

**ICANN
Transcription ICANN Johannesburg
GNSO Working Session Welcome Sub Pro & KFK Rollover
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James Bladel: Okay. Good morning. Let's get started. If we could ask the councilors to start to make their way to the table and anyone else who's joining us, please have a seat. We'll get started.

And for those of you who are just joining, we have – Marika has personally promised that the air conditioning – this gets worse every time, right, that the air conditioning will be coming on and it will be a little bit cooler in here shortly. So thank you. And welcome, everyone, to the GNSO working session for policy forum in ICANN 59 Johannesburg. And this is a repeat of our session from – session format from Helsinki where we condensed what was previously two days of GNSO working sessions into a single abbreviated day.

We have a fairly aggressive agenda. You can see one portion of it up there. I know there are some things that are happening after lunch as well. But we will break, I believe, at around 1500 – is that right – 1500 so make sure that everyone has ample opportunity to attend the cross community discussion sessions that are occurring later this afternoon.

If there are no objections, we can dispense with the roll call. Okay, we'll save that for Wednesday. And I just would ask if there is any indication of folks who are joining us remotely? I know we have a couple of councilors who could not join us here in Johannesburg and they will be attending remotely. Can we ask do we have those folks on the line? So okay we have Marilia and a note from Stefania or Valerie yet? No? Okay. But Marilia is on. Welcome, Marilia. And please feel free to raise your hand and participate with our discussions today.

I had 15 minutes for introductory remarks and that was two. I don't really have anything else to, you know, we've all been on this merry-go-round at least a couple of times now so we could certainly get started. Odds are good that we'll be running behind by the time we get towards our end of the day so let's – if we can launch things with a discussion on – and the agenda just changed – I believe it was – go back one – thank you. It was New gTLD Subsequent Procedures PDP and affectionately known as SubPro, which kind of sounds like a midlevel basketball league. That's what Steve said? Okay, sorry for stealing your joke, Steve.

We have the leadership of that group here, I believe. We have Avri, and your cohorts, Avri, are Jeff and – I think Jeff is in Johannesburg but I haven't seen him.

Avri Doria: Yes, he is here. I saw him at breakfast.

James Bladel: He's at a Registry meeting.

Avri Doria: Oh okay.

James Bladel: Okay. So if there are no other points of business or any other tweaks to our agenda we'll just dive right in with Avri and get an update from this PDP and

leave sufficient time at the end for Q&A. So, Avri, if you don't mind, take it away.

Avri Doria: No, I don't mind. Okay, thank you. And thanks, no that's close enough. Thanks. Okay, so let me go through. So on our timeline and unfortunately every time we speak of it, the timeline grows a little longer and should probably admit to that up front. But we are making progress. So the – what this project is all about, chartered in 2016 to consider the 2012 round and determine what additions or modifications.

So one of the important things about that sentence is we have a policy that was the policy of 2007. We have an AGB of 2012, the Application Guidebook. And all the way through this it's always important to remember that if nothing happens, if nothing changes, then that's what we've got. However most people are not completely satisfied with that so therefore we have a bunch of issues that, you know, need to be gone through as we go through. We should probably go to the next slide unless there's something to talk about there.

So basically we have many issues. I think we have a list of about 36 issues when we get down to listing, and many of those have sub-issues. We organized into – we have a full meeting that did overarching issues, and continues to review the work, and then we have four work tracks that address – oh it says the 30 plus – thank you. Hearing myself talk is always fun.

So we basically...

James Bladel: Sorry, can we make sure that we're muting the Adobe room if we're here.

Avri Doria: Yes, thank you. I'll shut my computer off again. So basically – and the four tracks have been working through all the subjects. They basically – we're looking at it as we're going through each of the subjects at least three times. Oh, Jeff, you're here. If at any point you want to take over, please do.

So we're going through all the topics basically three times. The first time we went through them and sort of did what I call the blue sky and what Jeff has called the pros and cons, looking at them, looking at the experience, looking at whether there is a need to change and if there is, what are some of the dimensions that we need to look at in that.

The second time – so we've gone through all of the ones, and there's a fair amount of notes and write-ups that have been done. And now we're starting – then basically, sorry, then we did a community comment period where each of the four tracks created a couple questions on all the topics they had before them. We sent it out and we've received a fair amount of commentary back that's been collated and so now the second pass through the topics will look at all the comments and look at the subjects in the light of those comments.

At this point, the work tracks will start to sort of develop ideas of where the consensus points on these topics might be but still not calling it consensus because we have a way to go. After going all the way through, then we'll make a third pass in the work teams where we'll look at each subject and say, okay, do we have consensus to change anything in relation to this topic. So looking at the topic, looking at the AGB, do we have a consensus to change something?

