ICANN Transcription – Abu Dhabi
Joint Meeting: ICANN Board & GNSO – Commercial Stakeholder Group (CSG)
Tuesday, 31 October 2017 13:30 GST

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On page: https://gnso.icann.org/en/group-activities/calendar

Markus Kummer: Okay let's get started. Markus Kummer speaking. Here we have the meeting with the Commercial Stakeholder Group and we have been given the questions in advance. And each of stakeholder groups has a question related to the GDPR.

So we thought it would wiser in concentration with the stakeholder groups to group all this together, and we ask each of their representatives to present the question, and then we ask our CEO -- who is our great specialist in that and he has very great experience in giving his answer to the question -- to give his reply, and then you can comment again.

Do we need to go around the table to introduce ourselves? Maybe Tony, can you get started?

Tony Holmes: Thank you very much Marcus. Tony Holmes; Vice Chair of the ISPCP.

Wolf-Ulrich Knoben: Wolf-Ulrich Knoben; Chair of the ISPCP Constituency.

Christian Dawson: Christian Dawson also with the ISPCP Constituency.

Matthew Shears: Matthew Shears; incoming board member.

Chris Disspain: Chris Disspain.

Susan Kawaguchi: Susan Kawaguchi; BC GNSO Councilor.

Cherine Chalaby: Cherine Chalaby, ICANN Board.

Steve Crocker: Steve Crocker -- almost gone.

Andrew Mack: Andrew Mack; Chair of the BC.

Markus Kummer: Markus Kummer is almost done.

(Patrick Charnley):   (Patrick Charnley), IPC.

Alex Deacon: Alex Deacon, IPC.

Becky Burr: Becky Burr; ICANN Board from the Contracted Parties House.

Sarah Deutsch: Sarah Deutsch; incoming Board member.

Man 1:   (Unintelligible), ICANN Board.

Jonne Soininen: Jonne Soininen; ICANN Board.

Avri Doria: Avri Doria, incoming Board.

Göran Marby: Göran Marby; ICANN Board.

Akinori Maemura: Akinori Maemura; Board Member.

Markus Kummer: Thank you. So who wants to go first? Patrick?

(Patrick Charnley):   Thank you; (Patrick Charnley).

We'd like to thank the Board for the opportunity to discuss the important issue of GDPR and WHOIS. And we look forward to participating and assessing impact of GDPR and working towards any solutions that arise and needs to arise.

So the question from the IPC, the Hamilton memo clarifies a new defines and importance of WHOIS for all members of the community -- most of whom have tried to find the appropriate balance between individual rights to privacy and ensuring transparency and accountability which serves to keeping the Internet secure and reliable and helps guards consumers and users against various types of illegal abuse.

The GDPR conversation is of course vitally important to ICANN as a base controller. Given these interests, it is important that the ICANN organization work closely with the community between now and May 2018 to ensure that ICANN registrars, registries, and et cetera are GDPR compliant in a way that respects the concerns of the community.

Have the CEO -- or other senior executives -- issued any instructions to ICANN compliance regarding enforcement of the WHOIS provisions of the Registrar and Registry Agreement, or is there a plan to do so?

How will ICANN organization consult with the community concerning any such instruction is made with (unintelligible)? Thank you.

Markus Kummer: Thank you. Who is next to speak through (unintelligible)?

Man: Thank you for your time. Our question is centered around what ICANN has identified their role as being as both data controller and as data processor.

It is evident to the ISP that because - the idea of PCP that because ICANN mandates the collection of a significant amount of personal data that's not technically required to set up a domain name, but ICANN is a data controller though not the only data controller in the name's ecosystem.

Because ICANN controls the escrow contract with Iron Mountain, they could also be considered a data processor. And at the very least, ICANN is responsible for getting us the information we need to understand the role of the escrow service provider in the GDPR process.

The ICANN community needs to understand the liability that exists in the ecosystem. Beyond the liability to registries and registrars, we need to know what ICANN is on the hook for.

We'd like to ask if the Board can tell us in writing what ICANN believes their role and the role of the escrow service provider to be in the context of identifying the roles of the data controller and the data processor. Only then can we understand what ICANN in the community is on the hook for.

We'd also like to request that ICANN draft a white paper describing how they process data internally that's inclusive of the escrow contracts -- which is controlled by ICANN. That will be essentially for us to understand our own data mapping exercises as we seek our own compliance.

Markus Kummer: Thank you. And last but not least, I think we'll hear from the Business Constituency.

Susan Kawaguchi: Hi. Susan Kawaguchi for the record.

We have some detailed questions and I did forward them on to Chris and the Board Ops team email address. So we would like to delve into the compliance plan for the interim period and ask for a standard approach.

We're concerned that, you know, we may have a patchwork where each registrar and registry take a unique approach to transfer and (unintelligible) WHOIS information -- which could be chaotic.

So is there any specific mechanism that ICANN is considering to relax the contractual compliance stature in the face of GDPR.

Are you going to submit (sic) full policy or just pieces of it? Is this just going to be an internal directive or is the Board going to adopt a temporary emergency policy as outlined in the RA and the RAA?

If they adopt a temporary policy, you see it extended every 90 days for a maximum of one year. What are you thinking if the community cannot deliver a bottom-up policy within that one year period?

And when can the community expect to see the ICANN proposed data models and implementation models to support those data models?

And the clock is ticking. And provided these are going to be subject to a public comment process, even if these tools were published for comment tomorrow, the comments period would not close until the middle of December. So we're very concerned about timing.

And just in the parallel process that the RDS PDP -- as Vice Chair of the working group -- we intend to deliver a new RDS that allows contracted parties to be compliant with privacy law, but you understand all the challenges with that. But we would like to hear if there are some solutions you might propose.

Markus Kummer: Thank you for the question. And I think now I can pass on the microphone to our CEO Göran Marby.

Göran Marby: Thank you; very good questions. There are some of them that I have to speak to (unintelligible) councilor before I can answer them -- which you probably expect.

So let's take a little bit step back and try again to say what we're trying to achieve.

So we're talking about the law, we're talking about the compliance of the law both through (unintelligible) to our contract, but also in the relationship how - who - sorry. I have to step back. I have to do it at another angle; sorry about that.

So right now, we have a couple of different legal analyses where one from Hamilton and one came from GNSO. And there's also something that comes from (unintelligible).

Though they in the case that ICANN the organization is also a data controller together -- or some sort of data controller together with some of the contracted parties. I carefully craft that because we are still a little bit away from knowing. Knowing is actually quite far down the road.

So what we've been trying to do is to step back and I'm going to talk about the assumptions. I'm not saying that we are going to do the specific avenues. Everything is always based on assumptions because - and the reason I am doing this so carefully is because I don't want to jeopardize anyone; neither myself or any contracted party or anyone involved. And that's important to me.

