an answer from the GAC, and whether that would be a working group that the GAC would be interested in having people follow.

At the moment, I believe that there is someone who informally is following the work of the Cross-Community Working Group, and that's Tracy Hackshaw. I hesitate to say that it's Trinidad because I believe it's probably as an individual that he's following up on this.

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But the Cross-Community Working Group has -- just to give you a little bit of history, has actually produced a paper quite a few months ago, it was last year, as an input document over for NETmundial. That was a consensus paper. It was pretty open but it pretty much supported the views of this community regarding the multistakeholder model, et cetera.

So that was one of the things it did. Now it's looking for inputs for WSIS+10, it's looking at all of the other current Internet governance processes that are taking place outside of ICANN. So that includes IGF, that includes the CSTD process, that includes the WSIS forum a few weeks ago.

I'm not going to list the whole list of them, but as you know, it's a very crowded space as far as the number of fora that are currently in place.

And we are in a discussion as to whether we should take a more proactive manner to actually produce papers, to go over to these -- and to send over into these external processes or whether we should actually just provide a platform for our community to make up its mind and perhaps let ICANN staff, who traditionally are the people that are going to these fora, ICANN staff know what the community's point of view is about what's going on out there.

So this is just to give you an idea that we're active, we're there. Yesterday we had an open forum that took place in the main hall, and if you missed it, you can watch the recording of it.

We have a meeting on Wednesday, I believe, that is a working group meeting where we're going to be effectively making a choice as to which way we're going to go now and whether we are going to actually produce consensus documents that will go into these external processes, bearing in mind that ICANN staff, as I said, has a department that deals with this and bearing in mind that we work very closely with them in order to have a, I would say, not a dissenting view and confuse people outside of ICANN as to, well, the community is saying one thing and staff is saying another thing. What's going on there? Obviously we have to coordinate.

So I'm open to any questions that are asked.

UNKNOWN SPEAKER: (Off mic.)

OLIVIER CREPIN-LEBLOND: Yes, we are following the system of the Cross-Community Working Groups, the same sort of membership as Cross-Community Working Groups on stewardship and on -- and on ICANN accountability in that it's open for everyone. So we have a few members which are appointed by the different SOs and ACs, and then we also have the ability for all participants to come in, and we'll take their point of view in mind, obviously.

CHAIR SCHNEIDER: Thank you very much.

Just to tell you we have a very short coffee break. We will resume at 11:00. So 30 seconds for questions each, and that's it.

Thank you very much.

ARGENTINA: Thank you. Just Argentina would be in favor to participate and the GAC to participate, and of course our country is interested. And we think that apart from the staff, the community may have -- may find in this working group a very good space to express whether through documents or whether through a platform. So just say that. Thank you.

CHAIR SCHNEIDER: Thank you. Iran.

IRAN: Thank you, Olivier. The issue of Internet governance has been discussed more than ten years in IGF. Do you have any different approach to have a better way how to address the issue and where it goes? Because you don't want to talk and talk, talk and talk and then no output, no approach, no follow-up, and so on and so forth. And so what objectives you have? And one what approach, you have to have a better effectiveness of this issue.

Thank you.

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CHAIR SCHNEIDER: Thank you for being brief, Kavouss.

The last one is the U.K., and then we make th coffee break and you can give the answers with the coffee in your hand.

UNITED KINGDOM: Thanks. Just to say it's a very important initiative. And of course, you're talking to a lot of people here who are directly involved in some of those multilateral and multistakeholder processes. So keep close to us.

And just a quick question. Representation of the group in some of these processes, let us know how you're doing that because coordinating with missions, and so on, as they develop their negotiating positions, inputs from the group is going to be very welcome.

Thank you.

OLIVIER CREPIN-LEBLOND: Yeah, we're bringing input into the system. I don't think that we've ever even thought about going out there and starting to negotiate with missions, and so on. That's definitely not the mandate of the group. Thank you.

With response to Iran, it's an interesting topic, and I think that we should perhaps take it on the table and have the working group discuss this.

We are looking at the future of the IGF. There are more pressing issues at the moment with the UNGA that's coming at the end of the -- well, in a few months' time. There are several consultations which we spoke about yesterday, and it's just a case of being able to put it on the calendar, and that will definitely be a good topic to look at.

CHAIR SCHNEIDER: Thank you very much, Olivier. This is the coffee break. We meet at 11:00, more or less sharp, as sharply as we can, because we have the ccNSO coming.

Thank you.

[Coffee break]

GAC meeting with the ccNSO

CHAIR SCHNEIDER: Hello, everybody. Sorry for the short break, but we should sit down back and start. Please take your seats. Thank you.

Okay. We are starting the session, so please sit down. You can already listen to us while walking back to your seats. Thank you.

We have the session with the ccNSO, which is also something that we do normally and also do it this time. There would be, I guess, very many issues that we would need to discuss or could discuss. But also this time we are, of course, using this opportunity to exchange with the ccNSO in particular on the IANA transition and on the -- please take a seat and let us have this session. If somebody could just pull these people from the left to the middle. Yes, U.K. Thank you.

UNITED KINGDOM: Thank you, Chair.

I don't want to hold up the start of the session, because we're being commendably on time with every session so far. And that's down to you, Chair, and your very effective management.

But I just wanted to report on the suggestion to move the session on community applications, which in the scheduled is at 3:00. And you mentioned earlier, in order to make time for the CCWG discussion to move it to 4:00. But that's not really possible. We've got outsiders involved in the community applications issues and a contributor from the community applications group. So can we stay at 3:00 for that session?

And, while I'm at the mic, very briefly, just to remind commonwealth colleagues, we have a short session, about a half hour or so, at lunchtime at 12:30 here in this room for commonwealth colleagues to review quickly recent and upcoming events for commonwealth GAC members to bear in mind. Thank you.

CHAIR SCHNEIDER: Thank you very much, Mark. Yes, I've heard of this. So I suggest that we follow your suggestion. We'll keep the additional time. But we will not move the session that you are leading to after the break. So that would mean that we would have additional time to discuss the CCWG issue on slots 18 and 19 and 21. So one hour in the early afternoon. And then we have a coffee break that may actually be useful to follow up during the coffee break. And then we would resume for another 30 minutes on the CCWG and slot 21.