If we have a consensus that it needs to be changed, do we have a consensus on how it needs to be changed? And so that is just to give people an idea of the process we're going through. Once the work tracks have either come to their conclusions that yes, we think there may be consensus here, it will go to the full meeting and get discussed and see whether there actually is working group consensus.

On any of the topics where it's difficult to come to it, they can get talked about in the full meeting. So after we come back from this, we still have three topics that we're going through in the full meeting which I didn't get – I didn't talk about yet but, you know, we have three topics that are currently overarching

topics that we're still talking about. One has to do with categories and while there seems to be agreement that there will be categories this time, other than just the two, and then the ones that were ad hoc added later.

But we have not yet determined which categories and we basically have a table of characteristics that we're looking through now to try and determine. We have the topic of flexibility and predictability. As many of you probably remember, the first requirement, the first principle last time was that the application period – the process should be predictable. I'm willing to be you no one here will argue with me when I say it was not very predictable.

So but we came to realize that if you're going to deal with the real world situations with the reality of the applications you do need a certain flexibility. You certainly need a flexibility to deal with some of the comments that come from the community at large on issues so we're trying to figure out what is the balance between predictability and flexibility and how do we try and sort of control that for a degree of predictability?

And then the third problem that we haven't solved yet is application windows and how big a window, do we do windows called rounds? Or are we moving towards a first come first serve? We understand that there is predicted to be a large pent up demand now so first come first serve probably wouldn't work in the near term. But can we get there? Is that a goal that we have? So that discussion is still ongoing.

As I said, also within the full working group, any of the issues that the work track hits a problem on and they say, gee, this needs discussion by the wider group because we don't have a fulsome enough set of people here talking about it, also becomes there.

So we have an extensive list of subjects, they're all being considered. Yes, please.

Donna Austin: Yes, thanks Avri. One of the challenges for this working group is – and we had some discussion around this on a recent call. We have a lot of chick and egg that we're trying to deal with. And the pent up demand issue is one of those and how that impacts on the, you know, first come first serve or whatever mechanism we use for next application window. But also in the context of discussions that we're having around application fees as well.

So because you know, if there are 10,000 applications well what does that mean for – what's a reasonable application fee? So a lot of the discussion within this group is really really hard because there's a lot of variables in there that we just don't know about. So we're – you know, there's a lot of speculation and best guesses I suppose. So I just wanted to point out that you know, a lot of the discussions that we're having within this group are really, really hard because of the unknowns.

And I think the – one of the challenges for this group is the longer that we get away from the original 2012 round, the more difficult that speculation becomes because we really don't know what we're looking at and the longer it takes to get to a next application window I think potentially the bigger the problems are going to be so I just wanted to make that point. Thanks, Avri.

Avri Doria: Thanks. And one of the countervailing parts is that when you have to deal with a lot of issues that have an interrelation, going through them several times we're moving them each forward by a small step in step where refinement, so partially the problem is actually making it take longer. And so finding the way to not do that yet get all these things solved is indeed tricky. But I do believe we are moving forward and that's kind of pleasing.

Part of it that we're talking about is the parallel work within the community on topics of scope, for example, geographic names and we're going to have an extensive discussion on geographic names in the cross community – geographic names at the top level. Very careful to say that and not confusing it with second level issues.

And then we're interconnected to many of the other processes that are going on that, you know, the Council will also be talking about in terms of the other reviews that are going on. So it is difficult. We do stay connected. We have meetings with the others. Staff helps us a lot in terms of staying connected and bringing us messages of what's going on elsewhere so that we can be coordinated.

Probably go onto the next one. Did I cover everything that's here? Yes. So how can the Council and community assist? You know, certainly provide support in coordinating the parallel tracks. As the managers of all of these processes – well not all of them, the CCT is not yours, but as the manager of most of the processes, help us keep track of our parallelism and help, you know, the various groups sort of track.

Encouraging community participation, there are times when we look and we find gee, there's nobody from stakeholder group X, and I won't name a particular stakeholder group, but, you know, we'll look around and that's one of the things that the chairs are charged with is sort of raising an alarm when we don't see the full community participating. That alarm is raised. And that alarm basically needs to be looked at every once in a while is just make sure that you're all participating. You know, a lot of people sent in community comments, but no everyone; not every group, so that is important. And that's something that you all can certainly help with. All we can do is sort of whine about it.

And then one of the questions has been about – as Donna mentioned, yes, please.