So a couple of months ago, I think it was in May or June, I went to (Unintelligible) and started talking about that. I think that GDPR we could have a potential problem with WHOIS. And a lot of people with escrow said, "You knew that."

But from a legal perspective, that was the first question we asked. And the first question we went out and asked you for was what we call the Use of Cases.

One of the things with this law is that you need to sort of - if you store any data -- and it's (unintelligible) anyway -- you have to present that reasoning behind something, and was very important for us to get to user cases.

And one reason for this, we can ask the right legal questions to the (Huntington) Law Firm. Thank you very much for the help of that.

I also took - what I did was I took those as well and sent them out to the DPAs. The reason why we sent them out to the DPAs was also to inform the DPAs about the differences of the uses of risks.

After that -a couple of weeks ago, we the published the analyzing firm Hamilton. And I have to say, it's a bear to analyze this. It's not ours yet. But we ask you to provide the opportunity to come in with questions to that. And many of you have already started.

And thank you very much for that because we're going to take those, we're going to be transparent with these questions, and we're going to ask Hamilton to help us to answer those questions as well.

We haven't set a time for that because it's very much up to you. We're receiving a lot of different input in that conversation right now.

The fourth places after that is if we then are -- the data controller -- ICANN has to be compliant as well. So what we will say is that we will come back because we think it's important, again, to have the community input. That would be the third time in a row we then asked for community input with one, maybe two or even three models. I don't know yet because they have to be based on the legal analyses.

I had a conversation this morning when I tried to tell the difference between having a technical discussion and a legal discussion. We need to understand the legal implications before we can come up with a solution, and that's where we are right now.

After that, ICANN will make a decision how we can be compliant. And if we think that we are compliant in this way, this would of course be the way we would enforce our contracts because we can't say that we will be compliant in one way and then the enforcement to our contracts would be differently.

But unfortunately we also know -- unfortunately -- we also know that because of the EU system with all the DTAs are independent, there could be countries -- for a period of time -- where it can have an even harsher (unintelligible) when it comes to WHOIS.

And therefore, according to our policies, if the contracted parties have a good legal case to prove that in their existing country there could be a problem, we have to of course take that into account as well.

So if I see WHOIS -- the current WHOIS -- under those assumptions, the current WHOIS at 100%, we said that we think that the current WHOIS under those assumptions would probably not be 100% going forward.

We also said it can't be zero because in the policy except for the community, there are the (unintelligible) for updating a WHOIS system. And I have to pay

the policies that are set by the community. So it's going to be somewhere in between.

I don't know today where we're going to be or (unintelligible) will be. We need your help with that legal input, and we will share all of that with you.

So in the end, we've lost community input three times; first when we asked for the user cases; second time to ask questions -- further questions to the Hamilton Law Firm. The third time when we come out with the models.

A little bit - I'm not asking some of the questions specifically. What I'm trying to do is to stay within the current policy because I'm a firm believer that the policy discussion belongs in the community.

If all the assumptions about are fulfilled, that's going to mean that we cannot fulfill the policy as it is discussed today. And I think that the community has to engage in discussion; this is pertinent.

I'm not talking the personal capacity, but as a personal belief that we then - the community has to figure out a way how to have that discussion within the community because policies are set within the community.

So the fourth process is to stay within the policies and use the tools that have been set by the community. And one of those is that local law can (unintelligible) agreements.

Yes.

Avri Doria: Thank you for this. I presume…

Göran Marby: Sorry, it was the other way around wasn't it? Yes.

Avri Doria: Yes.

Göran Marby: I have to admit. I've said this so many times over the last week, so I take that back. Local law always supersedes our contracts. Thank you very much.

                 Thank you Avri for pointing that out. You show your value.

Markus Kummer: Thank you to you both; good team work.

Göran Marby: Could I also point out, to answer your question, has the Board made any decision really to (unintelligible).

                 Yes, the Board took a decision this week and took a Board resolution to postpone the implementation of Thick WHOIS. And one of the reasons for that was the uncertainty about a GDPR.

                 On the question have we today instructed anyone in compliance, no because we are in the process of finding out where we are in this together with the community? And as many know, there has been a compliance stage which we are now discussing in (unintelligible). I never get that right.

                 And if you have any more questions I'm okay with that.

Markus Kummer: Are there any more questions? Who would like to go first? (Yuri)?

(Yuri):   Thank you very much for that. So just one point to pick out from there. You were talking about the possibility of different members based in the European Union taking different approaches possibly in the earlier stages of the registration coming into force.

                 In light of that, we would be interested to know whether you've considered in your discussions with Hamilton to date -- although it's not in the memo -- Articles 36 and 40 of the regulation which provides for some procedures.

For example, in Article 40 where you can take a code of conduct to the new European Data Board -- which will come into effect in May -- and they can approve certain processing because that would be a way of dealing with that particular issue.

Göran Marby: First, this is a very good question because with the new registration, new opportunities come. But it also creates a little bit of a catch-22 because the law gets - a lot of data protection legislation already exists, so we already have data. We already have that kind of legislation in Europe, and there are some mechanisms that are implemented in May.

We asked if there is any way for us of the DPAs to give us some more clarity before May because it could become a little bit like we will be -- on the 20th of May -- we will be doing something that is illegal. And then asking them, "Is it okay to be illegal" because the law sort of happens at that same time that that opportunity for guidelines happens. That's the way it is.

The Article 29 group doesn't have the legal authority to issue without certain guidelines.

We are not the only one who has that sort of problem right now. And that's one of the reasons why we have sent materials to the DPAs and to the European commission tried to get a relationship with the DPA. And also has meetings with DPAs.

Then you should know - then you ask me what have they said. A DPA, as any authority in Europe, has major legal problems to actually tell you what they think before they make a decision. That's why we're very grateful for the Dutch DPA who's now said something, and we're still analyzing what they actually said because that is very unusual that any - I was a regulator for 6-1/2 years in Europe. I never did a paper like that.

Christian Dawson: Though we are full of trepidation around WHOIS, we certainly understand that it's a work in progress.

We'd also be interested in what work has been put into examining ICANN's community tools such as the Statement of Interest system in the ICANN's (unintelligible) registration system to ensure that they're in compliance with GDPR. Several of the many of the tools use personal data directly relating to identifiable persons.

What efforts have been in to ensuring that the grounds for collecting and consent are clear and the processes for things like (unintelligible) are in place.

When can we get a report on what tools are going to be changing and when?

GÖRAN MARBY: I don't know. Probably - you are asking about internal systems. Yes?

Christian Dawson: Yes, I'm shifting to internal systems and things that we use in the community on a daily basis.

GÖRAN MARBY: I pointed to the Data Protection Officer -- was it four months ago -- I mean right now going through all the systems we have because we have to - we actually see this one too. Thanks.

One of the things that the GDPR always says -- which I think is a good thing -- they ask you to think about something. In a way, it's a law that's asked you to think about things.