So slot 20 will not be moved. It will remain. But we will keep the amount of time that we decided this morning, if that's okay. I see no objections. So thank you.

This is noted and also for the commonwealth.

So back to Byron who is here as chair of the ccNSO.

Yeah, let me give the floor to you.

BYRON HOLLAND: Thank you very much, Thomas.

The proposed agenda included three items. First an update on the CWG on the use of country and territory names. Though it's my understanding there has already been some discussion today. So, instead of that being the first item on the agenda, we will push it to the end of the agenda if there is a requirement to have a further update or

if any issues or thoughts have percolated since you last heard from our member in that CWG.

The second item on the agenda was around the process and decision making with regards to the CWG on IANA stewardship transition. We just wanted to provide an update on what the ccNSO community is doing in terms of the decision-making process. And we are very eager to understand what the decision-making process in the GAC will be.

And then, finally, Becky Burr, a member of the CCWG will be providing an update on the CCWG.

So, with that, if that's okay, I'll kick it off with an update on how the ccNSO intends to work towards a decision on the CWG proposal.

We, as the ccNSO, were tasked by ICANN to be the entity that brings the proposal to the broad ccTLD community. And it's the ccNSO council who will be -- who has been tasked and has the responsibility for making a decision to support or not the CWG proposal.

And I raise that because there's an important distinction to be made here in that the ccNSO, which is a voluntary membership group, represents the significant majority of all ccTLD managers in the world but certainly not all of them. We represent about 60% of the total ccTLD managers and roughly 70% of the ccTLD domain names under management.

So a significant majority, but certainly not every ccTLD.

And part of the responsibility of shepherding this issue through our community was to make sure that we involved all ccTLD operators and managers regardless of whether or not they are actually a ccNSO membership.

And I just want to report that I think that we have done that admirably. For those who are interested in terms of our outreach and engagement efforts, they are all cataloged on the ccNSO Web site, all nine pages worth of engagement activities. So please feel free to look at that.

And we have also worked with the CC -- the regional organizations. They have all done their own significant outreach and education efforts. And we have worked in conjunction with them to make sure the message, the information, the education permeates the entire ccTLD community. And I'm happy to report that I believe we have done a very good job on that in conjunction with our regional organization partners.

In essence, I would say anybody who is not participating in this right now is certainly aware of it. And we can lead the horse to water, but we can't necessarily make them drink.

In terms of how we're going to come to the decision itself, we, as the ccNSO council, in a sense, view this as two decisions. Our council meeting is Wednesday at 5:00 p.m., after two full days of constituency meetings, today and tomorrow, of which we have six separate sessions on CWG and CCWG-related issues from high level to specific to issues of concern to linkages and to an overall. And, as we go

through this process, which I would say is just a culmination in this phase of a broader process, after four ICANN meetings' worth of work and all the intersessional work that happens in between, we have these final two days for the community, both those in the room and those on the web, to make their feelings known.

And two things will happen at our council meeting. First decision will be do we have enough information to actually make a decision? And then, two, what will that decision be? To support the proposal or not? And we will do that over the course of our council meeting Wednesday at 5:00.

So that is our task. That is, essentially, how we're viewing it. I would say at this point the sense is we're cautiously optimistic that we would be in a position to approve it, though we have two days of meetings so I don't want to short circuit the process. Right now we note a number of minor things that are irritants. But most of the substantive issues seem reasonably addressed. And, certainly, the CWG itself has done an incredible amount of work. And I think also has really lived the bottom-up policy process. And we can see that by the fact that they put out a first proposal in December which the community indicated there were some challenges with. And the CWG went back to the drawing board and did yeoman's work to produce a second proposal which significantly reflects the inputs of the community on the first proposal.

I'd also like to just thank the members of the CCWG for the hard work they put in, far more, I'm sure, than they thought they were signing up for.

So that's how the ccNSO is viewing the decision-making process in the next couple days. But we'd be also very interested to hear how the GAC intends to come to a conclusion and/or decision on this as one of the other chartering organizations.

CHAIR SCHNEIDER: Thank you, Byron. Before giving the floor to all of you -- and that does not mean just the GAC but also the ccNSO members and non-members, just a quick update on where we are. We have started to discuss this on Sunday. We'll have another slot on the CWG tomorrow morning. We have started to draft a text which will not be a direct part of the communique because the communique is an advice that the GAC gives to the Board. Whereas, this time we're supposed to give an answer to the working group, which is something procedural level different. And we have had the first informal working meeting yesterday at noon on a draft text. So we have a draft text that we will discuss and then, hopefully, agree on before tomorrow night.

And we won't go into detail. But we're also -- of course, one of the key issues is the dependency of the CWG proposal to the CCWG. And so far the discussions have been very constructive on the CWG proposal.

So, hopefully, tomorrow night we'll have a reply to the CWG.

So the floor is yours. Comments? Questions? Thank you, Iran.

IRAN: Thank you, Chairman. I think I have one comment and perhaps one question or maybe two subparts of one question.

The comment is that it is quite important and crucial that we give the whole community a positive answer to the CWG work. It has been done quite extensively, properly. And I don't think that we should mix up any link between the accountability measures in the CCWG yet to be discussed and answered and the CWG. So I'll comment. With respect to that issue, I'm quite positive enabling ICG to review the CWG proposals and put it in a combined proposal of three communities and send it for public comments.

If there would be any comment on the integrated or consolidated proposal of three communities, still that chance could be available, forwarded to public comment. And people reply to that, and ICG has internal procedures how to deal with those comments. So that is the comment.

Now the question. The question is that the outreach and modality for those ccNSO -- sorry, -- ccTLD which are not members of the ccNSO. This is very important in this transition.

And the second is a comment in paragraph 107 of the report of the CWG mentioning that the appeal mechanism will not cover issues relating to ccTLD delegation and redelegation, which mechanism is to be developed by the ccTLD community post-transition. I would like to know whether there is any thought given in ccNSO of how this post

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mechanism will be devised in the post-transition outside the CWG proposal. Just a question. If you would be in a position to reply so far so good. If not, just I raise the question. Because several times it is in the report. Thank you.