Heather Forrest: Sorry, Avri. Heather Forrest. Before we leave that point, I think it's important that we simply put a marker down on that. I was going to ask you, you know, how do we invigorate the folks that maybe aren't participating, but maybe that is indeed something for us in seasoned SGs. I think the point that I want to

make here is we're going out now, particularly in a policy forum meeting, and trying to encourage other SOs and ACs to contribute to our work.

And if we're not as the GNSO all on board it's going to be hard to push that message. So the sooner that we rectify that default the sooner we can avoid a concern downstream that we have an unrepresentative result so I think, you know, this starts at home so we need to take this on board. Thanks for raising it here. It's a particularly important point to raise.

Avri Doria: Thank you. Yes, and I might say, we are doing fairly well with representations from other ACs and SOs so we do have some of them participating. Because we have both the full meeting and the subgroups, people don't need to participate in the full meeting to participate in one of the subgroups. And we've even taken to keeping a schedule of at least for four weeks in advance, we try, four weeks, what will be discussed in the various subgroup meetings. So if you're only interested in one or two of the 32 topics, you know, because very few people are insane enough to care about all 32 topics, but if you care about just two of them, there is a schedule and you can say oh, okay, they're going to talk about, you know, vertical integration on this week, yes, I'll go that one because that's my favorite topic. So that's possible.

Okay, the – in terms of the issue that Donna was mentioning, in terms of the parallelism with getting the Application Guidebook, that the staff starting to work on what will happen is they want to get going; they have got work to do. They know they'll have to change some of the things in the Application Guidebook. And they'd like an indicator. My feeling is that once we get to our initial recommendations will be really the time to do that though there may be issues that they can look at before then. So that says there.

I guess Jeff, at any time please correct me. And it looked like you wanted to say something.

Jeff Neuman: Yes, I just thought on this point I think there should be a distinction between matters of policy that we're considering and other matters unrelated to policy with respect to the preliminary step. So although we believe a lot of the policy preparation preliminary steps should be taken once the initial report comes out, I think there are things that ICANN could be doing right now in terms of its own systems, in terms of its own planning that they're not necessarily rely on some of the policy outcomes. So although we're saying up here preliminary steps, that's really focusing on those steps that come out of the policy work that we are doing as opposed to things that ICANN can be doing with its own, you know, customer support.

I understand the application system they had was a one-time throw away system, so they could be looking into different types of systems of, you know, what would be appropriate in the future. There's a lot of things I think ICANN staff could be doing that do not necessarily rely on the policy output.

Avri Doria: Thank you. It's Avri again. To be fair, and I rarely speak for ICANN organization, but to be fair, while we're still making decisions about gee, will it be rounds or first come first serve, and the flexibility and changeability balance, there's probably a fewer of even the mechanical things that they can really do. And I think that they've told us as much on occasion. So but Jeff and I don't necessarily always agree on everything. Yes, Donna.

Donna Austin: Thanks, Avri. Donna Austin. So Jeff, you – we had an exchange with Akram during the GDD Summit about working with ICANN to understand what – because they seem to have an idea in their mind of what they need to be resolved early so they can get started on you know, whatever the next application window looks like. So have you had a follow up conversation with Akram about that?

Jeff Neuman: Yes, so Trang actually responded to the list, although I had initially missed it so she had responded with a note that basically saying some of the things that have the biggest impact. It was not as large of a list as I thought it would

be, right, because I asked them for like the top 10 so just going through that email I could probably resend it around but there were, you know, the items that we could expect like what Avri was talking about in terms of whether it's going to be rounds or first-come first serve was an issue that they would put at the top of the list.

They want to know if there is going to be a pre-qualification program for RSPs. And they want to know whether there is – going to be any recommendation for like a brand TLD round first or something like that. So those were really the only – other than that and the CCT Review Team's recommendations, those were the only ones that made their big list as being the top priority ones that needed to be addressed before others.

Avri Doria: And that's one of the reasons why I sort of believe that its pending a lot on what we – because we can't even decide, as you well know, on the prequalification notion of RSPs and such so.

Jeff Neuman: One other item that's been coming up is – and I'm not sure if you all have been paying attention to it because it's not something that was sent to the GNSO or anything but there was a – they call it the CDAR report, the report on the root zone and what it can handle and just the effects of the new gTLD program on the root.

Well currently right now there is a limit of 1000 TLDs per year that can be delegated into the root. And the study found that, you know, it could handle a lot more than that, but there is still a recommendation from the SSAC and I think there is probably a GAC resolution on this as well, that limited to 1000 a year. That needs to be changed if – well I think that needs to be changed – if the amounts of TLDs that I've been hearing going around are greater than that.

