GNSO – ICANN Sydney Meeting
GNSO Open Working session
Progress on Resolution of Overarching Issues
20 June at 14:00 local time

Note: The following is the output of transcribing at Progress on Resolution of Overarching Issues Meeting held in Sydney on Saturday 20 June 2009 at 14:00 Local time. Although the transcription is largely accurate, in some cases it is incomplete or inaccurate due to inaudible passages or transcription errors. It is posted as an aid to understanding the proceedings at the meeting, but should not be treated as an authoritative record.

>>AVRI DORIA: Are we ready? Okay, so this session is basically going to be the progress of resolution on the overarching issues other than, of course, the IRT issue which was covered in detail on its own. And we've got various staff members in to give presentations and Kurt will tell us about it. One thing I should point out is there will be one of the pieces will be covered by somebody on the phone a little later but go ahead.

 >>KURT PRITZ: Yes, we have two presentations. The first discussion is about potential for malicious conduct, and that's the question of whether multiplying the number of top-level domains will also multiply malicious conduct as part of the presentation we define what malicious conduct is. Greg Rattray who is right behind me is managing this effort as part of the new gTLD program in addition to his important duties as Chief Security Officer for ICANN. So Greg's going to present on that. And then after that another -- another set of issues that Greg is managing has to do with the root zone scaling study. And the majority of that work is being done with SSAC and RSSAC and they've contracted with Lyman Chapin who many of you know well to coordinate that work. Lyman's on his way here and made reservations and learned about this opportunity to present a little too late to be here in person. So he's about halfway here and will be presenting by phone from the LA airport, so Los Angeles airport. So we're coordinating a presentation that you can look at and listen to Lyman. So unless there are any specific questions for me I'm going to come back and join you in a little while and turn this part of the conversation over to Greg, if that's okay.

 >>AVRI DORIA: First (Speaker off microphone) and then we'll do questions.

 >>MARIKA KONINGS: (Speaker off microphone).

 >>AVRI DORIA: Questions at the end or do you mind being interrupted with questions?

 >>GREG RATTRAY: I don't mind being interrupted. This first one, potential for malicious conduct you'll see in the brief that we're working with the antiphishing working group and they've just as of

yesterday posted a significant --

 >>AVRI DORIA: Oh, yeah, you have to speak into the microphone.

 >>GREG RATTRAY: Okay. Well, I do want to mention that we've been working closely with the antiphishing working group on malicious conduct group in this effort on the malicious conduct. And Rod -- Rod -- Rod Rasmussen, not that much of a tongue-tier -- go ahead and raise your hand -- is here. He's the principle lead of the piece that the APWG did related to this topic which just got posted yesterday. So you can also get it online as we go through this. Karen, how we doing on slides? It's got the Sydney logo on it. Because of that, it's big.

 >>AVRI DORIA: I passed it over.

 >>KAREN LETZ: I've got it in, it's just not --

 >>AVRI DORIA: We can just get it to switch to you. So that says C on it, is that B? What's the little tag on the --

 >>KAREN LETZ: B.

 >>AVRI DORIA: It's B. So if we could have B.

 >>LYMAN CHAPIN: Right. Margie, the other thing I've got it on thumb drive.

 >>MARGIE MILAM: I think (Speaker off microphone).

 >>GREG RATTRAY: Whatever is easiest. Which computer is driving that projector? Margie, did you know that you can be the driver for that? Let me just give you the thumb drive.

 >>MARGIE MILAM: R.

 >>GREG RATTRAY: There we go. I think we're ready. Again, my name is Greg Rattray, I'm the chief security advisor for ICANN. Another person on my staff, the director of security operations in ICANN, Jeff Bickers, has been doing a significant amount of the coordination also on this effort as one of the four overarching issues. Again, what we're talking about is the potential for malicious conduct. I will cover the three relatively straightforward topics on this slide so why don't we just head on into it. So, you know, the words "malicious conduct" could be construed to mean a lot of different things. We very -- have very early in the process after we identified the four overarching issues wanted to focus on criminal activity, i.e, phishing to conduct financial fraud, identity theft, spread of malware, establishing botnets is what is being handled in the potential for increased malicious conduct in this portion of the overarching issues and as we try to understand the issues related to new gTLDs and what we can do to deal with those issues. It's distinct, you know, I say

distinct from trademark protection as we try to manage, you know, issue identification and resolution. You know, trademark protection is, you know, has to do with intellectual property and civil lumbar, you know, I am not a lawyer so I've got to be very careful when I get too far down that road, but, you know, in my mind, you know, because of the differences, there's different processes for determining what's at issue and how to authorize response if it's appropriate. However, I do have to say, as we start to work on new gTLDs there's going to be certain remediation steps that will be considered, you know, a crucial factor in any of these situations is identifying -- quickly being able to conduct registrars and registrants about potential, you know, activity, whether it has -- whether it's, you know, hurting a brand name, you know, or a violation of intellectual property or potentially malicious conduct. So in some ways I want to say you don't want to overly, you know, distinguish the fact that only certain things will be talked about in the malicious conduct construct in -- versus the trademark but in general we're trying to distinguish the two in that regard. It's probably a reasonable time now just to stop and, you know, ask if anybody's got a question, you know, regarding that distinction.

>>AVRI DORIA: I see none.

>>GREG RATTRAY: Okay, good. Next slide. So to -- the main focus on the brief is really to talk a little bit about, you know, what we've received so far as we've identified this as a -- as an overarching issue and so we've gone through and I believe Kurt went through, you know, the process by which we've analyzed the comment on the applicant guidebook. You know, version two. That analysis included identification of those issues that fell into the malicious conduct area, that's certainly all available as you've seen, I think it was posted on 31 May. It does talk about some potential areas for implementation, I have a slide that addresses those areas.