CHAIR SCHNEIDER: Thank you, Iran. Maybe we give Byron or somebody else the opportunity to answer on this.

BYRON HOLLAND: Sure. There isn't a specific answer right now. But the general answer is that it was carved out of the remit of the CWG most definitely on purpose and consciously. Because the ccNSO clearly believes that that is the remit of the country code manager community and the Internet communities within each of those country codes. And, thus, a policy development process around delegation, redelegation and the issues around -- other issues around those two would happen in a policy development process likely led by the ccNSO at a later date and building on the work of the framework of interpretation working group.

So we certainly see that as the next major body of work that we would have to attend to after the CWG and CCWG work has been completed.

CHAIR SCHNEIDER: Thank you very much. Other questions or comments from the room?

BYRON HOLLAND: So, if there's no further comments or questions on that, perhaps we could move to the third item on the agenda. And Becky Burr, are you here? She was going to -- it sounds like they're doing construction behind us.

UNKNOWN SPEAKER: It's in the room behind us.

BYRON HOLLAND: Unfortunately, it seems like Becky is not here.

Is there another member of the CCWG -- or another ccNSO member of the CCWG who could provide us an update? No. I apologize for that. We must -- or -- Mathieu? Not only just a member, a cochair!

Thank you, Fadi. I hadn't seen him out of my direct periphery. Yes, Mathieu. Yes, you, Mathieu, we're talking to.

MATHIEU WEILL: Thank you very much, Mr. Chairman. Would you be so kind to exactly reexplicit the question?

BYRON HOLLAND: Yes. It was focused on providing an update from a country code manager's perspective where we're at and what the process looks like.

I know this is --

MATHIEU WEILL: The process moving forward?

BYRON HOLLAND: Yes, the process moving forward. It's a fluid situation right now just in terms of the models and how -- well, in your case, how the cochairs and the country code operators are viewing the process going forward.

MATHIEU WEILL: So two things. We're very focused on ccTLD membership perspective. We've received very clear guidelines from the ccNSO council on the fact that the ccTLD delegations and revocations issue should be left out of the CCWG report. That is the case in the initial draft proposals. We've also received clarification of expectations from the ccNSO council that the impact on ccTLDs of the proposals that are put forward should be clarified in expressions as much as possible.

And we think that's something we'll start -- a discussion we will start in the sessions that take place during this week here in Buenos Aires to highlight how the proposals from the CCWG accountability do impact ccTLDs on a daily basis in their relationship with ICANN.

And so that would certainly structure this. And then the process will be for the CCWG to refine a second draft report, which we'll put out -- we'll put out for public comment probably at the end of July for 40 days this time.

And then finalization of proposal is expected in time for ccNSO approval by Dublin.

Am I --

BYRON HOLLAND: Thank you, Mathieu.

Are there any questions for Mathieu around the process and work of the CCWG as it perhaps relates to country code managers, not just a general question?

CHAIR SCHNEIDER: This is the opportunity to raise questions that -- in particular, but not only limited to the ccTLD issues. So, please, use it.

Otherwise, another thing would be how will the ccNSO -- question to be asked, how will the ccNSO will be working on the CWG proposal and on this fluid development of what is going on now in order to come to a conclusion on this in Dublin? How are you -- Because this is, of course, also a challenge for the GAC, how are we supposed to cope with what is going on, the changes, and how do we shape our discussions? And also, then, what would be the expected outcome? How do you, like, foresee -- this, of course, is speculation as to how things will go, but I'm sure you have some plans on how to manage the discussion in the ccNSO on the work of the CCWG.

We have a question or a comment from Iran.

IRAN: Thank you, Chairman. General questions to ccNSO. And in fact, not Mathieu as a co-chair of the CCWG.

The question is how ccNSO considers the need for the empowerment of community with respect to those six areas of bylaw, budget, strategic plan, removal of the board, individual and recall mechanisms, and the need to have a membership approach, and whether the objectives could be achieved without going to that very complex mechanisms of membership approach. Just from the ccNSO point of view, how is your reaction and how you see that?

Thank you.

BYRON HOLLAND: At this point in time, and I'm not trying to get out from under that very substantive question, we are just starting our two days of constituency meetings today. Those very questions will be the types of questions that we will be discussing over the next two days, and I don't think at this point it would be appropriate for me in my role as chair to sort of bias it with my own personal opinions. But rest assured, those are all the kinds of questions we are asking ourselves, and we'll be discussing in detail over the next two days, as well as between here and Dublin.

Going back to your original question, which was really mostly around the linkage between CWG and CCWG, I think -- and again, I'll speak on my behalf, which is informed by what I hear from the ccNSO, but I don't speak for any individual member other than myself. There is a

relative level of comfort that one is contingent on the other and that we are ready to deal with the CWG in recognition that the work of the CCWG is happening later, and we will either be comfortable and supportive of that in the future, which means the work of the CWG will carry on, or the outcome of it, or not. And at this point we're prepared to either support or not support the proposal at this meeting, regardless of the contingency.

We're comfortable with what's happening on track 1 at this point.

CHAIR SCHNEIDER: Thank you. I have Norway.

NORWAY: Thank you. I think I will use the opportunity to ask a question to the CCWG co-chair, as a more overall view on the dependencies, if it's okay. Of course you can take the CC perspective, if you like.

Do you think -- the CCWG goes at a very fast speed now. Do you think there's anything in the last days -- last week, maybe last days, I can say that, that makes it more difficult to meet the dependencies that the CC -- not the CWG, have set to the CCWG? It's difficult to follow from the outside. And as I said, it's something we're discussing in the GAC. It's something also that is crucial to our final message to the CWG.

Thank you.

MATHIEU WEILL: Thank you very much, Denmark, for this question. I think it's important to put that on the record, actually, for everyone. As you rightly said, some of the discussions within the Cross-Community Working Group on accountability are -- are moving rapidly right now, but the powers that we outlined, so the requirements that are actually what needs to be matched to support the CWG Stewardship proposals, they are stable.