So for example if there are 25,000 TLDs that are applied for while that would take 25 years at minimum under the 1000 per year, so obviously that is not

going to be a workable solution. I don't know how we tell an applicant, I'm sorry we will address that in the year 2040, that would be pretty tough.

So given that there are certain things that we need to go back and make formal requests, we are as a working group going to make a request to the SSAC to reconsider that. That doesn't mean they have to, that just means that it's something that we are asking to be reconsidered. Support for that may be necessary from you all if it is something that we get pushback from.

James Bladel: And refresh my memory again, what was the maximum upper limit – original SSAC report stated?

Jeff Neuman: It was 1000 per year.

James Bladel: Per yet, but, I mean, total or wasn't there some sort of an upper limit for the entire – or were there no practical limits?

Jeff Neuman: Don't remember a limit.

James Bladel: Okay.

Jeff Neuman: Yes. But 1000 per year and the thought that that was – really that was just picked out of thin air based on the thought that there would only be like 500 applications so it was very, yes, as Cheryl says, very conservative. There's no real rhyme or reason to that number.

Avri Doria: Okay. Moving on then, so next slide. So yes, so these are the sessions that are being held. There's a working session tomorrow morning. And then tomorrow there's also the first of the two community discussions on geographic names. The first one is a 90-minute session and then there's three hour. We brought in a group to help us moderate that so that while Jeff and I will be there assisting, that basically we wanted to make sure that we had full neutrality.

Now this is a cross community discussion but it is the PDP that has the need for the answers. And therefore, that's why we as a GNSO working group, policy development process working group, are organizing this and pushing it but we have been consulting, we had a webinar where we invited anyone from the community that had a position on geographic names at the top level to submit a paper and a position and to speak at the webinar. That went quite well.

Then Jeff and I put together a straw person that we are not calling a proposal per se, we're calling it more an example of how you can take the various positions that everyone put forward and find a path through them that tries to answer all of them. And this is more an example to show that there is a path through the thicket and, you know, I expect that a path through the thicket that gets consensus will be different from the exemplar that we put forward but we really did want to work through and show that it is possible to try and take all of the issues into account to some extent and bring them together.

Jeff, did you want to...

Jeff Neuman: Yes, I just wanted to add, but I don't know if you had a question on that.

James Bladel: Just has that been published?

Jeff Neuman: Yes, that's – and we can have someone send it to the Council. So I think Steve, did you send it already?

Avri Doria: But you could also...

Jeff Neuman: Or go to those links, there you go.

Avri Doria: Right, I don't know if it's actually on one of those links, it's probably accessible through the project place but the whole geo names thing has its own, you know, sub page with all the stuff.

James Bladel: And will that be presented at the session on Wednesday?

Avri Doria: Yes.

James Bladel: Okay.

Avri Doria: There's also – while answering, there's also a table that basically looks at two character ISO, two character not ISO, two character in a different language and basically looks at all the proposals mapped against all of those things.

Jeff Neuman: So on the geographic names – sorry, this is Jeff Neuman – I wanted to just in coming here and having discussions with certain people I wanted to draw the Council's attention to an interesting question. There's a lot of revisionist history going on here in terms of what is the status quo and how the status quo came about in being. And I think it's really important that we make sure that the – the actual history is represented correctly.

So what happened with geographic names in particular was initially the GNSO had basically said through the Reserve Names Working Group, by consensus policy, that there should be no – other than two characters for ccTLDs, there should be no reservation of any terms but rather just be a dispute resolution policy. So there was essentially no geographic names that were reserved, not country, not territory, nothing.

Obviously that was a big issue with the ccTLDs and the governments, and the Board asked – or I think it was the second version of the Guidebook, or between the first and the second, passed a resolution saying that the next version of the Guidebook should take into consideration the GAC's advice on country and territory names, and essentially was created in the Guidebook a

provision that said that any countries or territories listed on the ISO lists would now be prohibited to be applied for. And again, not a GNSO policy, none of it.

After that, there was additional discussions on geographic and territory names that went on on a whole bunch of other subjects. Eventually there was discussion in 2010, 2011 through Board GAC consultations, those were adopted into the Guidebook. The – which established all the protections you see in the Guidebook today. Again, none of it GNSO policy.

So the most common question I'm getting now is why are you even opening this up, from the GAC, they're saying you shouldn't even up anything that's in the AGB because that's decided policy. Which is not true. The other question I'm getting is, you know, the – well, it's basically that point that we don't want to relitigate issues of policy that were already comprehensively addressed.