There has not been really comment via the overarching issues Wiki that's been established for the purposes of, you know, soliciting comment on these overarching issues. There have been of late, and we know forthcoming, some relevant SSAC reports that will -- you know, that provide information that is relevant to how we might think about remediation. There's an SSAC Advisory 38 registrar abuse contract and there's a forthcoming draft SSAC report which is pretty far along, I believe the intent is to get it out within a couple of weeks on DNS redirection and synthesized DNS responses. And that one, we believe, will -- you know, it's not done, so I'm not going to speak for the SSAC but if as drafted, it's approved, it does recommend that you do not allow synthesized DNS responses, I think, in the new gTLD space. So I see these all as input to us about both what our issues and what our potential remediation, to deal with those issues as we work on the new applicant guidebook. Outreach to involved group. We did not constitute an IRT process for this overarching issue but we have been working with a number of groups, significantly the antiphishing working

group as I mentioned as well as the registry Internet security group. We've also talked with -- we haven't received as much feedback from the FIRST, the Forum for Incident Response Teams, which is the global coordinator, at least, association of the computer emergency response team community. And members of that community will be here for the panel that we have on Wednesday afternoon to talk about what the issues are from their perspective. We've also received some pretty significant engagement in the last few weeks from the banking and finance associations, basically the U.S. based banking and finance associations. Though they recognize that, you know, this is an issue where they're going to try to bring in some more international participation. I could go through what those acronyms are, BITS, the ABA, is probably the most apparent one, the financial services, information analysis center and the financial services technical coordinating center if we want to go into who those associations are, they're all working together in a pretty accord 1998ed fashion but they have identified that they want some -- you know, they want to help us address specific concerns, obviously, gTLDs related to banking and finance are going to be, you know, a special target for malicious activity and they want to make sure we understand their perspective on, you know, how those things might have to be addressed. We have public consultation here. There's the session on Wednesday afternoon, I believe it's 4:00 or 4:30 to 6:00. You know, after another IRT session earlier on Wednesday afternoon. And I believe Kurt discussed, you know, the planned international consultations, New York, London, Hong Kong, I think it's Dubai, am I correct on that?

>> Abu Dhabi.

>>GREG RATTRAY: Abu Dhabi scheduled for July and August and this issue will be among those discussed in those consultations. Any questions about where we were getting input on this or where we have received input so far?

>>KRISTINA ROSETTE: I was just wondering to what extent some of that -- the ongoing outreach might be more internationally directed?

>>GREG RATTRAY: So, you know, I think the intent is to try to get, you know, through the July and August consultations, some of that to occur. Our engagement with the FIRST community is actually -- has actually been a little international and the representative is a woman who is associated with Malaysian CERT who is going to come along and we know the Hong Kong CERT's going to participate in the session in Hong Kong, you know, so in -- and rod, I might ask you to speak a little bit as to how much the APWG efforts have been international. I wouldn't know specifically who you guys tapped for that.

>>ROD RASMUSSEN: The subcommittee that has been looking at this is -- all but one person is U.S., however, APWG in general represents as a worldwide body. And we had our last meeting in Barcelona, this was discussed there. I might also add, I was just at the messaging anti-

abuse working group meeting in Amsterdam and they had a whole special dedicated to the new gTLD process and are working on formulating a response as well. And that's definitely a very international composition of basically ISPs around the world and people who use e-mail and messaging systems on both sending and receiving side. So they're going to be putting in a response as well, I believe.

 >>AVRI DORIA: Tony?

 >>TONY HARRIS: Yes, my question is a little generic probably but it relates to the subject we're looking at. Is there any consideration being -- going on about the obvious vehicle for most of these activities which is spam, because I'm we seem to be chasing the effects but the cause is always there, as long as you have spam and the volumes that spam handles, I mean, you're just going to be putting stops on a few roads but they're going to get through somewhere with spam, they get to the people, they get to the Internet users, and that's -- I think that's the basis of the whole problem because I've heard, you know, comments that having new gTLDs will increase the opportunities for cyber crime but I could also say, well, if we have new, another billion Internet uses which is the catch phrase today we will have another billion potential victims so maybe we shouldn't let them get on the Internet.

 I think, you know, some -- somebody should think about the obvious medium for all of this which is spam. That's what they do, the phishing with and practically everything else but who's attacking spam, that's my question.

 >>GREG RATTRAY: So I guess I could partial it a little bit. You know, the extent to which spam is a, you know, continuing challenge for security on the Internet and the domain name system, you know, has a role in that, you know, this effort is not focused on that specific problem but, you know, there's a number of continuing problems that, you know, will exist in the new gTLD space just like they exist in the existing area, you know, so this effort is not, you know, focused on the spam problem. I think you rightly identify the fact that, you know, to the extent to which phishing is conducted through e-mail and spam, you know, then, you know, some of the things that Rod's report suggests, you know, will have us consider remediation methods that would go after entities in the new gTLD space that were conduct -- you know, pushing spam in order to conduct malicious conduct, does that make sense, I can probably restate that if that --

 >>TONY HARRIS: Yeah, I think I follow you and I understand this is not about spam, I just brought it up because it seemed to me that at the bottom of everything we always have that as a medium, that was my only comment.

 >>AVRI DORIA: Thanks, I have Mike and then Adrian.

>>MIKE RODENBAUGH: It's Mike Rodenbaugh. It's absolutely true that spam's a huge problem, but remember, there's a lot of other ways that people are luring users to bad Web sites these days, right? IM, Facebook, driveby downloads, just go to any Web site. So it's overly simplistic to assume that spam is the vehicle all the time. But anyway, I was going to ask -- it's going to help me understand where you're going and maybe I'm jumping the gun a little bit but what is the proposed output from your effort here?

>>GREG RATTRAY: Well, at the end of the day, the output is, you know, changes to the applicant guidebook that would set, you know, new requirements on, you know, applicants and the registries that are operated if they're stood up that should address some of these concerns. Now, we're still more on the identification of concern phases than the engineering of the remediations, though, in the potential areas for implementation that came out in the comment on the applicant guidebook version two, we did start to say these are some of the remediations considered and those I think are the next slide or the slide after that so we'll get into that a little bit. Is that good?

>>MIKE RODENBAUGH: Yes.

>>AVRI DORIA: Adrian?

>>ADRIAN KINDERIS: Adrian Kinderis. Sorry, just a point of clarification, who is the registry Internet security group?

>>GREG RATTRAY: That was started by -- I believe PR and Afilias. Is anybody here --

>>ADRIAN KINDERIS: I think, then, you mean the registry Internet safety group.

>>GREG RATTRAY: Is it safety? Okay, I misnamed it.

>>ADRIAN KINDERIS: Thank you.

>>AVRI DORIA: That's the end of my queue.