As much as things move, it is my assessment that this is still meeting the CWG expectations because we are fortunate enough to have taken a requirement-based approach, and the discussions that take place are below the requirements about how they're implemented.

So that might influence on the margins some form of confidence -- level of confidence that this is always going to happen in everything. So some corner cases might happen, but the requirements are still here and they're not being challenged by anyone. So our level of confidence that we're meeting the CWG expectations is still very high. And I think that's important for everyone to know at this point in this meeting in Buenos Aires where the CWG Stewardship proposals are up for consideration.

CHAIR SCHNEIDER: Thank you. And of course Mathieu is the co-chair of the CCWG, and you may ask questions to this but let's try to use the opportunity to focus on particular aspects of the work of the ccNSO or linkages to ccTLDs, if possible, because we have another opportunity to use the two co-chairs tomorrow. But it's not a must, but let's try to the extent

we can to profit from the presence of Byron and other members of the ccNSO.

So further comments, questions?

Actually -- Yes, The Netherlands.

NETHERLANDS: Thank you, Chair. Thank you, Thomas.

My question was more general feeling within the ccNSO about --- ccNSO could be represented in this post IANA -- sorry. In, again, one of the powers from the powers community. What I understand is many ccTLD managers were in favor of the membership organization.

As you know --

...Let's say inhibitions for following a model which culturally and also legally is, for us at least, for Netherlands, is a little bit strange to be applied on a corporation which acts in the public interest.

So I wonder if you have some first thinking on how ccNSO sees its role in this kind of supervisory body which is now envisaged and is still a moving target.

Thank you.

MATHIEU WEILL: So as Byron said the discussion on this is taking place starting this afternoon. So it's very early to share a ccNSO temperature of the room. However, based on the feedback we've received as CCWG from ccTLD members -- ccTLD managers, actually. Members of ccNSO are not members. There were diverse views regarding -- among the ccTLD community regarding the implementation model. The reference model that is now off the table was drawing diverse views from the ccTLD community. But the principle of having these powers of participating to the exercise of this power did not seem to you draw any objection. So it was more on the implementation of the reference model with the creation of these unincorporated associations that the diversity of views were expressed, and that's now off the table. So that's the review we've made from the public comments.

BYRON HOLLAND: And that's probably as close as we can get as to a sense of where the ccTLD community is right now because, as I said, we're really just getting to this discussion, to the accountability side now. To be quite frank, the IANA-related discussions are, in a sense, closest to the heart of ccTLDs and where we have really spent our time, attention and efforts thus far. And we're now, in a sense, really kicking off at a ccNSO level our discussions around CCWG-related work.

CHAIR SCHNEIDER: Thank you.

Further comments or questions?

Of course you can also ask members from the GAC from the ccNSO side on how this -- we should or we are thinking of dealing with these issues and questions. So it should be a two-way communication here, not a one-way.

Yes, Indonesia.

INDONESIA: Tom, I just ask -- I want to ask the ccNSO, is there any hot topics in the transferring to -- transfer of IANA related to the ccTLD? Because in every country, we have the ccTLD organizations that looks after -- well, Indonesia, look after .ID, for example.

Now, what kind of activities, of their activities that can be highly problem when the IANA was transferred? I mean, is there any special things that we should -- we, as the government, should concerned about the operation of ccTLD in our country?

Thank you.

BYRON HOLLAND: So right at the end you changed the question a little bit to be anything that we see that governments should be concerned about, if I understand it right. Is that correct? So it's not necessarily what we see as issues but what we think governments might see as an issue. Two different questions. That's why I'm just -- I'm trying to clarify the question.

In terms of what governments might want to pay attention to, you know it would probably be around the issues, you know, around challenges that work their way through the process of the IANA functional review team. Sort of the end-stage corner cases where we find that something had transpired that brought us to putting -- or utilizing the processes at the very end of an issue that could not be resolved. I mean, presumably those would be the kinds of issues that governments would be interested in.

I mean, I find I'm in a -- It's a tough question for me to answer. I certainly can't even begin to think about what all the different governments might be interested in. But those end-state issues are probably the focus of attention as opposed to customer-service committee issues or, like, the really operational ones. That would be my sense. If you're going to spend any attention, that's where your governments would be interested.

INDONESIA: Can I just continue a bit?

We also put so-called the mirror of the root server, mirror of the root server, one of the certain root servers in the country for our private organization to look after, you know, to check the servers. Will it be somehow affected with the transfer?

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BYRON HOLLAND: Not to my knowledge, it's my -- Certainly I don't think so, but I wouldn't want to categorically make that comment. But certainly, to my knowledge, no.

That's a very specific question that I would want to involve others in to give you a definitive answer, but certainly my understanding at this point would be no.

CHAIR SCHNEIDER: Thank you. Other questions?

Comments?

If that is not the case, then I understand that the -- there's another issue that there's some interest on the side of the ccNSO to hear from the GAC. So let me give the floor to you, Byron.

BYRON HOLLAND: Yes. Thank you. Thank you, Thomas.

And, yes, thank you, Mathieu, for pinch hitting there on call. Thank you.

The question that I had that has just very, very recently, within the last day or so, come to the CC community's attention that there was a survey conducted or being conducted within the GAC membership regarding the relationship of ccTLDs with their local governments. You know, this was something that was discussed at the L.A. meeting in some detail around national legislation and ccTLDs. So we're

curious to understand what the nature of this survey would be and if there's information that would be shareable after the fact. But probably mostly interested in the genesis of it.

CHAIR SCHNEIDER: Thank you. Before I give the floor Gema from Spain, there are several origins of this. One is a discussion that was had, an informal discussion with some people from ICANN. Another one is the underserved regions working group that is dealing with issues that are of particular relevance for developing countries and other countries with special needs. And one of the issues that keeps coming up is the fact that there are different models of the relationship between governments and ccTLD managers and that it may be useful to have more information in terms of capacity building on what are these different models, and so on so on and so forth. But for the details, let me give the floor to Gema, please.

GEMA CAMPILLOS: Thank you. Yeah, that is exactly the idea behind the survey. Now we know there is not one size fits all and that there are different models or schemes for the relationship between governments and ccTLDs out there. And we would like to gather as much information as possible in order to compile them and put them forward to those countries that may appreciate learning from experiences in other countries or maybe they can find some guidance as to how to improve their relationships with ccTLD managers in their countries.