And what they're saying is that because the GNSO, like all the other supporting organizations, had an opportunity to comment on the versions of the Guidebook, which we did, and ultimately the Board decided what should be in the Guidebook, that that was – or is a substitute for the development of GNSO consensus policies. So there is some pushback or will be some more pushback at this meeting on why we're even addressing what's already in the Guidebook, number one.

Number two is that there is a very strong opinion of some of the other supporting organizations particularly the ccNSO, and from the GAC, I guess as an advisory committee, that all geographic terms, no matter what, should be subject to a letter of non objection or consent. So if these issues are important to you, this is probably something where the GNSO may want to weigh in on. Again, Avri and I are not taking sides on this, we don't take sides on this in the straw person, sorry, and I can't call it a proposal, although I guarantee I will mess up once or twice.

So if these issues are important to anyone here or in any of your groups, your voices need to be heard. Right now the strongest voices are the CCs and the GAC and to some extent the ALAC, and the IPC, I think has been involved as well. But other than that, it hasn't been – there haven't been too many Registries, Registrars, Business Constituency, ISP or even Non Commercials that have been on the issue.

James Bladel: So thanks, Jeff. Emily has her hand raised but if I could just follow up a real quick question. My understanding of the whole purpose and scope of this PDP is to look at what worked in the previous round and as Avri said, determine whether or not there is consensus to change it, and if so, what is the consensus that change should look like.

Are you saying that there are some who believe that there are certain elements of the previous round that are somehow out of bounds, can't be looked at, can't be revisited like those types of reserved and objection procedures that were layered in post-GNSO policy by the Board and the New gTLD Program Committee that some of those are what they call settled issues and can't be reexamined? Because that is a different kind of animal, I think, for this work if there are some things that are untouchable elements of the previous round.

Jeff Neuman: So my response to that, and Avri can jump in too, my response is that I will say other groups believe that certain issues are not within the GNSO's purview. From a GNSO perspective, it's in our charter...

James Bladel: The whole thing is in our purview.

Jeff Neuman: Exactly. I understand that. But there are others you should know, in the community, the ccNSO is one of them, that do not believe that for example, the issue of three characters, right, so three characters were initially reserved as a concession – sorry, three characters on the ISO list, where initially reserved by the Board as kind of – not because of GNSO policy but because

the ccNSO had possibly made that recommendation or through the GAC, I can't remember exactly how that one came about, but the Board just decided okay, no three characters if they're on the ISO list.

Now the ccNSO is – some members of the ccNSO are making a request not only that we prohibit the three characters but that the three characters matching the country names on the ISO list actually be given to the ccTLDs as their ccTLD. So USA would go to the United States government, dotNOR would go to Norway, dotARM, which is actually a large brand, would go to Armenia and so forth.

So they think that that is a ccTLD issue and not a GNSO issue. There is – if the GNSO Council believes otherwise, the GNSO Council should make a statement to that effect.

James Bladel: Well and the GNSO wouldn't do so unless that was part of your recommendations coming out of the report of this PDP, I mean, we wouldn't do that on our – okay so we have a queue building up so we've definitely poked a beehive here. First off we have a note from Emily and then Phil and Heather after that so, Emily, go ahead.

Emily Barabas: I was just going to note that there's a comment in the chat or a question in the chat, sorry, from Carlos but since he's in the room I'm going to let him speak to that himself. You don't want to talk? You just want me to read it? Your mic's not working. Go ahead.

Carlos Raúl Gutiérrez: Can you explain a little bit what the difference will be between the first session shorter 90 minutes on Tuesday and the other one, only the second one will be mediated? Did I got it right or both will be? Thank you.

Avri Doria: The mediator is here. I don't know if they're in the room. Would love to introduce them if they were. But they're going around. No, they will be mediating both sessions and in fact on the day in between, Wednesday, they

will be talking to any and all with either Jeff or I around for most of it about some of the issues that came up. So no, the first meeting is the beginning, well it's – actually the webinars were the beginning, and it'll continue for the three days so there will be bilateral and multilateral discussions on the Wednesday and then on Thursday we come in and hopefully it'd be great to find, you know, the consensus way forward, that's way optimistic of me, but certainly the path.

Carlos Raúl Gutiérrez: Thank you very much. And this is only a follow up. How does this relate with the GAC session on Tuesday afternoon called GAC Working Group on the Protection of Geographic Names in Future Rounds?

Avri Doria: I think that they're not scheduled against each other. And the GAC has its session and there is this – and so I expect that's a good session to go to if you want to have a GAC – and I want to add while I'm talking about the GAC, and I know there's the list there, part of what I got in conversations yesterday is not only do some believe that those three letter ISO codes should belong to them, but any full name of a country that is in the ISO list should belong to governments and/or the CCs.