>>GREG RATTRAY: Okay. Why don't we go to the next slide. So here are, you know, here's, you know, to the comment on what are the specific sorts of remediations being considered. In the comment on the applicant guidebook 2, or version 2, there's probably three or four pages' worth of different comments that were provided on that version of the APG. They really went to kind of two major themes, the need to leverage outside expertise and the need to develop standardized remediation approaches, there wasn't a lot of specific approaches considered. In that document we identified the six steps listed here as things that we, you know, believe we are going to need to consider. Creation of security-specific TLDs, standardized rapid takedown procedures. And we know that that's going to be a fairly hefty effort

to try to understand what might be implemented there and how to implement it. Heightened requirements for registrar accreditation. The applicant background checks, amendment of WHOIS practices. Some of these things were also suggested in the potential changes for to implementation of trademarks, including basically the same exact list of WHOIS practices under consideration for the two. And then removal of glue records for deleted registrations since we know at times phishers use that weakness in order to conduct their activities. Any questions on this one.

>>AVRI DORIA: Actually, I'd like to ask one question and it comes up. When you talk about change in WHOIS practice and such, is that something that would be made in your mind directly in the DAG for the new gTLDs or is that something where you would recommend going back through a policy development practice for WHOIS practices and how would you see something like that happening, how do you see sort of things that amount to policy changes happening if they come out of the recommendations.

>>GREG RATTRAY: So I believe, and there's others in the room from the policy team that can also probably speak to this as well, the specific things mentioned in the amendment to WHOIS practices are the acquiring of thick WHOIS of the new registries and implementation of IRIS databases to facilitate understanding of WHOIS information in different languages. So for that regard, you know, I believe they're not policy changes, they're basically, you know, implementation, you know, requirements that are, you know, might be different for a given -- it will be -- there won't be options left to the registry about those sorts of things so those are the two specific things that are identified.

>>MARGIE MILAM: Those would be more specification type things, right?

>>GREG RATTRAY: Right, not policy. Others in the room are much more steeped in the ICANN policy process but this is an implementation sort of thing.

>>AVRI DORIA: Thank you.

>>GREG RATTRAY: So, again, we do have Rod Rasmussen who is the lead of the group that put their input together from the antiphishing working group. And so you can see they identified three types of issues and I think that was a really pretty insightful approach which is as we stand up, you know, new gTLDs you're going to have some things that emerge because of the nature of new gTLDs and how they're -- you know, potential for how they're operated. Kurt, when he opened this up, you know, focused mostly on issues of scale. You're going to have more gTLDs and therefore more issues that come from the fact that the space is larger and people who have to deal with malicious conduct try -- may have more to do, more potential places where bad things can happen and there's an issue of scale there and then there are a whole

set of longstanding issues related to how gTLD registries, you know, and the system is operated that will continue to exist in the new gTLD space. So the report, I think it's 15-20 pages long, you know, provides a perspective on all of the different issues that are identified after those three major headings. It is marked very -- very vigorously on the front as a draft. You know, it is still under consideration by the Internet policy group, if I've got that -- within the AP -- or the Internet policy committee within the APWG so, you know, because of this meeting and our desire working with them to get it out so it can be discussed here in Sydney, they gave us permission to post this draft yesterday so it's up there for everybody to look at during the course of this week Rod's here, he's here today to answer questions if we have them right now. He's a panelist on the Wednesday afternoon panel and he's also speaking at the abuse of the DNS session on Thursday so to the extent that you want to interact with Rod and there are other members of the community that are part of the APWG effort here. I certainly hope that we get as much discussion about those -- that report, and we've also encouraged the APWG to really focus in their final draft on suggesting remediation measures for the issues identified in the report, and we believe that that will be a major portion of the report. Rod, if you would, you know, any other perspective on the report?

 >>ROD RASMUSSEN: I just wanted to reiterate what you said there, we don't have 100% consensus on all of the issues there, but I think we're pretty darned close. We did have representation from both the security community and the domain registrar community and the domain registry community on our subcommittee that was doing this so we were trying to do a good job of balancing the concerns of the overall community and various issues that are going to come up along with being practical about what can actually get implemented. There's a lot of different types of issues that we've raised here. We'd love to get more input from the ICANN community in general as to -- some of these are fairly esoteric, actually. And maybe fairly new to some folks in this community. So we'd like to get reactions and feedback as we drive forward on providing some recommendations, we can look at things like policy recommendations, best practices recommendations and just kind of operational implementation recommendations as well.

 >> Where did you say it's posted.

 >>ROD RASMUSSEN: I asked for it to be posted on the APWG Web site and it hasn't gone up yet.

 >>GREG RATTRAY: On the Web site, I believe, if you click on new gTLDs it's pretty apparent on the first click -- you know, it's one click beyond that. It's on the Wiki related to new --

 >>ROD RASMUSSEN: One other thing I was going to add. One of the other things we were going to try and do too, this is a really kind of a long laundry list at this point, we're going to try and prioritize

some of these issues here as well. For instance, a BGP attack, that's a fairly esoteric thing, versus a organization like the Russian Business Network being granted a domain registry operator's license. That's an extremely serious issue as far as we're considering it in the APWG. So we're going to try to rank order those at least in some respects. So that as you are considering these within the ICANN community, you can know what are the real high priorities and what are kind of, you know interesting but not necessarily earth-shattering issues.

 >>AVRI DORIA: A queue with Tony and Kristina, so Tony.

 >>TONY HARRIS: Kristina first.

 >>KRISTINA ROSETTE: Rod, do you anticipate that as that consensus process goes forward there may be changes to the report and if so could I ask that those be posted?

 >>ROD RASMUSSEN: Yes. I anticipate that there might be some changes on the margin. We're really doing this as two separate reports, the first is just the issues report. I think that we're pretty darned close on that one, there might be a little bit more as we put it out to the wider committee within the APWG that may tweak that a bit but we'll put the final one up on that as well. And then the second report would have quite a bit of -- I would imagine that's going to be -- probably and ago Gus weigh do to the registrar best practices document we put out last year and we'll have a set of principles as best practices that most of the people in the APWG would -- there's a broad consensus for and then there are some others that might be a little bit more contentious because we do have representation from different perspectives, wildly different peps on how to handle security issues and things like that.

 >>AVRI DORIA: Thank you, okay, I've got Tony, Amadeu and then Tim.

 >>TONY HARRIS: Yeah, Rod, I was interested in your comment on BGP takeover attack of a TLD zone. I mean, BGP is something I hear next to my office every day on the Argentine Internet exchange, where they're working with the exchange of traffic or Internet traffic and have there been any historic events that -- has this happened, or are you just worried it might happen with an incautious new registry? Excuse my ignorance.