So we're going through all of the systems we're having because we have to be compliant with the law. But we're also looking (unintelligible) so we don't collect, for instance, unnecessary data.

We have systems where -- including personal data -- for instance the travel program. We need to figure out a way to make sure that - but it's not only bar up here. To set the bar and that we're only compliant with the law is sort of - that could sometimes be a low bar because we also need to figure out if it's right to do this.

So we're looking through systems both from a legal perspective but also from a more philosophical discussion.

And when it comes to - and there's one other thing that we - it's always hard for me to say what we're thinking about. But there are questions we would like to address with the community about some of the systems we're also planning to have.

For instance, there's been discussions about increasing - how do we measure participation and sort of follow people through the ICANN story -- which many want. How do we do that in a way that doesn't breach any integrity of people? It's a very good question.

But again, we started this very late, but we're working very hard. We have to be compliant with the law, but we also have to think about it from a privacy issue.

Christian Dawson: Thank you.

Markus Kummer: Susan? Yes, please.

Susan Kawaguchi: So, you know, you referenced Dot FRL and I mess that one up all the time too. So they've already made a decision on what they're doing and sort of put that out there to the community. So that's the start of this task work that we're concerned about.

But you also made the comment that, you know, if you look at the current WHOIS and it's at 100%, you know it can't be zero, but you're not sure where we are in that. And you want to stick to maintain the current policy as much as possible.

But to do that and not run into in May having a complete 100% variation on how each registry or registrar has decided how to adhere to the GDPR, we really need to do that now. So we need more details on compliance.

So do you see that, you know, you want to uphold the current policy, you say not zero, but I mean are you at 25% or at 10%?

GÖRAN MARBY: You know that I don't know the answer for that because we are trying. I mean that is why you can help to speed up the process is to provide me with questions from the next round with Hamilton.

We are in the discovery phase of this one. And please help me with that.

There are different models and I also get questions which model do I prefer. Which model would I like? And I say I want to be compliant with the law and also respectful of the policies set by the community. That balance will be end if it's - we really need to understand how this works.

When it comes to the policymaking process, that's you. And I will provide you with the information you need, but I will not interfere in that work. As I now said with a more bass voice many times, this is the law.

Markus Kummer: Thank you with that. I wonder whether we can close this agenda item. We agreed on having a joint agenda item for the first bit of our meeting together. Clearly we cannot have closure of the issue. It's the beginning of the hard work and the dialogue and there's much work ahead of us, but I think it was a very good discussion to have. And as Göran said, we all have to help him to move on.

Can we move back then to our traditional modes that we give each constituency then a third of the remaining time? That is 20 minutes. And we can start then with the IPC.

Man: (Unintelligible) the incoming chair will say.

Markus Kummer: Okay. We have a slight change at the table.

Man: (Unintelligible).

Markus Kummer: Okay, who will take the floor and ask the question?

Kiran Malancharuvil: Thank you. My name is Kiran Malancharuvil. I'm the IPC Secretary and the Associate and Policy Councilor for the Winterfeldt IP Group. I'm joined by incoming IPC President Brian Winterfeldt -- founder of the Winterfeldt IP Group -- shockingly.

We have a question on geographic terms if you will. The IPC is following closely the treatment of geographic terms in new gTLD programs -- which is being debated by the community and at the Board level within the ICANN ecosystem.

How the ICANN community as a whole -- including the Board -- treats this issue will impact how ICANN policies take into account established international law and treaty.

The geographic names issue most clearly and directly but does not fully effect companies that wish to embrace new gTLDs, and those that have trademarks which coincide with or call to mind location, landmark, geographical feature or sensitive term.

The most notable current example of this is Dot Amazon. The reason IRP decision on the Dot Amazon application is currently before the Board and sets out important principals about the Board's accountability to the community as a whole.

Has the Board reflected upon the broad impact that the IRP has on its decision-making in light of the Board members' duties to the organization? And if so, how specifically will this impact future reliance on GAC advice?

Markus Kummer: Thank you for the question. I trust that Chris might be our best man to respond to this question.

Chris Disspain: Gee, thanks Markus.

Yes, we have been reflecting on it. It's not just a question reflecting on one IRP. Obviously every IRP is worthy of reflection. We're also very well aware of the fact that under the new bylaws, the status of those IRP decision changes, they then become recommendations; they become binding.

The short answer to the question in respect to GAC Advice is that the way the Board deals with GAC Advice is mandated in the bylaws. There can be arguments about whether we've done our job properly in respect to meeting that bylaw; did we do our due-diligence. The IRP suggests - this particular one suggests that we should ask for more information and rationale, et cetera. And we passed a resolution the other day to ask the GAC if they have anything further that they'd like to say.

But the fundamental point is that if we do not accept GAC Advice there is a process, and if we don't accept GNSO policy development position, there is a recommendation - I'm sorry, there is a process. And there are occasions and there have been occasions where those two things clash in an ideal world. But that clash would be sorted out before either the advice arrived or the policy development recommendation arrived.

But there are occasions where we are in a position of having that happen. And for what it's worth, my personal view I'm not sure the name or who would disagree with me on the Board, my preferred response to that happening would be to go back and say, "Can you please sort this out." Rather than us trying to have the wisdom of Solomon and say, "Well we won't do this and we will do that."

Now I acknowledge again that there's a price you pay for that. The price you pay for that is that while you're doing that, the status quo is maintained. It may be that the status quo is disadvantageous for some people.

So it's quite an interesting conundrum. And frankly, we would be very happy to get, you know, thoughts and input on overarching principles that we might consider from the community.

Markus Kummer: Thank you for that. Would you like to react or have follow-up questions?

Kiran Malancharuvil: No follow-up questions, just an acknowledgement that we appreciate that; that we're welcome as community members to give our own thoughts about this particular issue that we aren't excluded from the conversation between the GAC and the Board on this issue. As the community, I think that is important to hear from the Board and we will do our best to continue communicating with everyone on this issue.

Chris Disspain: Markus, may I just respond to that?

Markus Kummer: Please do.

Chris Disspain: Thank you. Can I just - I just want to make sure I heard you correctly.

So what you're saying is you've now asked the GAC some questions and you've indicated hopefully a response to those questions. Don't exclude us from commenting/talking about/responding to what the GAC says.

I understood and I think we can say that we would expect to ask people for their thoughts about what the GAC has said. Thank you.

Markus Kummer: Thank you.

Kiran Malancharuvil: Exactly correct. And I think that in particular the IPC -- and I hope this was communicated in the question -- this has much broader implications about how the law is treated within the ICANN community and how it's taken into consideration. And so that is extremely important for the IPC to be able to have that opportunity. We appreciate the clarification; thank you.

Markus Kummer: Thank you. As a time management issue, we said each constituency has 20 minutes, so we have some more time if you have additional questions.

Right at the beginning, we received the question on ongoing RPM. Is that a question you would still like to discuss?