So there is definitely levels of expansionism within the opinions of what should happen with names. So if you care, it's a great time to talk about it.

James Bladel: Okay, the queue is growing. Very quickly.

Jeff Neuman: Yes, so just to answer, the GAC has its own subgroup on this issue. And so I believe that's where the subgroup is going to present to the GAC on their thinking. I will note for the record that I don't believe that there is any formal GAC position on geographic issues and I don't think there's actually agreement within that working group as to how the GAC feels about geographic names. So it's something to watch.

James Bladel: Thanks, Jeff. And I've been reminded by staff and by cochair to make sure you state your name before speaking. I think you and I have probably been flagged as the worst offenders so far. So sorry for that. Okay, so next up, just to go through the queue really quickly, and we have about nine minutes here, we have Phil, Heather, Donna and Tony. And anyone else, if you'd like to get in, going once, going twice, please tick your hand in Adobe Connect. Okay, Phil, you're up.

Phil Corwin: Thank you, James. Philip Corwin for the record. And I'm – my remarks are strictly personal at this point. This is not an issue that has yet been fully vetted within the Business Constituency.

It's an issue where my own personal perspective stems in part from my work as cochair of the IGO CRP Working Group where we've been dealing with demand for protections for which we've been unable to find any basis in international law and also my own recently published criticism of the so-called GAC advice on two character names which is not policy advice but procedural advice not published an article on that. It's Circle ID for anyone who cares to read it. I was very disturbed to learn that the Board had actually embarked on what the GAC had requested.

The other – the day before I came to this meeting, I joined at his request, the Chair of the Business Constituency, our new Chair, Andrew Mack, in a conversation with a outside consulting organization hired by ICANN on this issue. It's a consensus building organization, I don't remember their exact call. We had a robust discussion for about an hour with the interviewer.

And in preparing for that call, I reviewed in detail this paper how clashes between trademarks and terms of geographical significance can be avoided. It's a straw person document. And one of the principles in the document is that the solution should meet international law while not creating new legal rights or giving any single group the ability to veto applications. And then the strawman proposal goes on to propose a solution which has no basis in

international legal rights and would create new rights that don't otherwise exist and would give governments vast veto power over names at the top level.

Very simply it proposes that each and every government of the world should be able to designate an unlimited number of geographic terms, cities, towns, villages, rivers, streams, mountains, you name it, plus all other terms of cultural significance which could be pretty much every – I mean, the culture is what we live in and that this would be placed on a list that would be maintained by ICANN at ICANN's expense and if a name was on that list it could – the applicant would have to negotiate with the government for permission.

My fear is that this would be formula for both censorship and reaping of monetary rewards to get permission and that no investor group in their right mind would submit an application for any name on this vast and unlimited list. So those are personal remarks, but I'm very disturbed by the straw proposal.

I understand Jeff's explanation – and I have no fault with the group for looking at this, but I think this is going to become a very significant issue not just about geographic names but about the ability of governments through their participation in ICANN to create rights in the DNS for which no international law provides support.

So I'll stop there. But I would recommend that every member of the Council review this strawman proposal and see how they feel about it. Thank you.

James Bladel: Yes, very quickly, Jeff, we do have a queue. Go ahead and then we'll go to Heather.

Jeff Neuman: Thanks. This is Jeff Neuman. And I'm not going to defend the straw person because that's not exactly Phil's comments is what we are trying to evoke,

which is opinions on whether you think it's good or bad or indifferent or so I thank you, Phil, for sharing that.

I agree with your comment that everybody should read it. Your comments are exactly the type of thing that we're looking for. I think you portrayed it from one angle and I think there are others that would portray it from a different angle. But again, all good. And that's exactly what we're looking for so please come to the geographic sessions.

But the last point I want to make is at some point I believe personally, this is a personal opinion, that if we want to move forward there's got to be some room for compromise. There has to be some way to work together. And if all we do is come into these working sessions with our polar views, and not a willingness to discuss anything beyond those polar views, it's going to be very difficult to come to a consensus solution in this multistakeholder body. Whether or not they have the legal right to something or not, I think we should come in with an open mind and see what, if anything, can be acceptable to all sides. Thanks.

James Bladel: Very quickly, Phil.

Phil Corwin: Yes, just in very quick response. I'm – this is a personal view, it's an initial response. What I would hope would happen, which this is a very open ended proposal, we could get down to a defined discrete limits of geographic terms that might be subject to some government consent, that's one thing. But this is a proposal for unlimited, not just geographic terms but when we get into cultural terms we're talking about movies, art, literature, every part of our lives could be subject to the approval of some government somewhere under this proposal. And that's what I find most disturbing. Thank you.