 >>ROD RASMUSSEN: Yeah, there's -- and actually, within the report there's the reference to the actual demonstration as to how this kind of attack would occur with references to where it was brought up at -- I believe it was a black hat conference, a NANOG conference within the last six months or year or so. So I recommend going to that directly to get to the details. There have been BGP attacks, and in fact, quite a few of them, so it has happened. I don't know that it's happened to a registry. But the same principle that has been used to attack and

used extortion and other things done by the criminal element can definitely be done in this context. So it's definitely something you want. This is more of a awareness issue and running security procedures within an registry. But if you're standing up a new registry, something like this is an attack you might not expect or even know about so we're trying to raise the awareness on the issue.

 >>AVRI DORIA: Amadeu?

 >>AMADEU ABRIL i ABRIL: Okay. I have a comment and a question. The comment is regarding the presentation we had. I'm really concerned about some expressions saying like, "Oh, we're in this phase of studying what are the issues, not the solutions," and, "oh, the goal of all these is to find -- you know, find the issues, find the solutions and they introduce that in the guidebook."

 Whereas, not everything can be used to delay the guidebook forever. And the -- these concerns remind me a lot of the concerns that IPC had before IPC existed in '96, '97, '98. That is, we have a problem, we have a current system, and there are no workable solutions. Many of these things, fast-flux or rapid suspension or whatever, have to do with the current TLDs regardless of the number of new TLDs. So it's not directly related to that. What's directly related in that's an important mechanism that we need to fix in the guidebook because, if not, it will be much more difficult to solve afterwards is the question of having a workable rapid suspension for, you know, the most urgent things and most common things that we can't agree on how to do with that. Especially if you're going to have a rapid suspension mechanism for trademark procedures, we need to do something that's at least compatible or workable.

 And here, I think that the APWG had already something very good in the proposal that is being working on with dot Asia from the -- I would say complainant side. What was lacking at that part was a world solution from the registry to registrar side. That was not the problem in that draft because it was only addressed to a single registry, so that was okay. But it did not scale very well to many TLDs and especially with 500 new TLDs, whatever.

 My question to Rod is whether -- in the last draft I didn't have the chance to read in my plane here, you saw things like, for instance, indemnification system for registries and registrars that finally need to make the decision to suspend the contents of their customers with whom they have a legal binding contract that may have a legal consequence for them if there is a mistake at some point. It might happen at some time.

 [Off microphone.]

 >>GREG RATTRAY: So, Rod, I would have you address that last point related to the APWG work on takedown. And then I think I'll probably

respond to a couple of the other broader points that were, you know, brought up at the start of the -- my first part on the longstanding issues here -- and I realize they are longstanding issues -- one of the reasons here is that at the last meeting in Mexico City, I had several potential new gTLD operators come up and ask me about all the different security mechanisms they could install in their new gTLDs to make sure they had the safest new gTLD out there. So that section there is probably going to be largely about satisfying those curiosities and hopefully seeing some implementations.

 On the rapid suspension process, the APWG is moving forward on that. We have a whole -- actually, I'm going to be discussing that I think Wednesday at some session. I'd have to look at my calendar. And we're actually getting all the documentation and all that kind of stuff put together from our various members and from some contractors. So we should have those issues on scaling as part of that in that next rev of documentation that comes out. And that will hopefully come out within the next month or two at the most. We're moving forward on that as quickly as we can right now. APWG is an all-volunteer organization. We don't have a lot of staff or things like that to do things like this, so we're dependent on our members to push this stuff forward. So I don't have the -- I don't have quite the resources that other organizations have at driving this stuff. But we're moving forward quickly on this.

 >> AVRI DORIA: Thank you. Tim?

 >>TIM RUIZ: I wonder what the next steps are or what the intent as well is for all of this work. I mean, we've got the IRT, which is a considerable amount of material and things to consider. And we've got the work going on with the malicious conduct, another considerable amount of material to consider and issues to consider.

 My concern is that in -- but, you know, there's still this goal to get TLD -- TLDs out and get that implemented by early 2010, first, second quarter of 2010.

 What I am worried about is that policies or whatever you want to call them find their way into this draft applicant guidebook that the community just in the whirlwind of what's happening here isn't able to fully consume and consider and actually comment on. And, you know, the stuff just finds its way through simply because we can't all keep track of it.

 What's the intent here from this malicious conduct work? Is it just a best practices document? Here are some suggestions?

 Or is there really an intent that some things are going to find its way into registry agreements that registrars who want to offer those TLDs are going to have to agree to in order to offer them. Or is it just, you know, here's some good ideas at this point? I don't see how

there can be any time left to say here's some requirements that are going to be imposed on new gTLDs.

 >>GREG RATTRAY: That's a good segue to the next slide, which is the way forward, I believe. So, Tim, I -- we are certainly going to consider both best practices and requirements, right? I mean, the timing for this would be that those requirements, you know, would be identified in the next draft of the applicant guidebook. I have -- basically, everybody who works in the ICANN environment right now knows there's so many things in play at the same time that there is an issue of -- you know, due consideration of all these new -- the IRT work, if specific mitigation measures are, you know, suggested here, that the community needs to digest the implication of those, if they are requirements.

 You know, it's been -- I think we made pretty clear that in the overarching issues the idea is to get the issues identified, suggest to the community, you know, suggested mitigations as part of the draft guidebook, you know, process, and have the dialogue about whether those are the right, you know, steps. And you know, take, you know, the -- use the normal process in order to do that.

 >>TIM RUIZ: Just give you an example of why -- from a registrar's perspective, one thing that comes to mind -- I'm sure there's many, many others. But, if -- indemnification ought to be something you're seriously thinking about with any of these requirements. Because, if a registry comes to a registrar, at least with Go Daddy, says here's what we have to agree to. And we have to completely indemnify the registries the way the agreements are written now. and we have to implement these requirements. If it puts us at risk, you know, those registries are going to have a very difficult time finding registrars who are going to assume those risks and sign up. So that's one thing to consider. But from the applicant's perspective, today we're talking six, eight months from now starting to submit applications for TLDs, today they don't know what the heck it is they're going to have to agree to yet. It's still a completely open question. When is it going to be settled down enough that they have something to count on, they have something to tell their investors, they have something to really plan for? You know, a lot of money is being spent here. And yet we're still spinning around talking about some pretty major requirements that can be very expensive, very risky for them to implement. And yet it's still an unknown. At some point it's got to stop, and things just have to move forward so that people know what it is that they're actually going to be doing, what they're applying for.