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So we are in the phase -- we have just recently sent out the survey. We'll be collecting answers. GAC members are not forced to respond to the survey. They are encouraged to respond to the survey.

There will be a period long enough to collect that information.

We will also seek ccNSO views and assistance in analyzing the material once we gather it. And we also think that this information could feed into one of the issues that can feature in the agenda of the next high-level governmental meeting to be held in Marrakech next year because it's going to take place in Africa, and I would guess that many governments coming to that meeting could be interested in receiving this information, exchanging views with other governments as well as with the ccTLD representatives.

BYRON HOLLAND: Thank you for that. That certainly helps us understand, and I would look forward to the ccNSO providing any assistance that we can and that's asked for.

CHAIR SCHNEIDER: Other questions or comments related to this? The Netherlands.

NETHERLANDS: Yes. Your question on this survey triggers me, also, to Gema's answer to the fact that, if you ask the government to describe your relationship, the ccTLD might perceive the relationship in a different way than the government.

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So this could be maybe remediated or, let's say, looked at, if we have this list, if we could have feedback or -- let's say kind of mechanism in which ccTLD also can react on the way their relationship is being described. Thank you.

CHAIR SCHNEIDER: Thank you. I think we all agree that this is a good point. And, as Gema has just pointed out, it is also the intention to, of course, get the feedback and the experience from both partners in this, of course.

Other comments and/or questions? Please.

Yes, Iran.

IRAN: This survey issue and questioning -- I agree with Netherlands, that should be both sides from the government or from the ccTLD manager. It would be good to have a look to the views of both from the different aspects.

Would it be also a company to provide both parties, government and ccTLD managers with existing or, if you call them best practices currently available in some earlier in order to provide them some background material, the way that the issue is governed or is dealt with in some areas. Some people might have less experience. Some people might have more experience. So it would be helpful to provide this background, which may not be used to bias them, but at least provide them these are the things available. And, whether that would

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match their particular environment or not, that is something that both parties could reflect. My question is: That would be accompany sort of best practice or available practices in order to enable them to further reflect on the matter. Thank you.

CHAIR SCHNEIDER: Thank you. From what I understand, this survey is exactly about getting this information that can then be shared with others. This is all a work in progress. So -- yes, I have Byron. Then Norway has another comment or question. Thank you, Byron.

BYRON HOLLAND: And I do just want to make a comment on, in a sense, your question regarding best practice. One of the challenges around doing something like that is underlying the question. There's an implicit assumption that we're a homogeneous community or a "like" community at the ccTLD manager level. And that is absolutely not the case. Because, in a sense, we are a reflection of our local Internet community. So we are very different within our community in terms of our governance structures, in terms of our business models, like, really, the essence of who we are varies depending on the country. So it would be very difficult to say there is a best practice given that what might work for me or for Canada is likely very different than what may work for Iran. So my best practice may be of no relevance to you. We can look at what are the categories of models, but I think it would be difficult to find a best practice. I want to make that clear.

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CHAIR SCHNEIDER: I think we should maybe rather talk of good practices instead of best, because that also makes it clear that there is no one solution for anything. Iran, just quickly.

IRAN: Yes, I formulate best practice and/or practices. And I added that in order to enable those to see to what extent that practice matches its environment and requirement. I put it in that that way. Thank you.

CHAIR SCHNEIDER: Thank you. I have Norway.

NORWAY: Yes. Thank you. And I just a comment regarding the survey. I haven't had the opportunity to respond to the mailing list.

But I spoke with Peter Van Roste from the CENTR. So, regarding relationship with ccTLDs and governments, CENTR, I think, already have a lot of information gathered about what sort of arrangements are in the different countries. So I think that can sort of also be taken onboard. And that can describe the relationship and also to the point that the Netherlands mentioned. Of course, it's also the perspective that from both sides it's useful to have, I think, also in this context. Thank you.

CHAIR SCHNEIDER: Thank you. Spain.

SPAIN: Yes. In the preliminary research we conducted on this issue, we found that CENTR had conducted some studies, and there were some presentations. And one of them was presented in the Los Angeles meeting. And we have forwarded that particular presentation to the GAC mailing list, also supporting material. And we have also sent OECD reports. So now the background material, which is at the disposal of every GAC member. We didn't want to overburden the message with a lot of materials. But, of course, they can be reviewed and we can rely on them also to conduct the survey.

Thank you.

CHAIR SCHNEIDER: Thank you. We would have a few minutes left for final questions or comments from anyone.

If that is not the case, then we say thank you. It was a very useful exchange as usual. So we look forward to hearing from you on how to deal with some key issues the next few days, of course. So I guess you might do the same with us. Let's keep in contact, and thank you for this very useful exchange.

BYRON HOLLAND: Likewise. Thank you very much, and we look forward to the outcomes of your discussions over the next day or couple of days. Thank you.

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CHAIR SCHNEIDER: So let's continue while ccNSO and other interested people leave the room.

We have a final session before the lunch break, which was meant to give us an idea, as that has been requested at earlier meetings, on where we are so far with the communique, with the draft text that we have received.

Our secretariat, Tom, has sent out a version one of the communique out to the GAC I think this morning or yesterday, this morning.

I hope you'll have had the chance to have a quick look at this. And, anyway, Tom will quickly present to you where we are.

I would like to plead those who like to talk to each other to do it either outside or a little bit more silently so that we can continue with our session. That would be very kind.

Tom, please, go ahead.

TOM DALE: Thank you, Thomas. The first draft version of the communique that I circulated by email to the GAC list a couple of hours ago this morning is of necessity pretty thin or modest.

We are still awaiting two significant elements of text because they require some further consultation. Those deal with IGO protections

and with gTLD safeguards. But they are being progressed, as we speak, and have been progressed since first raised on Saturday.

So the document that was circulated attempted to cover the meetings and issues to date. It was pretty basic. But it was hoped that at least that would give people an opportunity to agree or at least not object to what was, hopefully, non-contentious issues. Now, clearly, the GAC is not in a position to do a sort of early drafting in open session like this.