James Bladel: Thanks, Phil. And I think a number of folks share those concerns. I think but my takeaway from Jeff and Avri is that the straw person proposal is just meant to illustrate that there is a possible path through all of these issues, not

necessarily a desirable one. And next up I have Heather. Sorry, I have to keep moving. Oh, okay. Heather, go ahead. We'll come back.

Heather Forrest: Thanks very much, James. Heather Forrest. I mean, in following up on the comments that Jeff made about this is a time, if we as the GNSO care about names, and also maybe to help our agenda I'll say something very briefly, put a marker down. So in our Council agenda for Wednesday, we also have some discussion scheduled around the Cross Community on Country and Territory Names. And there's an interesting point there to be made about compromise, I think the GNSO community did a pretty good job of trying to come to compromise there. And I'm not sure if that was reflected on the other side.

So that is something that we'll need to speak to as a community. We'll need to put it on our agenda for future meeting to make a decision on. And so we have some more time, James, to talk about this sort of thing in a different context on Wednesday. Thanks.

James Bladel: Okay, thank you Heather. Next up we have Donna and then Tony and then we're up against time. Donna.

Donna Austin: Thanks, James. Donna Austin. I think just to follow on from what Heather said, I think the other thing that we need to do, and this is something Jeff spoke to, is the Council does need to put some kind of statement out that this is the body that is responsible for dealing with geographic names at the top level. And it can't be done within the GAC; it can't be done within the ccNSO. It has to be done here because that's what we do. And I think we do need to put that marker down, someone and somebody because otherwise the GAC and the ccNSO are going to try to go around us and we're going to be back in our – I think impasse is the word these days, situation. So I think we probably need to put the marker down.

James Bladel: Thanks, Donna. And just to note last time around it seemed like it was the Board that put that marker down. Are we saying we're going to put our marker down on top of their marker perhaps or I don't know how you do that in Vegas. But I take your point, it is – if you look at the bylaws it would seem that this is solely within the remit of the GNSO. Next up is Tony.

Tony Harris: Yes, I apologize for my hoarse voice. I just wanted to make a couple of points. A reminder that in the AGB there is text written which gives the GAC practically right of veto over every new gTLD because it says that if there is an objection from the GAC it is very likely that ICANN will abide with that objection. I think that wording is still in there. Jeff, correct me if I'm wrong.

And so they seem to have quite a lot of protection right now. And indeed I think they exercised it with Patagonia and with Amazon. So that's one thing I'd like to comment.

Then I would also make the question, since I think city TLDs will be a big item on the list for the new round that make come up, the matter of presenting non objection – obtaining non objection letters, in a continent like Latin America can be very, very complicated. So my question is, if the GAC is – wants to require something like this, will the GAC undertake to coordinate this because for an applicant it could be pretty, pretty difficult to go each government and get this done. I mean, the government in the first case wouldn't know what they're talking about. So that's something I think we might consider. Thank you.

James Bladel: Thanks, Tony. Excellent point. Okay, we're just a minute past our time so thank you, Jeff and Avri, for a thorough and comprehensive update and of course this geographic names issue seems to be sucking up all the air in the room right now currently and particularly in this – at this meeting. So we'll look forward to those sessions on – that – looks like that's tomorrow and Thursday.

And which of those – sorry, and you may have mentioned this, that we have the 27th and 29th, which of those will have the mediator?

Avri Doria: Both.

James Bladel: Both, okay, good. Thank you. Okay, with that I guess we would say thank you to Jeff and Avri for the update and we'll get ready to move on to our next segment. And just a question for staff, and I apologize, I should have asked this first, do you need me to pause each time for a new recording like we usually do? And the answer is yes. Okay so I'll wait – we'll excuse Jeff and Avri and we'll be joined now by Patrick and David to talk about the next item on our agenda, which is the KSK rollover. And get an update from Council on that. And just let me know when we're ready to start the recording. We're fine? Okay, great.

Okay, Patrick and where's David?

Patrick Jones: David is not here.

James Bladel: Okay.

Patrick Jones : He's covering another topic so I'll be presenting this on behalf of the team responsible for the DNS SEC work.

James Bladel: Okay great. Thank you. So just welcome Patrick Jones and he'll be talking about the key signing rollover update. Go ahead, David. Patrick.