 [Applause]

 >>CHUCK GOMES: Tim, your point is well taken. And I think that point, at least as we have defined it in the new GTLD recommendations from the GNSO, at the latest, has to be the final DAG when the board approves it. And that's why we had established -- recommended a four

month -- minimum four-month communication period after that to make sure that there is some time there. But -- so is that enough? Who knows? You're right. It's -- there's so many things. It's tough for even those of us that are well engrossed in it to keep on track of everything. So I think we have a point in -- and, hopefully, by the time we get DAG3, it won't change too much after that. Although, there will be some changes even after that. And that's why your final guidebook will be the point, I think. And I don't know how you get around it any differently. Because a lot of these things are critical things to consider. But your point is also well taken that we've got to be very careful that we don't impose requirements. It's one thing to impose best practices, as you indicated. But we have to be very careful not to impose requirements that haven't been properly vetted in terms of their consequences. And that includes secondary consequences that could be very troublesome when we actually get down to having to perform them.

>>GREG RATTRAY: I mean, I don't think there's a response to that. You guys are providing perspective on the speed at which this is occurring and the challenges, if the mitigation was to consider new requirements, you know, how the challenges that are presented by that.

So -- I will brief the slide. I kind of did to a little -- some degree already, which is we do have the planned consultations. We want to have those consultations focus on mitigation approaches, not issue identification again. The work of APWG and others. I think we've got a pretty fulsome set of concerns. I was going to make a comment that, again, a good aspect of how the APWG structured their thinking, which will probably be reflected in our approach to looking at remediation, is those things specific to the new gTLDs stand up as opposed to the continuing issues that are going to plague all TLD operations.

Again, we got to work with the banking and finance on some specific concerns they've raised. And, again, that -- the next version of the applicant guidebook will be the place at which, you know, these things are specified, you know, the extent to which we do that. So I think that's it. If there's further questions --

>>AVRI DORIA: Are there any further questions? Comments? Okay. Do we have Lyman at this point? Because it is just the 45, 46 mark, so I was curious whether we had him or not.

[Off microphone]

>>AVRI DORIA: Okay, great. So, yeah, if you can let him know. Lyman, are you on the phone?

>>LYMAN CHAPIN: Avri, yes. Bill Manning and I are here. Sorry. I had the mute button on.

>>AVRI DORIA: Okay. Hello, Lyman. Hello, Bill. Did you have

slides? Okay. Thank you.

>>LYMAN CHAPIN: No, we do not have slides.

>>MARGIE MILAM: We do have something.

>>AVRI DORIA: Speak into the microphone to him, so he can hear you.

>>MARGIE MILAN: I have a pdf from you, a root scaling study overview. Is that not --

>>LYMAN CHAPIN: If you think it will be useful, we can put the slides up. I can certainly talk to those. But --

>>AVRI DORIA: Visuals are always helpful.

>>LYMAN CHAPIN: -- available at this point on your end or not.

>>AVRI DORIA: Margie's got them.

>>MARGIE MILAM: I got them.

>>AVRI DORIA: Visuals are always helpful.   Okay, you're on.

>>BILL MANNING: We're on. They have the visuals up.

>>LYMAN CHAPIN: Thank you. We'd like to take a few minutes to describe where we stand with a study of the effects on the root server system of essentially several different things that are going on at the same time. The one that has prompted the study which has been commissioned jointly by SS and RSSAC is the Internet introduction of new gTLDs to the root.

At the same time that we're pursuing that initiative, applicant guidebook, so forth, we're also deploying DNSSEC and signed delegation and also adding indemnification versions of TLDs, gTLDs, and potentially also new gTLDs. And we're also looking at adding support for IPv6 access both to servers within the root servers and to servers throughout the domain name system. All of those things happening together, the ICANN board by resolution last February asked SSAC and RSSAC to initiate a study on the effects of the system on doing these various things, some of which have greater effects than others. Move to -- do you have the slides?

>>AVRI DORIA: Yes.

>>BILL MANNING: I'm going to go through the packet.

>>LYMAN CHAPIN: So, essentially, what I've just done is I just -- I mean, to what was contained on slide two. It also contains URL pointers to, you know, the material that directly concerns each of the

four things that -- so, if you move ahead to slide 3, this gives a sense of the kind of study that we're conducting. What we're trying to determine is not so much what should we look out for, in other words, what is like a system. What we're trying to do is to build a model of how the system operates starting with a baseline of how it operates today so that we can then, essentially, look at what happened to each individual part of the root server system, make changes to any of the variables -- the number of entries in the root system, if root zone is updated. [off microphone]

 ought to be able to show what will happen. It's important to recognize the effort to put on a data driven and analysis-driven objective of the study, not just simply how much is too much or -- those are all -- those all end up after you have really understood what the -- will show that -- and then it will be a matter for --

  >>AVRI DORIA: Can I interrupt a second? Are you speaking into a phone or a speaker? Because it's breaking up here, and we're having trouble picking up what you're saying. So, if you're speaking into a speaker phone, if you can speak directly into a phone, because we've been missing bits and pieces because it has been breaking up.

 >>LYMAN CHAPIN: Okay. Is that any clearer?

  >>AVRI DORIA: Bunches.

 >>LYMAN CHAPIN: Can you hear me more clearly if I speak into the handset is directly?

  >>AVRI DORIA: Yes, we can hear you more clearly. I don't know if you can still hear me, but we can hear you more clearly as you speak into the handset.

 >>LYMAN CHAPIN: Okay. I'll do that then. I also hear the same interference. I'm not sure what is on the line, but I'm hearing it at this end as well.

 If we move ahead to the fourth slide, this simply summarizes the status of the work so far. We assembled the study team in early May of this year. The announcement and opening of the public comment area happened about three weeks later. And all of our work is expected to be completed with the delivery of a draft report at the end of August. That 31 August date was chosen very deliberately so that it will, you know, appropriately feed into the public review and comment cycle leading up to the ICANN annual meeting in late October in Korea.

 We have -- do you have -- I'm not sure if the version of the slides that you have is five slides long or six slides long. If it is six slides long, then you have an additional slide I can talk to. If not, the last slide simply gives the e-mail address to which public comments can be sent and posted to the Web site. If you don't have the

additional slide, I think probably the most useful thing would be for both of us to entertain any questions that, Avri, that you and the council might have at this point.