But, if there were further comments that people have, they're very welcome by email on those issues in that draft. Otherwise, my understanding is that the GAC will be spending considerable time on the CCWG issue for the rest of today and part of tomorrow and further discussion to finalize, hopefully, the text on the CWG response now. As Thomas has made clear several times, the CCWG and CWG issues are not matters for the text of the communique. They're not advice to the Board. Therefore, they are not, at this stage part of the communique drafting exercise. So this, perhaps, is a slightly different meeting to some others of the GAC. So the communique text itself at the moment is still evolving. If there are comments on those matters that were circulated, then please, you know, respond by email. But at the moment they're fairly straightforward. I think I've received one or two minor suggestions for amendments. And I'll make sure that they're updated. But, on the other matters, of course, I'm still in the hands of the GAC as regards text. Thank you, Thomas.

CHAIR SCHNEIDER: Thank you.   And we have received a few comments on the text. Actually, one, by Egypt. And Tom has informed us that he has noticed this and that he will integrate this into the next version.

So this is the opportunity to give further comments on what we have so far as draft text in the communique. Comments and questions, please, if you have any.

Yes, Iran.

IRAN: Thank you, Chairman. Thanks, Tom, for this information. It's very useful.   And now forwarding to -- going forward with what we discussed before to have early arrangement.

On the new members, good you mention about the two new members. But perhaps we need to add another sentence saying that the GAC encourage, if not urge, those governments which are not a member of the GAC to seriously consider to be -- to become a member of the GAC. That would help us. I thought that I'd mention that these two, as a result of the governmental ministerial arrangement, no matter what was the origin. But at least we have to encourage those to become a member. Thank you.

CHAIR SCHNEIDER: Thank you. We've noted this proposal, I think, something along these lines should be fine.

Maybe some -- a question to the GAC leads on the safeguards advice. Where are you with this text? When will the whole GAC see a draft on this? Some information may be helpful.

Maybe the U.S. can inform us about -- no? The U.K. can inform us.

UNKNOWN SPEAKER: Sorry. As soon as possible, of course. Maybe in an hour or two.

CHAIR SCHNEIDER: So it would be good if we would see this today, actually, as early as possible. So this is on track. Okay. That's good to hear. Thank you.

Other questions or comments on the text or on things that are not yet in as a text? Yes, Iran.

IRAN: Thank you. I think in our previous communique we referred to the IANA transitions. I haven't seen that is there. Even if it is not there directly, we have to mention that? Did we address that? Under other issues or important issues or something like that? It's not part of communique as such, is not advice. But it is part of communique. That is the main part in our discussions. Thank you.

TOM DALE: Thank you, yes. The previous communiques -- in fact, I think the communique since the process -- the transition process was first started in Singapore last year, the GAC communiques have noted the

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GAC's continuing work. And, as the CWG and CCWG processes have developed, has noted that. But they tend to be in a section of their own for the information of the Board rather than advice to the Board.

But there has been mention of what the GAC has done. That's quite correct, Mr. Arasteh. So there is a heading at the moment on the assumption that the GAC will say something. As yet, we're not sure what that is. But there is a heading for something.

CHAIR SCHNEIDER: Thank you. Actually, one way to do this would be that we would inform the Board in the communique, for instance, that GAC has sent or is sending probably has sent a communication to the cochairs of the CWG. And then we could attach -- refer to an attachment to the -- in the communique where we would actually attach that communication. And we could do the same for the CCWG to inform that we have had a discussion and so on and so forth that we have a communication that will be sent or has been sent or is sent to the CCWG. To whether we'd go into more text about our work on this or not is up to the GAC, of course. But we may try to concentrate on the key elements. And the communication around is something that we may keep as short as possible just -- but whatever we think that is important to inform the community, of course, we are free to formulate things around the actual text that we are sending, so this is always possible. Thank you.

Other comments or questions on the communique? Netherlands.

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NETHERLANDS: Thank you, Thomas. I wondered whether, of course, we discussed the fact that our answer to the CWG proposal will be directed directly and not in the communique. Still, I think also we discussed it also in the communique there will be an annex with this to inform the public or in the same general, our stakeholders and others.

Would it be also good to already position this in the GAC draft as being a draft proposal? Thank you.

CHAIR SCHNEIDER: What exactly do you mean? That -- could you clarify?

NETHERLANDS: Yeah. Sorry, maybe I was not clear. We have had a drafting session let's say attended. And we had a proposal for an answer to the CWG, which was already sent, I think, yesterday or the day before to the GAC. So people had already a chance to look into it. And my idea would be to already put it in the GAC communique draft as the annex. But okay. That's up to you.

CHAIR SCHNEIDER: That's no problem. We can go for it as an annex. Or we can go for it as a separate document, I think, yeah, that is no -- doesn't really make a difference. Yes, Tom.

TOM DALE: Thank you, Thomas. Yes, there will be a slight procedural issue in that the GAC is due to discuss the CWG text I'm assuming in the session tomorrow morning, which will be an open session. The communique drafting is a closed session, just a procedural thing. So we might keep them as separate documents perhaps. But there's nothing to stop the GAC including it as an annex when we finalize both of them and make them a -- you know, a single document or something. Thank you.

CHAIR SCHNEIDER: Thank you, Iran.

IRAN: Thank you. Thomas. I think it would be good also we have at least one or two paragraphs with respect to the activities of ICG. That is important issue. There have been meetings of ICG. There has been some arrangements and so on and so forth. It would be good to have one or two paragraphs relating to the view of GAC in relation with the ICG activities, recognizing that and so on. So that is important for ICG in its next meeting in Los Angeles. Thank you.

CHAIR SCHNEIDER: Thank you. That's actually a good suggestion. So, in our informative part of the communique, we could touch some of the activities that we've had including our participation in the ICG. So, if people agree, then we might -- could ask the members of the GAC that are in the ICG to come up with a very short text about the fact that the GAC

participated in ICG meetings and start drafting this. So, if that is what people think makes sense. I see people nodding.