Kiran Malancharuvil: No. We obviously - the IPC has a lot of concerns about the ongoing RPM efforts, but this represents - unfortunately this slide represents an old iteration of what the IPC had approved as far as our questions where we had approved a GDPR question and a geo-term question. And so it would be inappropriate for us at the table to ask a question of the IPC further.

So we will yield our remaining time to the other constituencies. And maybe if you have something more to add on the topics that the other constituencies bring up, we might want to jump in.

It does look like maybe (Patrick Charnley) from the IPC -- sitting next to you there -- has something additional to say with our remaining time. Thanks.

(Patrick Charnley):   Yes, thank you very much. Just to follow-up on GDPR, first in terms of process with the questions for the next days with Hamilton memo.

You said that you don't currently have a deadline. But I was just wondering at which point you will close the book on that and pass those questions to Hamilton.

GÖRAN MARBY: I have spoken to several about this and that's why I am - well, this is the fifth time I've said the same thing over the last two days.

And the first people said, "Yes, we're going to do it." It's just that I know that it takes - and I'm not a lawyer. But I understand that sometimes you have to think before you ask.

And I'd rather give the community some time think. That could be like a whole year or something because we have to come back, and maybe we'll do even more iterations.

But from the initial reactions, it's been yes, yes, we're going to push your questions. They really want to think about the questions.

So it's really like when I have a feeling because it's - so it's going to be in a couple of weeks or we're going to close it down.

And the important - we're also actively going around to because ICANN is a large tent. There are many different opinions. We are also - we've been seeking from some members of the community that haven't come forward with questions.

We don't take sides and sort of if it's - we decide you're wrong in this one. But we want to have as many different varieties coming in.

So I don't want to commit to time because it's very much something that you want me to do. Or as (Yager) told me, we're actually to prime the community for free legal advice -- which I'm happy to do of course.

(Patrick Charnley):   Thank you and apologies for making you say it for the fifth time.

Markus Kummer: Thank you. Can we then move to the other two constituencies next? Yes, Wolf.

Wolf-Ulrich Knoben: Yes my name is Wolf-Ulrich Knoben; Chair of the ISPCP. We actually have two items to discuss or make a statement around that.

The one, well, which is more than overarching is (unintelligible) also related, and maybe we can then shift to the BC because I know also that they have fundamentals to say about that.

The first thing we would like to talk about is the KSK rollover -- and delay. And with respect to our - also I would like to hand over to Tony Holmes please.

Tony Holmes: Thank you Wolf. I would like to think I have the pleasure of bringing something really positive to the conversation here from the ISPs.

And I've sat here a number of times when we've met with the Board and made the point that whenever there's problems with the Internet, as ISPs we always feel that we're really at the sharp end of that -- the point of contact whenever anything happens whether it's an ISP issue or not.

But we would like to say that we offer full support for the Board for the decision they took to defer the KSK rollover. It's so important that any changes which are so fundamental and impact on the Internet so much are taken in full right of the situation.

And the fact that there was information gleaned that suggested it would be prudent to adopt a cautious approach, we very much support that and offer our total support behind the board.

We would also like to make the point that we would like to work closely with the Office of the CTO and other ICANN Staff through our networks and through our membership to make sure that the full awareness that's essential for such a project is achieved. And we sit here ready to help in any way that ICANN feels we can be of assistance to them.

So we just wanted to make that point that we're here ready and hopefully we can help achieve the result that we all want. Thank you.

Markus Kummer: Thank you Tony. It's always nice to hear positive notes; very much appreciated.

Would - Jonne, would you like to comment?

Jonne Soininen: Yes I can comment very quickly.

So the - yes, the KSK rollover was postponed because of the data that we saw. And I would like to kind of like remind you that this is actually noted that it was postponed, like you said, it was a good thinGöran Marby: it was a positive thing that it was postponed as new information came along.

And this is one of the reasons that these things are also done. That we do see when we're getting into trouble, then we can postpone making sure that no unnecessary breakage happens in these kind of situations. And we have taken a very careful and concern with the approach to this to make sure that there are no unintended consequences.

On the being a channel of communication about the KSK rollover, I thank you very much for your kind offer and I will pass this to (Debbie Conrad) and the Office of the CTO.

You're absolutely right. You do have very good contacts in the industry and using that channel is quite advantageous for ICANN and getting this message about the KSK rollover through. Thank you for that.

Markus Kummer: Thank you and maybe we should also comment and make the point that it was not the Board's decision as such. The Board delegated this to ICANN Org and he left it in the competent hands of your own (David Staff).

Are there - yes, Steve.

Steve Crocker: I agree with everything that's been said. I'd just note that one of the background concerns that we address every once in a while is could we have stronger relationship with the ISP community. And so maybe one of the side benefits of this is that we'll have strengthened and broadened the interactions and the communication channels, and look forward to increased participation from the ISP community over a period of time and for mutual benefit.

Tony Holmes: Thank you very much Steve. We would really welcome that. Thank you.

Markus Kummer: Thank you. Do you have other questions Wolf?

Wolf-Ulrich: Well, before moving over to the next question is, rather, just to add. Well, we do have a reception in the afternoon together with ICANN Staff, you know, on the question of the KSK rollover delay. And how to improve what could be done.

I do hope and we will follow through this advice. We are to strengthen (unintelligible) connections between the industry and the related staff here in order to help or to assist and to improve in the future.

So having that said, I would like to move over to the SSR-2 item. And if I may before, (unintelligible) overarching issue is coming.

I have to say also we have heard something from the Board yesterday in the public meeting, and we understood, you know, how it's done more and more. Even so, when it came up to our internal discussions and it raised more and more questions. You know, how this could happen and how we can deal with it in order to improve the processes in the future to overcome the situation we have now achieved.

So nevertheless, I cannot do anything more than coming back to some basic questions for that. At first - and so with that, the question is we acknowledge that the Board has an overriding obligation to see that all the news as with all other activities, communities talk to us and processes are performed in a manner consistent with the bylaws.

Beyond that is a question that the Board also believes it has a right or a duty to (unintelligible) the matters referred to in its October 28 letter. So with regard to structure, scope, skills and processes, and (unintelligible) and so on -- which is laid out in the letter -- so as to ensure that the review is as effective as the Board believes it can be. Or is achieving best performance the responsibility of the community?

So really, the question here is what is - where is the borderline between the responsibilities of the Board and (unintelligible)? Thanks.

Markus Kummer: Thank you for the question, so it's certainly a very good question. And I can assure you the Board has troubled with it as well. Where do we go here?

But Steve would like to answer that - Kaveh, yes please.

Kaveh Ranjbar: Hello; Kaveh Ranjbar. Board delegator (unintelligible). I will focus on two points and then if needed we can continue the discussion.

One is the Board basically just proposed and (unintelligible); two, and to give community time to make adjustments if needed. That's all.

So we didn't take action, we didn't interfere, and we don't have any plan to do so. So it was just resolved some (unintelligible) including the letter from SSAC and some other indicators, again, including our previous communication.