>>AVRI DORIA: Okay, thanks. We don't have a 6th slide. We have the 5th slide with the address, as you suggest.

>>LYMAN CHAPIN: Okay.

>>AVRI DORIA: So, unless you want to speak to a slide that we don't have, are there questions for Lyman and Bill at this point? Yeah, okay. I see two. I see Chuck and then Marilyn.

>>CHUCK GOMES: Hi, guys. A quick question, Lyman. If I understood you correctly there, is it accurate to conclude that the root scaling study won't be done until Seoul, in other words, won't be done in time for DAG3, which is estimated to be produced in September?

>>LYMAN CHAPIN: The draft report will be completed and published and available by the end of August. There -- the -- the expectation with respect to Seoul is that the results of the study and any comments on those results that accrue after the delivery date at the end of August will be available for the board at their meeting in Seoul. The idea being, of course, that the results of the study are intended to be useful to support decision making and that the board would be able to take advantage of those results in considering how it wants to move forward and -- in particular, with respect to the new gTLD program. I'm not sure -- I assume that, even though the report would technically be a draft at that point, that the preparation of the third draft applicant guidebook could certainly take the results of the study into account.

>>CHUCK GOMES: That's helpful, thanks.

>>AVRI DORIA: Marilyn?

>>MARILYN CADE: Thanks. It's Marilyn Cade, Lyman. Thank you for this presentation. I'm still struggling with a question that I had asked you individually. And I'll just ask it, for the record, again.

I understand that the board asked for what I would consider relatively narrow terms of reference which focuses on the root zone scaling. But I'm, as you know, interested in the implications of these changes on the Internet ecosystem providers of tier 1s and ISPs, Web hosting companies and others who actually run the Internet, not those who distribute unique indicators or who are the directories of unique indicators. So could you say a little more about how you would see taking input from that category of the folks who actually build and run the Internet?

>>LYMAN CHAPIN: Yes. That category is, as you described it, is a

category that is, you know, is very much on our list of people who we want to talk to and people that we understand we very much need to talk to in order to have anything like a complete picture of, you know, how the root server operates but also how it affects the way in which people actually use the Internet. And so we will be making every effort between now and the completion of our work to talk to as many people, you know, would have that perspective as possible. Given the amount of time that we have available, we -- you know, we can't do nearly as much of that as we would like. But we're certainly going to do as much of it as we possibly can. There's a very important distinction that I think we need to make. And it doesn't really relate to the scope -- you know, the narrowness of the scope of the question that the board asked. It goes more to the difference between the effect of some of these things that we're contemplating on the operation of the root server system as a system and all of the other pros and cons and overarching issues and so forth that surround the question of, you know, how and under what circumstances and with what concerns and trepidations and safeguards and so forth we should be adding new entries to the root zone.

 And there is a large number of issues that we are aware of and that, as we go along, we're, you know, we're trying to document and record as much as possible that don't fit very well within the mandate that we've been given by the SSAC and RSSAC to look pretty specifically at the effect of all these things on the operation of the root zone.

 So I think what we're going to see at the end of this study we're going to have some what I hope will be very useful results that will help the community to make decisions and to have a, as I called it a fact-based an analysis-based discussion of some of these issues. But we will also have what I am imagining at this point will be a fairly long list of things that remain to be done. Additional work that might need to be done or additional -- or even additional studies that might need to be undertaken in order to completely understand all of the ramifications of some of the actions we'll be undertaking.

 >>AVRI DORIA: Thank you. Are there any other questions for --

 >>LYMAN CHAPIN: And the interference is getting really bad, so I'm having a hard time hearing, Marilyn, I'm sorry.

 >>AVRI DORIA: That wasn't even Marilyn, that was me, it was Avri.

 >>LYMAN CHAPIN: I can't hear because of the interference.

 >>AVRI DORIA: Exactly. So I was just checking to see if there were any other questions that anyone had at the moment. If not, I want to thank both of you for taking some of your break time between flights to do this and wish you happy flying and see you tomorrow morning. Or --

 >>LYMAN CHAPIN: One thing I did want to ask is if -- if you expect

to consider any of these issues during your agenda tomorrow and if so if you would like either or both of those to be available.

>>AVRI DORIA: I don't think we have them on the agenda tomorrow but I'll -- I'll get back to you if there is anything but I don't think so. But we had a whole different set of issues on the agenda for tomorrow so I don't think so.

>>LYMAN CHAPIN: Okay, very good.

>>AVRI DORIA: But thanks a lot. And safe trip.

>>LYMAN CHAPIN: Okay, thank you very much.

>>AVRI DORIA: Okay, thank you.

>>LYMAN CHAPIN: Good-bye.

>>AVRI DORIA: Bye. Okay, where we are at the moment is we essentially had another bit of time before Kurt comes back to do the talking of geographical names. So I'm wondering whether there were any other issues that it was worth using this half hour for. For example, I mean, one issue that I've sort of heard come up and then I'll open the queue is sort of trying to understand to what degree any of these solutions coming out of overarching issues are indeed issues, policy issues, that the council needs to look at, wants to look at, wants to come up with any positions on the GNSO wants to come up with any positions on. And is there something to discuss there. And, you know, several times people have said, well, doesn't this come back to the GNSO for discussion? I've had various discussions. And my first answer has been, "no," you know, we made our recommendations and the board approved them and they're going through implementation and then people have come and said, well, wait a second, these are policy issues. So it's the sort of question I wanted to put on the table and find out whether there is any work that we need to put on our agenda in terms of dealing with any of the possible policy implications of these recommendations that are coming out of overarching issues or geographic names. I had Kristina, I had Alexander, I have Tim.

>>KRISTINA ROSETTE: I actually was just going to point out that there was a fourth overarching issue and if, in fact, we were going to be getting an update on that.

>>AVRI DORIA: Perhaps when Kurt comes back.

>>AVRI DORIA: Okay and then Alexander?

>>ALEXANDER SCHUBERT: What Kristina just said.

>>AVRI DORIA: Okay.

>>TONY HARRIS: I don't want to presume, but looking at the ICANN Web site, there is a report published by a consulting -- two consulting companies on the fourth overarching issue which WAS THE economic justification, if I remember correctly. I believe the reports are already out. In case anybody wants to see them, okay?