So let's ask the members of the ICG to come up, one of you or together, come up with a short text on this as soon as you have it. Thank you. Other issues related to the communique?

If this is not the case, then we can either stop now for a break, a lunch break, or we can start thinking on how we would like to shape the communication to the CCWG. But I don't know if it makes sense to use 15 minutes for this, so we just start in the afternoon and that's it.

Yes, Iran.

IRAN: Chairman, if colleagues agree, why not start because time is of essence? We start and we continue in afternoon. At least you have prepared some text, maybe somebody present that text, and -- or Tom has prepared something. So why not discuss using these 13 or 14 minutes?

CHAIR SCHNEIDER: Okay. Thank you. So then I will just try to get the ball rolling.

I have sent out this morning to you a set of questions and a proposal for further activities. There are several ways, actually, that we can communicate to the CCWG, knowing that there are discussions ongoing here. There will be continuous meetings in the weeks after this meeting, culminating, if I may say so, in the Paris -- this newly

announced Paris meeting on 17 and 18 of July. And it would be good, I think, if the members of the GAC be present during this period, but also if the GAC, as a whole, would somehow communicate, at least from here, from this GAC meeting, to the CWG and there are various ways to do it. And in order to try to structure the debate, my proposal would be that we would look at some questions. These questions are indicative. They are by no means everything or -- we should negotiate details about the questions. They are something that we would like to use as triggering the debate but also as something, they would be the basis for a communication to the CCWG, where, for instance, we could send or inform the CCWG what the GAC, as a whole, has been discussing, what questions or what issues the GAC had been discussing. And then we could -- Because we will not have time to negotiate an answer on these questions in the GAC, but could compile answers from GAC members or feedback from GAC members and then send this on as an input of the GAC, of views of member states or issues that member states have brought up and forward this to the GAC.

This is just an idea. It's just a proposal to try and get a clear sense on how you all intend to see the GAC's participation and its members' participation in the next steps in the working group on accountability.

So, please, the floor is yours.

Thank you.

Iran.

IRAN: In the absence of anyone to start, perhaps we can go to the three bullets you have raised if you wish to see how it works.

In the first bullet, it was mentioned how will public-policy consideration be taken into account by ICANN in the proposed structure. Which structure are we talking? Are we talking about the CCWG structure? Because the structure -- What else the structure you are talking? Perhaps we should start to modify the questions, and saying that how CCWG considers the issue of public policy in its proposals under the table. But it's not to do with the ICANN, and so on. So perhaps we should modify the questions, and that would be a good question to raise for CCWG and it might be good day to discuss it. We have a meeting tomorrow on that.

And I think I stop at this stage, we go to the second question. But I request maybe you need to read -- visit your first question and modify that in a way that it be matched with activity of CCWG but not directed to ICANN.

Thank you.

CHAIR SCHNEIDER: Thank you, Iran. So I'm happy to go through the questions and try to adapt them.

I see the U.S. wants to take the floor.

UNITED STATES:	Thank you, Chair. And thank you to Mr. Arasteh for flagging this.
	I would propose a slight variation, however.
	It has sort of been my sense that I'm not sure we would get the answer you think we might get from the CCWG if we ask them, because, frankly, we are members of the CCWG. So the GAC is a chartering organization, and we are actively represented.
	So my guess would be that the three co-chairs would turn around and say, well, actually, GAC, we look to you to tell us whether you think your current role under the bylaws would need to change.
	Our sense, at least, you know, hoping to hear from colleagues around the room, we'd like to see if there are other views. We're certainly interested in what those views might be.
	We believe the GAC's current role should remain the same. It's a very solid role. It's very strong. We consider ourselves first among equals under the bylaws.
	So at a minimum, I would think that we would want to confirm that there is no change to the GAC's status.
	So that, again, if Mr. Arasteh would find that acceptable, would I suggest that we would not put the question to the CCWG but we would use the opportunity to confirm.
	Thank you.

CHAIR SCHNEIDER: Thank you, U.S.

Well, I may not have been clear in my mail. These questions were not meant that we ask them to the CCWG but they were meant that we ask them to you as GAC members in order to guide our discussion, and then that we would inform the CWG that we have discussed these questions as relevant questions for governments; to also make clear what are the relevant issues for us in this -- in this whole broad range of issues that are discussed. Because we may also have things that may not be as relevant for us, as we've heard also from ALAC and from others.

So these questions are addressed to us. And then the next step would be, just as a proposal, if you would wish, that we would collect answers. There may be variations. There may be different answers. There may not be one answer to this question. But that we would share the answers given by GAC members to the CCWG, share with the CCWG so that they are better informed at this stage about the questions that have been raised in the GAC, the answers that have been given by GAC members.

The idea of this is to try and somehow reply to the request for guidance that we keep receiving from the CCWG that they know a little bit where they -- what may come from the GAC. And since we will not be able to probably agree on a substantive reply as the whole GAC on something that is evolving, that we don't even have a clear proposal, the latest version on black-and-white, but there's an expectation or a hope from the CCWG to hear from GAC or individual members as much

as they can so they can take this into account while shaping things until Buenos Aires. Because if we only come up with an advice or feedback in Buenos Aires, that will be too late. So this is the request -- the urge that I have received from the co-chairs of the working group, that we give them some guidance.

And this is an attempt to help -- you help the GAC give this guidance to the CCWG, knowing that we will not have time to negotiate a single answer, a single text on a question. So this is an attempt to somehow accommodate this request, knowing how we work. Just to make clear what the idea of my proposal is.

Yes. I have Portugal.

PORTUGAL: Thank you very much. And as you can imagine, I'm going to speak in Portuguese.

I think that what we need right now are issues that are really concrete that had not been compared with what's going on.

The issue is how public policy should be considered within the structure of ICANN. I think that this discussion is good, but it's (indiscernible) that public policy are for governments.

This that is being questioned is interesting, but we have to be very clear and say who or what are the public policies that we should be interested in. This role should be very clear. These questions are really very good because they will trigger our thoughts about what are

obvious things and worries not obvious. As the United States has said, the GAC should maintain its current role.

I also wanted to say and ask our chairman to see whether we can give some guidelines about the veto power, about the consensus decision-making at GAC which should still exist from Buenos Aires to Dublin.