We thought the best course of action is to propose (unintelligible) to see if adjustments are needed or not. And that has to be determined by the community.

In addition to that, the timing of that I think is actually very favorable because we did it at the start of the week with the meeting with SOAC leaders was on Friday. And in the letter, we proposed that basically the team to continue engagements throughout the week. And then if SOAC leaders feel that oh, actually, maybe there is nothing here to worry, we are ready to review actions.

So it's basically now up to SO and AC to decide and see if they want to move forward or not. But the timing with us, this is a minimal effect and this is the best approach forward.

Markus Kummer: Steve would like to say something.

Steve Crocker: Thank you for raising this. Thank you Kaveh.

I think it's important to separate some issues -- not to be dismissive of any of them, but to recognize that we have multiple interacting issues here and to

treat each one of them. So let me tick off the brief structure that I have in my mind. I'll start with yours about -- which really has I think two parts to it.

One is what is the proper role for the Board? What is the authority and responsibility of the Board? And a separate but important part is what is the proper way to pursue those including communication and sequencing of actions? Those are very important questions and totally reasonable to raise.

Let me put two other things on the table and then we can have sort of a composite discussion.

There is a complimentary aspect of what is the role of the supporting organizations and advisory committees under the empowered community structure that we have. We've transformed these reviews from being performed under the old affirmations and commitments operation into rules that are controlled by the bylaws.

And the critical distinction is that in the prior system, the composition and chartering of each of these reviews took place under joint management of the GAC Chair and the CEO for all of the reviews except for the ATRT, and that was the GAC Chair and the Board Chair.

Now the composition has controlled in a distributed fashion by the supporting organizations and advisory committee. And probably the more subtle but all very critical aspect is nobody has worked out what the oversight process is going forward.

So we have what I would say is a management class problem with respect how to engage it. And there's two sides to it. There's how does the Board engage and how does the SOs and ACs engage.

All of that -- very important stuff -- is processed but it's on top of a specific issue or a collection of issues that came up with respect to this particular view that was in process.

There were - and this isn't the time and I don't have enough facts to put the whole thing, but the basic structure is that were trouble signals arising over -- quite some period of time frankly -- and they came to a head in an uneven way. The SSAC letter to us was one particular and most visible, but not the sole input.

And we struggled with how to engage. From my point of view, I saw things that in another setting -- in an ordinary business setting -- we would have taken care of it in a matter of hours or days, but took months. And so then that leaves to the collection of these process issues that we've been talking about.

But underneath it all, there is a substantive issue about the direction and progress, et cetera, about this review. And I think everybody -- the review team, the Board, organization and obviously the chartering organizations -- all have a common objective. That this be an effective and well-done review.

Nobody wants to interfere with the independence; nobody wants to undermine the results. But as I said, there were a number of signals that suggested that it needed attention.

I can well understand that people who had not been seeing these dangerous signals felt that they weren't getting the communication; felt that the Board's action seemed abrupt. And there is, as I said at the beginning, a learning process that we will go through.

Whatever apologies need to be made, we'll make them, but all in good faith and all for the sustained common purpose of getting this to work right.

So I don't have any objection about the attention on how it was done and so forth. But don't let that be a distraction from the fact that there was a problem that needed to be dealt with and we were in an undefined stage about how to proceed.

And if the answer to that is, well, you can't do anything unless you get the process entirely right, consult with everybody and then only when everybody is all set to go can you do anything. That is an enormous waste of opportunity and resources and is not a uniformly or unassailably positive way to do things; that has its own negatives.

So we made some decisions and we are proceeding as carefully as we can. We took legal advice. And we are still proceeding -- quite carefully -- the action that we took was an alert fundamentally. And the intention is to follow this after the discussions that are taking place this week with a communication from the Board.

But the action will then fall back to the supporting organizations and to the advisory committees to engage. And we hope that this all moves forward as rapidly as possible.

Markus Kummer: Thank you Steve. And we clearly moved into unchartered territory. And we failed to also ask there's a first communication. And we had a meeting I see (unintelligible) with the GNSO on Sunday. There was a need for further explanation. And we addressed a note to all SOs and ACs.

Chris was very much driving this process and he has a few words to add.

Chris Disspain: (Unintelligible). Okay, so I'm going to just briefly. This note went to a mailing list which I believe you guys most of you would get it. It's called SOACSGC Leaders at ICANN Org. So if it hasn't been passed on to you, I apologize. I'll send a note out shortly.

Most of it is background, but the purpose of the note was to provide background. I'm not going to go into that now; that's not necessary. But I want to just deal with the last two paragraphs which I think are very important.

And of course the advantage of speaking rather than writing because you can make emphasis on words with voice.

The last two paragraphs say, "The Board has not usurped the communities' authority with respect to this review. Rather we are asking the SOs and ACs to consider the concerns we have heard and determine whether or not adjustments are needed."

"We believe that a temporary pause in the SSR-2 work while this consideration is underway is a sensible approach designed to ensure stakeholders can reach a common understanding on the appropriate scope and work plan which would ensure the efficient use of ICANN resources as the review continues to fulfill its mission. We stand ready to assist the SOs and ACs in any way so that stakeholders can resume the important work of the SSR Review as soon as they are ready."

So it is not a button the Board will press. Okay?

Man: (Unintelligible).

Wolf-Ulrich: Thanks. Thanks Chris, thanks to Steve and Kaveh for the explanations. And I think it may help also to others to understand what is going on and how you think we should (unintelligible).

However, I would say as it is at ICANN, it's about definitions, you know. When you say, well, you cut something or you pull something, there's a difference. I fully understand. But in effect right now for the word, for this review team, it's the same. It's (unintelligible) have questions how to continue.

So the question it's (unintelligible) and you take this example for the pushing of button or not, the question is how to overcome or relieve the button again and continue with that.

A specific question, does it mean you expect to provide us a mission after because it's a community -- whatever that means behind that -- comes back with that and says, "Well, we would like to continue." Is there a way that you are asking us? Well, okay, but at first, show us what you mean and be and wait for permission from us.

Or is the community the owner of its own decision? Thanks.

Markus Kummer: Steve would like to answer.

Steve Crocker: Yes. I'm going to - one of the things that I have made a habit of is at the beginning of sessions like this is to say that we want to use this time for frank and candid interaction and dive right into the issues. So this feels like a moment in which I can try to add something.

The question that you asked is, again, who is in charge and what is the gating condition for going forward.

Let me suggest that a fundamental and very important question is are you prepared to engage in a discussion about how that process is working. That is where I think the action is going to be. If there is a sorting out of what the problems are, the decision about going forward I think will not be a sticking point because, as I said, I think we all share a common interest in having things move forward as quickly as possible.

But the bottom line is exactly what you said that you phrased as the question. Who owns the process? The community owns the process.