>>AVRI DORIA: So, yeah. When Kurt comes back, I don't know that he had had it specific but certainly, you know, we can ask him to give an update on it unless someone here would like to do it in his stead. I didn't think so. Okay. Alexander?

>>ALEXANDER SCHUBERT: Alexander Schubert. Dot klc (phonetic). I don't know whether it's the right question but the number of registry operated domain names, is it an item that could be interesting? Because some of the new gTLDs may consider to run a broad part of the generic names base by the registry instead of auctioning them off, and in the past I believe there was something like 50,000 names that had been allowed to operated by the registry and maybe someone creates a system that needs more names operated by the registry.

>>AVRI DORIA: Marilyn, you had a --

>>MARILYN CADE: I have a question for clarification. I'm not aware that registries operate second-level domain names. There are situations where registries have proposed in their contract to for instance dot mobi had a unique approach to allocation to a certain group of names, but I'm unaware, as a matter of fact, I am fully aware, as one who helped to write this into the initial separation of registries and registrars, that registries do not, as ICANN does not, operate second-level domain names. So I need some clarification.

>>AVRI DORIA: Were you talking about reservation of names at second level or were you talking about actually running them.

>>ALEXANDER SCHUBERT: Yeah.

>>AVRI DORIA: Talking about reservations.

>>ALEXANDER SCHUBERT: No, me? I'm talking about operating. I mean, if you look at the existing new top-level domains, there are a bunch of new top-level domains already existing, right? And they all have a problem with their generic name space and so it's grabbed and held by speculators. And maybe some of the new gTLDs come up with another system on how to use the generic name space and if that name space has more than 50,000 names then there's maybe a problem.

>>MIKE RODENBAUGH: Yeah, I think what Alexander is saying, it may help to use a concrete example but correct me if I don't have you correct, Alexander, I think what he's saying -- so let's take, for example, dot golf. They want to reserve generic names like new york dot golf, like frisbee dot golf, whatever, and then either run them

themselves or run them through partners. My view of the current DAG is that there's no impediment to that.

>>AVRI DORIA: It's not addressed.

>>MIKE RODENBAUGH: I think it would be perfectly acceptable.

>>MARILYN CADE: Can I get back in the queue?

>>AVRI DORIA: Yeah. Is this on the same topic? Because I did have Tim next in the queue.

>>MARILYN CADE: It is. I just would suggest that we should probably defer that question to the legal counsel and if there -- just because -- it's my understanding, having been on the policy development process at one time but not at the -- obviously, at the end, I'm not sure that the new gTLD process -- new gTLD process was intended to throw out some of the existing legal parameters that existed in the -- in the registry contract in terms of certain divisions or requirements, so perhaps we could just refer that question to the legal counsel and whether it's covered by existing ICANN policy or practices and whether it -- the fact it's not mentioned in the DAG means it's not addressed.

>>AVRI DORIA: Jeff, you wanted to add something to this?

>>JEFF NEUMAN: Just to clarify Marilyn's point. You mean operating names other than going through a registrar? 'Cause as a trademark owner and a business, we have a number of domain names that we have but we have to register through registrars, you're talking about names that are utilized by the registry operator that never have to go through a registrar, right, that's what you're talking about.

>>ADRIAN KINDERIS: Yeah, yeah, that's what he means.

>>JEFF NEUMAN: Want to clarify that for the transcript or people reading it because we are allowed to have domain names.

>>AVRI DORIA: Tim?

>>TIM RUIZ: I think the current -- this isn't what I wanted to comment on but I think the current draft guidebook allows registry to be its own registrar to up to 100,000 domain names. So if that maintains -- and I don't understand what Alexander's asking about would necessarily be a problem, that's my thought but --

>>AVRI DORIA: I think he was asking whether 50,000 was the limit. Now you've just said that it's 100,000. Yeah, that's what it says. And even beyond that, I mean, right now a registry could -- has to register its names through a registrar, you can't register them itself. So -- yeah, so --

>>AVRI DORIA: Mike, you wanted to ask another question on this?

>>MIKE RODENBAUGH: I guess I was just going to follow up with what Marilyn was saying. I think clearly the new TLD guidelines were designed to consider new business models, including this kind of business model. I think this scenario was discussed during the new TLD deliberations at least once, but I'm sure several times. And there was simply no policy recommendation to maintain those rules and so they're not following through into the new documents.

>>AVRI DORIA: Okay. Thank you. Tim?

>>TIM RUIZ: So your original question was, you know, within these overarching issues are there things that we should be discussing as a council, is that --

>>AVRI DORIA: That was sort of the first question I threw out because in some of the earlier discussions I got -- and then people have come up to me and asked the question specifically so that's why I was throwing it out, yes, are we supposed to, are we meant to, do we need to...

>>TIM RUIZ: Yeah, I think it's a very valid question. I just don't know if there's an answer. Because myself, I don't completely understand, you know, what the direction is or what the intent is by the board in regards to some of the work that's being done. It seems to me that the intent is that it doesn't come back to the council, that these reports are done, there's community discussion, and then the board makes some decision. If that's the case, then we're kind of -- we're kind of out of it at this point. If that's not the case, you know, it would be good to know but --

>>AVRI DORIA: Well, let me add, actually from what I understand of the process, it's actually the board will be giving, I think it was called, a sense of the board on these issues. But, actually, won't be making a decision on them and that basically there's the community comment, there's the sense of the board and then there's the implementation team, including, I believe, what it thinks needs to be included based on the sense of the board and the community comments and then the board approves a whole package at the end of the game. Or the end of the process. Not to call it a game, because that's a word full of meaning. But one of the questions has been -- so, no, the GNSO is not seen in this loop at all, but several people have asked should the GNSO be in this loop at all. And, of course, one of the places where the GNSO can be in the loop is decide to make comments. Even if it's not taking apart a specific policy process, the GNSO can say, listen, we're going to discuss such and such, go to the constituencies and make a statement. As a GNSO. And so it's a question that I ask almost every time there's -- there's something is, is there something that we should do -- I've got three people, and then -- I've got Phil, I've got Jim, and I've got -- you want to add -- stop me from going on, please --

no, I sort of explained myself, yeah.