So I think this would be really very useful for several countries.

CHAIR SCHNEIDER: Thank you. Thank you, Portugal.

That brings -- actually brings me back to the question that was asked, the question that was put forward to you. In the proposed structure was not meaning the structure of the CCWG but the proposed future structure of ICANN, just to make that clear. I forget to answer this.

But the rest of your question, let's ask for other members' views.

I have Brazil on the line. Who else would like to....

Iran, Switzerland, let's take one -- let's stay with this for the time being. So Brazil is next.

Thank you.

BRAZIL: Thank you, Thomas. Before we get into the substance of the questions, let me support your proposed approach. I think it's very

useful, and these questions certainly will help us throughout the substantive discussion we will have very soon.

And I also would like to mention that this is the expectation of the CCWG to get this input from GAC as soon as possible in preparation for the Paris meeting. And I just would like to confirm. My understanding is that throughout this process, while -- when we start answering to these questions, your intention is to compile the different views of the GAC representatives in the same document. So at this point in time, it's not your intention to try to have a common paper with all the positions. Because I think if this is the understanding, we certainly can support it. And if so, I think this exercise will be even more important because it will give us an opportunity to get to a point and share with all the GAC colleagues different views. And perhaps we'll find ourselves in a position that not all of us, we agree on, for instance, what the GAC role should be in this exercise.

So I think the sooner the better, we will start getting in the substance, it will be useful for the whole exercise.

Thank you.

CHAIR SCHNEIDER: Thank you, Brazil.

Next is Iran.

IRAN:	Thank you, Chairman. Two questions. First, I agree with United States and Portugal and also Brazil and the question, in fact, raising to us and the answer is that GAC maintains its position in regard to public-policy issues which will be reflected -- or to be reflected in the revision or modified bylaws, taking into account the principle 47 and those which are currently in the bylaw. We don't want any change from the consensus procedure to any other approach that has been suggested.

So we have to maintain that very, very clearly, because that was discussions on the matter.

The second issue is that it was a year ago that we decided that advice of the GAC to the Board, if it is not accepted, would be two-thirds of majority. They put it in the public comment. It was some objections. I don't know whether we want to come back to that or not. That is important issues, whether we should, after this round of the public-policy issue, will maintain our position that our advice, still, if it is not accepted, should be with two-thirds of majority but not the simple majority. This is an issue with that. Apart from that, I don't think that we need to talk about what are public-policy issues.

Thank you.

CHAIR SCHNEIDER:	Kavouss, I think it's premature to start answer being the question. I think we first need to get agreement on whether you actually want to use these questions or others or modified versions of these questions as guiding us for the work.

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Thank you for your answers but first I think we need to have agreement on how we will work.

So my question still is we have had some comments that it seems that people may be willing to engage on this proposal, but this is not decided yet.

So let me give the floor to Switzerland, and then I have the U.K.

SWITZERLAND: Thank you, Chair. I would like to just intervene to support the approach.

As a participant to the CCWG, I think we have received the question a lot of times, both formally or informally in our discussions, from the co-chairs and from other participants in that Cross-Community Working Group on which we think should be the role of the GAC and the governments within the new framework be, the new structures which are being proposed by the CCWG in the first draft proposal. But we know some of the building blocks are gaining a lot of support from many parts of the community association it's possible to already talk about a possible framework which may be adopted in the coming months.

So probably it's a good way forward to flesh out and to see what is the opinion of the different GAC members on how we see our future role in this framework which is being developed by the CCWG.

Thank you.

CHAIR SCHNEIDER: Thank you, Switzerland.

Next is U.K.

UNITED KINGDOM: Thank you, Chair. Just briefly to support the approach. I think the questions are very apposite. The process I'm following is, just for your information, I've already got legal advisors tasked with examining the CCWG proposal as it currently stands. I've told them that there's something new happening. And so I go to my legal advisors to update them, get their inputs. I have a stakeholder advisory group to run everything past, and then I go to my minister for sign-off of what I would say in response to the questions and the line to take in Paris.

That's the process from the U.K.

Thank you.

CHAIR SCHNEIDER: Thank you for sharing this. This is actually very interesting.

I have Spain.

SPAIN: Thank you, Chair. I support the approach to a structure or debates around these questions. I also wonder whether we as GAC or as

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individual governments would like to comment on other parts of the proposal.

For instance, on the AoC reviews, their incorporation into the bylaws, since AoC reviews also affect the GAC, some recommendations flow from them and affect the GAC. And maybe we have an interest in discussing how these reviews should be conducted.

Maybe also in the issue of jurisdiction, so just a suggestion. Although I know the most important things are the ones you reflected on the text.

CHAIR SCHNEIDER: Thank you. These questions are really proposed questions that we can amend. We can add other questions. This is, of course, your decision.

I have Canada and then -- oh, sorry, New Zealand and then Hungary.

NEW ZEALAND: Thank you, Chair. Firstly, I just wanted to agree with my colleagues that I think this is a useful structure for our discussion, and perhaps flag something we may want to think of as a question for a later date so that we can focus on particular stages of the work. And this is that, perhaps not even at this meeting, we can have a discussion on how to best advise on the final proposal, including the different ways that we could incorporate the concerns of various delegations around the structure of the review while still focusing, at the moment, on the proposal in front of us.

Thank you.

CHAIR SCHNEIDER: Thank you. I think, before we leave, we would have to have some common understanding of how we work in Buenos Aires. So thank you for flagging this. Hungary.

HUNGARY: Thank you, Mr. Chairman. I think you asked a very simple question. I would like to ask you to especially consider the following questions without prejudice adding others. So I think your question is extremely clear. I fully agree with your approach and probably doesn't limit us for further discussions. Thank you.

CHAIR SCHNEIDER: Thank you very much. Looking at the time, can we agree that you use this as a very basic structure to guide our work starting in the afternoon? Okay.

Thank you very much. And enjoy lunch or whatever you do during the lunch break. See you at 2:00.

UNITED KINGDOM: Just a reminder for commonwealth colleagues we're going to have a 25-minute session here now in this room. Thank you.

[Lunch break]