But in owning that process, you have to dig into the substance of it. And I think that's where there needs to be some focus of attention.

Wolf-Ulrich: Okay thanks very much Steve with regards to the question. However, we are prepared to turn the hand over to Steve DelBianco.

Markus Kummer: Hang on. And Rinalia, would you like - Rinalia is the Chair of the OEC -- which owns the process of the reviews from the Board side. She would like to make a few comments.

Rinalia Abdul Rahim: Thank you Markus. I just wanted to clarify one thing.

I echo everything that Steve has said, and it is absolutely necessary for the community -- the SOs and ACs -- to come together to address the concerns that have been addressed that have been raised, and there are multiple components to it.

But there is one thing that is in the Board resolution regarding SSR-2 which is within our obligation to request for. And I think it's important that everyone is clear on this one.

And it says, "Resolved on 2017 February 3. The Board hereby appoints as liaison (Covey Ranchbad) to serve as a member of the second SSR Review Team and requests that this team develop and deliver to the Board their approved terms of reference and work plan by the 30th of March to ensure that the team scope and timeline is consistent with the requirements of the ICANN Bylaws."

So the only two things that we need to do in terms of our obligation is to ensure that the teams' scope and timeline is consistent with the requirements follow the ICANN bylaws. So we need these two things.

I just wanted to put that on the table for clarity sake. Okay? Thank you.

Markus Kummer: Thank you Rinalia. So we have to close this section of our discussion and we move onto the BC. And I'll take Andrew or Steve. Who is up?

Andrew Mack: Sure. I'm going to pass this to get this directly related to the last line of questioning to Steve DelBianco -- our Vice Chair for Policy.

Steve DelBianco: Thank you; Steve DelBianco. We have the luxury of continuing the deep dive that we're on on precisely this track.

And I get the blame, probably, for writing Stress Test 14. Remember that? It was what would happen if U.S. or ICANN cancelled the bilateral agreement called the Affirmation of Commitments. If that happened, the obligation to conduct the four reviews would disappear.

The way to solve Stress Test 14 was to stuff the Affirmation of Commitment Reviews -- like a vacuum cleaner -- right into the bylaws. And then I led the team that drafted that -- Avri was a big contributor to that as well.

And as we pulled them over -- as you reported correctly -- we did note one important change. We said it wouldn't be the chair of the GAC or the CEO and Chair of the Board that would pick the team; it would be SO and AC chairs and that reflects in the bylaws.

We preserved the Board's obligation to cause the review to happen in accordance with the bylaws. And that's what the hook to Rinalia just mentioned -- to cause it to meet the bylaws.

And we realized the Board will still consider the recommendations, determine whether the recommendations should followed, and to implement the recommendations. So all that will come later, and we didn't change any of that.

But as you indicated, Steve, I think you used the term machinery. We need machinery to make sure that this process of handoff between and among the Board and the community to work smoothly with the Review Team, and we need your help as well.

I realize that it's up today to AC and SO leaders on composition, structure and process. But we need your help in two important areas.

Today the CSG met with the SSR-2 Team. And in our attempt to do a check, right, if you signaled the pause button and we took that queue and we did a little subtenant where SSR-2 is.

And we find ourselves in a dilemma because the words composition, structure and process -- which were in your pause letter -- lacked the specificity for us to know -- Rinalia for instance -- in what respects was the scope of the team not in keeping with the bylaws.

So you know me, right. This morning I pursued that -- with diligence -- reading what the shall do. They shall look at the implementation of previous SSR Team implementation. And I was able to verify that's a big chunk of the word process they've undertaken.

And then we looked at the other things they're doing and asked whether they fit within the bylaws of what they may look at. As we imported that verbatim from the Affirmation of Commitments, a handful of things they shall do and a few things they also may look at.

So we found ourselves at a loss about what in specific terms was a mismatch between what the Review Team is doing and what the bylaws say they shall may do. And it may be too much detail to get into today, but we are here to say we need more specificity in the ways in which the composition, structure and process didn't match because it's one thing to say did the Board have the power to send the memo and hit the pause button.

I can see that the microphone in the public forum yesterday that I saw from Rinalia's comment, I saw where that comes from and I get that. And I appreciated that you said it's up to hit the play button.

But we struggled this morning in our interaction with SSR-2, we struggled with really understanding the specificity of the problem. And maybe we need to talk with the SSAC more, and that's true too.

But it was unrealistic to expect that in that interaction this morning that at least its three elements of GNSO would have been able to do the deep-dive that we needed.

So I think that if we were to do this again, the specificity with which you believe the bylaws mandate was in danger, that you would let us know in all specificity so that we could take action because we found ourselves at a loss on that.

The secondary is Steve Crocker's machinery point because we don't really have the machinery of notifying the AC and SO chairs and having them convene a conversation with the understanding that they have to respond to something you put out there. They don't even have the machinery in place in a few days period of time to come back to the underlying constituencies to figure out what it is they should do.

So it was unrealistic for all of us to believe that in this week, all of the constituencies of all seven ACs and SOs could have examined well SSR-2 is versus the bylaws and come up with an understanding as to whether we believe we are on track or we believe we need to add some more team members -- because we've had some departures. I certainly think we should add some more team members from the volunteers that have come forward.

But adjusting the scope, adjusting the terms of service, adjusting the structure -- that was the other word -- we certainly needed more help.

And apparently, it isn't sufficient for the Board to send an email to the email list that you have of AC, SO and constituency chairs. We need to exercise that muscle a little bit more because without clarity (sic) that here is the question we're putting in your hands, and we want to support with Staff -- support the ability for an Adobe Connect session, support the ability for a conversation -- and not just a casual meeting that occurred Friday with the AC and SO chairs -- many of whom were traveling and weren't available to have that discussion with Göran that occurred.

So the machine needs to be developed and I don't think we're going to be able to exercise that this week. That creates a dilemma in the weeks (unintelligible) for the future.

But how do we move this week to get this SSR-2 Team to resume? How do I hit that play button this week without more information and specificity?

So see, it is time for a deep-dive. So I would invite with some of the time that's remaining, tell us with every specificity you can how we can react to the concerns you justifiably perhaps raised.

Steve Crocker: So just let me touch on some quick points here.

You know, we believe we acted in good faith. We tried to communicate with you our posture as work for you, and we were executing as best we could on the task where we fit into it. And if it needs to be fixed, then we fix it and so forth, and that's all fine.

With respect to hitting the play button this week, I think that steps (sic) along expectation because the issues that have to be dealt with need to be dealt

with. And it's not just a question of how fast can we turn the play button on, it's how fast and how thoroughly can we get into those issues.

What are those issues? Kaveh - we have sent messages before. Kaveh is going to take us back through that a bit more.

Kaveh Ranjbar: Thank you very much. So to be a bit more specific and we can continue to the level of detail that satisfies you, one of the main things -- which Steve also mentioned in his previous round of comments -- is we are really aligned and we want success. So I think SSR-2 Team wants success as much as we want and as much as SSAC wants.