Patrick Jones: So thank you very much. I'm Patrick Jones with ICANN's Global Stakeholder Engagement Team. We've provided the slides in advance, but I'm actually not going to run through the slides. I'm not sure why. I'm going to talk briefly about the KSK rollover process. Letters have gone out to TLD operators trying to raise awareness that the KSK rollover is happening. This has been an ongoing process for feels like 18 months now.

Within ICANN, I've participated in a number of the key signing key ceremonies from Ceremony 1 and I will be the internal witness for Ceremony 31 where we'll actually be generating the new key. It's already been generated but we'll be signing the root with, you know, following the process for the new key signing key.

The message that we've taken to the community is that the KSK rollover process has been – trying to manage this in a very calm and efficient way with the operators. ICANN has created a testing platform that operators may use if you're doing validation for DNS SEC, to look at the testing platform, look at your software and see that your resolvers will update. The message for the community is that this has been a very thoughtful process and we hope that – we don't anticipate significant issues with the implementation of the new key signing key, but in any case, look at the testing platform and for the operators that are doing validation to make sure that your systems are up to date and will recognize the new key.

So I would defer any questions to David Conrad and the office of the CTO team. But would happy to take questions if there are some.

James Bladel: Thank you, Patrick. And I know this is an important subject and I think a very technical one so I think, you know, you'll forgive us if it takes us a minute or two to digest the significance of what you're reporting. I don't know if we have any questions. I'll check the queue quickly. But one of the questions I had was can you talk a little bit more about the timing, the initial signing versus the rollover, and is this sort of the typical interval that we would see in between key rollovers? And is there anything that you could foresee that would alter that timing?

Patrick Jones: So the new key has already been generated. That occurred in a ceremony last year. So now the 2017 key has already been, I believe, implemented in, you know, and it's available. We're going through a process where both keys

will soon be recognized and then the date that we're telling the community is that as of October 11 the new trust anchor will be implemented and then the next – the key ceremony where the new key will be entered into the hardware security modules will be October 18.

In the deck there is – let's see, an overview of the dates. The old key will not be completely removed from the root signing until next year. So we'll have a period where both keys will be in operation but should start to validate with the new key as of October.

James Bladel: Okay thank you. I have a queue of first is Phil. Okay, then first up is Michele.

Michele Neylon: Morning. Michele for the record. Morning, Patrick. I suppose the question I have around this is in terms of outreach to the broader technical community outside the ICANN bubble. How much time, energy, and effort are you guys putting into that? And how are you measuring success? Because I know how you can measure failure but obviously you don't want to do that.

Patrick Jones: So we have done a broad awareness on – letters have gone to the regulators of all the governments. The team has been talking at various network operator group meetings, regional Internet registry meetings, other technical community events. So we're trying to do a – at least a broad awareness within the ISP and operator community. And I know David and team have been making videos and trying to do as wide a push as possible.

I guess for measuring success, you know, the team is trying to make sure that we would at least hit as wide a net of the operator community as possible and, you know, if there are questions that come up we try to make sure that those are public and if people have questions about the key rollover, they know who to contact within the ICANN team and within the operational community.

James Bladel: Thanks, Patrick. Tony.

Tony Harris: Yes, I'd just like to reinforce what Patrick said. I was in meetings in (unintelligible) Brazil in Sao Paulo, all ISP meetings, and our Internet Day meeting in Argentina. We have videos on KSK in Spanish and Portuguese which have been amply shown at these events.

James Bladel: Thank you, Tony. Any other questions for Patrick? I think we're going to let you off fairly easy today, Patrick. So thank you. And we'll look for continued updates as we approach – and sorry, you mentioned October so that next – that full implementation of the 2017 key will be done in advance of ICANN 60 in Abu Dhabi is that – okay great.

All right well thank you, Patrick, for that update. And councilors, if you have any questions on that point, let's send them to the list and we'll get them directed accordingly. We are uncharacteristically ahead of schedule by a couple of minutes. We're scheduled for a 10:15 coffee break from 10:15 to 10:30. And that is one of those things that's unmovable, right, the policy forum is meant for everyone to enjoy the coffee breaks at the same time, so I would encourage folks to step outside and, you know, mingle and whatever.

Just a couple of just logistical notes, as far as chairs, I know a number of folks are standing. Unfortunately we're being told that we're not allowed to bring any extra chairs in here for fire code whatever, you know, rules, safety, yes. And so we will try to kind of make as much room as possible at the table and just bear with us on that. But I think as we go through the different sessions today maybe we'll see the availability of chairs open up a little bit more.

And it is starting to cool off a little bit here. It's not there yet but it's getting better. So thank you. And with that we'll break until 10:30.

END