One of the main issues was a scoping issue -- which we communicated in (unintelligible) letters before the letter of (unintelligible) of the 4th of October which - sorry, before the letter -- the recent letter which we proposed to House.

So the previous two letters, we clearly laid out the scope issues. Just to give you two pointers, the part that Rinalia read out, it said we needed time of reference and work plan by 30th of March. We got a time of reference -- copy of time reference -- end of May, and so far we haven't yet received the work plan. So that was one of the warning lights -- the 30th of March and now we are the 31st of October and we don't have a work plan from the team.

During the process, we decided to continue with the scope. So to make sure that the team, give the team right resources to discover the scope. And we tried to support them from the Board's side and we started the work to provide support when needed to discover the scope.

One of the reasons we saw the alarm bells -- and SSAC letter actually supported that -- was because the work plan was not supplemented and the scope which was in time of reference was vague.

We were not sure that the level that (unintelligible) we would get would be something that at the end -- and this is very early in the process (unintelligible) -- at the end, the Board would be willing to confirm and say, "Yes Org, we're going to implement that," without having to look further.

So we wanted to actually have a report which we say, "Okay, this is good resource point and everything. This is good advice. Let's do it." We talked - we (unintelligible) and we were kind of sure based on the documentation which were sent in the letters before that that was way further than the scope of expected scope of SSR-2 as mentioned in the bylaws.

So this was the main reason we were worried about the scope, and without the definition of success is (unintelligible) SSR-2 and basically look into that and tell Org to go implement.

What we thought was that was not going to happen. This is still very early in the process; things can go in any direction. That's why we proposed to House to ask the community to look into that, look into the warning signs, and it might be fine. We are ready to continue.

Steve DelBianco: Kaveh, thank you for that. The understanding we had this morning was that the work plan is on the Wiki right now and has been. You don't see it that way?

Kaveh Ranjbar: No, it's not a matter of personal opinion. The document has not been sent to the Board. The communications are all in the correspondence and the Board has not received the work plan.

Steve DelBianco: So Kaveh, for clarity, if the work plan were on the Wiki, do you regard that as not having been sent to you?

Kaveh Ranjbar: No. So what is on the Wiki, and actually what our second letter to SSR-2 was commenting, there are pieces of work plan which (unintelligible) team calls

(Ardy's Plan), and we were quick enough to observe those and comment on those. We never received the full work plan.

And as far as I know, the team -- neither on the Wiki or anywhere else -- has a full work plan.

The team has five subteams to look into stuff. Subteam 2 has (Ardy's Plan) online -- which is not submitted to the Board, but doesn't matter. We are not bound that match by the process. We love - formalities are there for a reason.

But what we saw and that's when we acted upon this our second letter. We just saw that online; yes. It wasn't transmitted to us, but based on what was online, we already sent reply.

But the SSR-2 Team does not have submitted or posted a work plan.

Steve DelBianco: There might be a difference of opinion on that, and thankfully we're human beings -- we're in the same city.

So we would even say the last 10 or 15 minutes of our 90 minutes together for you to have a conversation with Eric and Denise and the members of the team. It's essential that we simply resolve maybe phraseology differences as to whether the work plan is or isn't in sufficient detail on the Wiki.

Even if it were there, you might still have legitimate concerns about whether the work plan has the right people on the team to execute, whether the budget would support that, whether it can be done in time and whether the level of specificity is there. And those are all legitimate.

And our partnership with you does imply that it's your job to see that the bylaws are executed. And if you have concerns that we won't meet the bylaws obligation, we're good with the idea of giving us a heads up, but it needs to be specific.

In the last 30 seconds, for the first time, I saw the letter that you sent yesterday. So the machinery doesn't work very well yet.

The email that Chris thinks went to us apparently didn't go to the Chair of the BC; still haven't seen it. That might be our fault; I don't know. But we can work that out, we're technical people.

Once we figure that out, that just opens the door to the next question like I need more specificity on how the work plan would be insufficient to deliver on the bylaws.

So we have a machinery question -- the need for us to design a way to interact efficiently -- and it may not be the email isn't a perfect alternative; we may need something a little bit different.

We have a specificity level where whenever possible you tell us the where and which we don't think it's going to meet the bylaws. And the words like composition and structure were really confusing to us. We have no idea what that means and I would invite you to elaborate on that now if you could.

Kaveh Ranjbar: So without giving you too much detail because I think there is a lot we can discuss on specificity, so for example, when you say composition on the amount of resources, there were multiple meetings. And actually this morning, there is one session with SSAC.

That's - only one person and two person showed up. That means maybe there are not enough resources. Multiple members of the team on the mailing list have mentioned that oh we cannot make it or we don't have enough time and there's a lot of work -- which is a fair assessment. But that should have been brought up to the attention of the community.

So how to do that and the machinery, I will leave that to basically the common (unintelligible) of SOs and ACs and the Board to decide.

But generally, when we talk about composition, that was the main reason we brought that up. And we wanted the SO and AC leaders to basically have all SO and ACs to have a chance to revisit that, maybe add members, or maybe look at the skills based on what has been submitted.

I just want to point out the minimum - and yes, I would love - and I keep talking to, for example, Eric -- you mentioned -- and other team members, I have close contact with them.

But these are professional organizations talking, correct. So the letters, the minimum plan -- right level -- is the team. We are not going to get more smaller than that.

And after all of those talks and what we perceive, this is what Board (unintelligible).

Markus Kummer: I just wonder whether we should hurry and go into that level of granularity and should not (unintelligible) the level. I think we have agreement that the machinery needs improvement.

Andrew Mack: Can I - Can I?

Markus Kummer: Yes, of course.

Andrew Mack: Can I just suggest three C's as we go forward because I take you at your word that you want us to be involved in this process and we want to work on it together.

First one is context. I was one of those people who was on the plane; I didn't get the memo. If you don't give us context, we can't be helpful, okay.

Second of all, communication -- the communication that Steve mentioned. We've just got to be better. This is not that difficult, and if you're really interested in our working on this together.

And the third one for me is continuity. What's the go forward? I think we haven't adequately explored that. There are concerns about precedence that we set. Those are legitimate concerns on both sides. We wanted to do this right and part of doing this right is having a mind on what's next.

And so those three C's I think are very important as we build this process going forward. And that's just (unintelligible).

Markus Kummer: Thank you for that. I think you put us on the right track.

And Cherine?

Cherine Chalaby: So I'm thinking of what most of you are saying now; I'm thinking of the next steps.

And it is right that you would ask for more details, right. And the letter we sent you is fine, it's short. Our intention was to submit a more detailed letter after this ICANN public meeting.

So that's the intention. The intention is still there with a lot of the details to support what we said.

The question you're saying, I may have misheard you, but you say, "What can we do while we're here?" So I mean if that's what the community wants, we can have a meeting again with I don't know who -- the SO and AC leaders or who while we're here. And we can go through a lot of the details and then follow this up with a letter.

So it would be nice for you to make a suggestion of what that mean.

Steve DelBianco: Thank you Cherine. The notion that the details will be forthcoming gives me great pause. Let me suggest why.

Because it would be totally inappropriate to save all your details for the AC and SO leaders. Those details -- I'm just assuming -- were shared with the team itself. The Board has a liaison on the team, so the details are already well-known to you.

Kaveh, you must know the details of composition, structure and process because undoubtedly you've discussed them with the chairs and the members of your team. Since it's totally inappropriate to save that and hold it back and tell the AC and SO leaders a week after a meeting and expect us to act on it while we're here at the meeting.

So Cherine, with all respect, the sequence that you suggested is all backwards. If the details were known, they should have been shared with the team weeks ago. Since your first stop with your concerns is to go to the team; not to run to the AC and SO leadership.

Would you react to that?

Cherine Chalaby: I believe we went to the team and we wrote two letters to the team correct.

Steve DelBianco: With sufficient detail?

Cherine Chalaby: Answer that question.

Kaveh Ranjbar: May I make a quick comment? So all of our communication is through email -- two letters or two lists which is often public and access to everyone. So there is nothing that we have - there is no other information channel which for the Board or the team members -- as far as I'm aware -- the SSR-2 mailing

list which is public. All of the Board's communication into the team also has gone through that list. It's online, it's on the Web site, everybody can look into that.

Steve DelBianco: Well we'll take it onboard that we're going to go read the details on an existing set of emails. So Cherine, we don't have to wait for you to send us anything because all the details of your concern are already published on an open email list.

I hope, Kaveh, that you're right about that when I dive into the list because without the specificity, we don't know how to react.

Andrew Mack: I might just add to what Steve said is that if we're going to take a serious action like this one, even if some of the information is available, it might be worthwhile to note the leaders well in advance. I think this is a precedent setting thing and it's a pretty severe thing.

Markus Kummer: Cherine, your flag is up. Would you like?

Cherine Chalaby: No, I was just talking to Steve and also - do you want to have a meeting with the OAC and Kaveh while we're here or not. But if you do, we're ready.

Steve DelBianco: We have ten minutes. We could do it now.

Cherine Chalaby: No.

Andrew Mack: No, seven minutes.

Cherine Chalaby: No, we can't have it in ten minutes.

Steve DelBianco: It can't just be with you guys, right. (Unintelligible)…(unintelligible).

Kaveh Ranjbar: So we would need to set up a second meeting and find a slot in a very busy calendar. But can we take that offline and see whether it's possible to do that?

I take it that there's a broad recognition that we could have done better. And I think you said the machinery needs to be improved. It came all of it unexpected to the community. There was certainly a community issue; we could have done better. There's a clear understanding on the Board that this needs to be addressed.

But it was in many ways unchartered territory. You have an alarm bell ringing and the Board felt something need to be done.

But Steve, you would like to react.

Steve DelBianco: Yes I need to come up with another stress test, right, number 39 is what happens if the machinery is not there?

Kaveh Ranjbar: Then you have to fix it.

Markus Kummer: Yes, please.

Brian Winterfeldt: Brian Winterfeldt; incoming IPC President.

I just want to support Steve and the BC's comments. And the IPC I think would also welcome a meeting with the SOs and ACs.

I'm really struggling here to understand the Board's actions and the context. It seems on one hand you're saying that the SOs and ACs has led you to make the decision you're making. On the other hand, we don't even understand the details; we don't understand exactly what all the warning signs were.

We're talking about having a meeting so you can share that with us. But you're saying it's coming from us or we are about to discover it. It's very confusing.

I know we have the letter that came in from SSAC -- which is one part of the community. So I think we really would welcome more of a dialogue I think both in terms of understanding the details of this, but also how we kind of ended up where we are right now.

Markus Kummer: Thank you. I think we will not be able to come to a conclusion in five minutes that remain for this session. But I think we do have, I would say, an emerging consensus that we do need to improve the dialogue and maybe we can do something while we're still here. And I think we'll also do something while we're still here and find that the common grounds on how to move forward.

I think it's looking forward, okay, mistakes have been in the past by various sites in this action. But going forward, we have to fix this. And I think there's a commitment from everybody to do that.

Is there any other comment on this or any other issue?

Steve DelBianco: Marilyn Cade has something she would like to present.

Marilyn Cade: Thank you. My name is Marilyn Cade, and this is Steve Crocker.

I would like to see a show of hands of all of you who can answer the following question. How many hats has Steve Crocker held in the years that he has been on the Board of ICANN?

Steve DelBianco: Too many.

Andrew Mack: Many, many.

Marilyn Cade: He has held three seats in the time he's been on the Board at ICANN.

I reminded Steve when I saw him a few days ago about a particular crisis that occurred in the life of ICANN when a significant change was introduced in the DNS by one of the -- by VeriSign. And do to that change, there was really a possibility that the Internet would break.

And who did we call? Steve Crocker.

So one of the things for those of you that are new, you may not know about Steve's long-standing contribution to the technical community to actually creating the recognition of the need for the security and stability advisory first working group -- then Advisory Committee -- for chairing it and shaping it for so long Göran Marby: for representing it as liaison on the Board; for being on the Board as a member; and then also being elected as Chair of the Board and serving us and the community so long and so well.

And on behalf of all of us, we would like to present a small gift of recognition to Steve. And of course we put his name on it in case he lost it and Beth had to find it.

Steve Crocker: Yes, very briefly. I was recruited into Chair the newly formed Security Stability Advisory Committee in 2002 and it was a nascent evolving relatively small organization. And we were having weekly phone calls and finding our way through.

And about a year later in September 2003 when the site finder service was unveiled rather abruptly, things changed -- not overnight but almost instantaneously. And we found ourselves in SSAC with a serious challenge to provide technical insight into the process in a midst of what was a very very conscientious political and business and ultimately (unintelligible) situation.

Marilyn was one of the key people who provided a lot of communication and a lot of support and a lot of organization from the community while us techies got ourselves organized and held some open meetings in October -- two open meetings in October of 2003. And it's been a wild ride ever since.

Up till - some of the rest of the story may be in a couple of hours when there's fewer people in the room I hope.

But anyway, thank you very much. It's been a real pleasure working with you. And as we've just seen, these interactions have been contentful, substantive, and sometimes very intense. That's what life is for. Thank you.

Markus Kummer: Allow me also to bid farewell as it is my last meeting with you. It was a pleasure and an honor to serve on the Board, and it certainly was an interesting experience. Thank you.

Steve Crocker: Let's also recognize Asha and Rinalia as completing their service at this time. Did I miss anybody? I think that's it.

Thomas, I think will be -- Thomas Schneider will be stepping down also as Chair of the GAC and liaison to the Board.

Anyway, thank you all.

END