>>DAN HALLORAN: Just wanted to jump in the queue at some point to say, I was listening carefully the conversation and I think we'll go back and look carefully at -- you know, there is no new version of the proposed basic agreement for the registries that we've come out with since whenever that was before Mexico. So it sounds like some of the, you know, people need more clarity on what may a registry do, what can a registry not do in terms of reserve names, managing its own names and we'll go back and look at that.

>>AVRI DORIA: Okay thank you. Okay I had Phil, Jim, and then Marilyn.

>> Is there a microphone.

>>AVRI DORIA: There's the portable or there's the standup one.

>>PHIL CORWIN: Phil Corwin from the Internet Commercial Association, and on this issue of the GNSO role going forward we would urge that the GNSO have a very meaningful role because -- let me speak, and let me use the IRT recommendations and report as an example, although I think this could apply as well to the GO names and what's going on between the board and the GAC and other issues. Taking one element of the IRT report which is the URS or as I would call it the URSP, I think it's every much a policy, a proposed policy as the existing UDRP is a policy and while some -- while the IRT believes it would simply supplement the UDRP at new gTLDs, our analysis, it would largely displace the UDRP. We have very substantive concerns about it in terms of reduced due process for registrants, lack of really a meaningful appeals process, lack of effective sanctions for complaintant abuse and really -- and also would establish an overarching policy of we're going to have one set of rules for new gTLDs and -- as opposed to the existing set of rules for infringement complaints that incumbent gTLDs which we've disagreed with from the first, we've thought there was a need, while we recognize trademark interests with issues with the current UDRP, registrants do too, and we've been urging since early this year to have a comprehensive UDRP reform process. We think that the URSP and other recommendations of the IRT are very substantial new policies, and they would be the policies at the majority of gTLDs within a area or two when they come into existence. It may not be the majority of domain registrations at first but certainly the market of gTLDs and to allow them to go into effect without any meaning policy making review and role by the GNSO would set a very troubling precedent wherein, while it may be the IPC this time, it could be a different constituent next time, where they raise concerns and ICANN says we will allow you to form a short-term ad hoc group which you in a -- in essence control the agenda and the membership. And it will issue policy recommendations which will go into effect without GNSO review and the GNSO is supposed to be the body that makes policy for gTLDs. So we would urge that the GNSO speak out and assert a meaningful role going forward on this.

Thank you.

[Applause]

>>AVRI DORIA: Thank you. Okay, Jim?

>>JIM BASKIN: Jim Baskin from Verizon. I'm not sure whether the comments we're getting into were explicitly on the four issues but I think they do bring up some good things. And my question is if indeed the new gTLDs that are going to be proposed in this next round are to be allowed to develop new and different and un- -- not previously used business models, does that, then, pretty much automatically mean that the existing gTLDs under their current contract provisions will at some point in the near future also be able to utilize any new business model that becomes approved for any new gTLD? I believe the contract provisions do basically say any existing gTLD cannot be disadvantaged -- I'm not sure what the contract part is -- but basically, everybody gets everything anybody else gets. So I assume then, and I'm asking, would any new business models flow, then, almost without any restriction to the existing gTLDs?

>>CHUCK GOMES: Well, I don't have the language in front of me right here but I suggest you look it up in the agreements. I know that in our agreements, there is a provision that -- that there's some comparison to comparably placed registries, TLDs. It doesn't mean, for example, to use a very simple example, that dot com's going to get what dot museum gets. You know, they're very differently placed. So I suggest you take a look at that. It's not quite as broad as you express there that we, you know, in -- in that regard. But the agreements are all accessible and you might want to take a look at that and see how that's worded.

>>JIM BASKIN: Yeah, thank you. I wasn't sure if the agreements worked as broadly as I suggested and that's why I asked and you've given me some good feedback, thanks.

>>AVRI DORIA: Jeff, you wanted to add to this?

>>JEFF NEUMAN: Yes, just to agree with Chuck. I mean, it's -- you've got to look at this in specific situations. I mean, you always see people who make postings saying, well, if so and so gets this then it's automatically part of dot com, I don't think that's the true, it's absent substantial cause or something like that is the words in the actual provision. You know, look, we're all about increasing competition and leveling the competitive playing field. And if there's a new TLD that's allowed to do some new business model that for some reason was prohibited in the old regime, then you've got to do a competition analysis. And is there a substantial reason why that wasn't allowed and is now being allowed and can you look at the old -- the existing TLD -- for example, dot biz we're an existing TLD but we have less than 2% of the market. The concerns of dot biz being able to

introduce a new business model would be a lot different than let's say dot com which is a lot of percent of the market. You know, so the answer to your question is it depends, right? So I see all the time if new TLDs aren't price capped, then, all of a sudden dot com's not going to be price capped. I see that I can't tell you the number of times we see that posts, that's just not the case, that's not what the language in the agreement supports. There is a competitive or a competition analysis that needs to be done.

 >>AVRI DORIA: Thank you. Marilyn, I had you on the list. Did you actually want -- 'cause I wasn't sure.

 >>MARILYN CADE: Yeah, I did. Could I just suggest that when we talk about the GNSO policy council submitting comments that we're very careful to use that term? The GNSO policy council? The GNSO itself is the Supporting Organization. In order for the GNSO to develop a position, I think we'd have to have a fairly complicated process that allows the constituencies themselves to figure out how they're going to put forward a, you know, a position, take a vote on it, et cetera. And they do have a mechanism, of course, to do that on policy proposals. But there is also a timing factor of being able to do that. So if we're proposing a statement from the GNSO policy council, but a call for a GNSO position, I think -- that's actually very time consuming to develop.

 >>AVRI DORIA: Yes, ma'am. I think, though, and I think Jeff will comment on this slightly, is that the distinction sometimes gets a little blurrier and the ability of the council to perhaps send a comment without going to the constituencies may be more limited than one can actually pinpoint. Jeff, would you like to add to that?

 >>JEFF NEUMAN: It would be a lot stronger. I believe that the GNSO Council should never issue a statement without going to the constituencies first or allowing their input in their -- I mean, I -- I -- people on the council knows this and my own constituency knows this, I was very annoyed at the fact that the GNSO Council responded to the GAC letter on geographic names and that didn't go through full constituency reviews. There was a drafting team that was put together but it was -- at least maybe it was my faulty expectation, but my expectation was like any other drafting team, when they draft something, at that point then it goes to the constituencies so they can all review. Because everyone and every constituency can't be a member of every single drafting team. So I kicked myself because I wanted to provide input on it but I didn't have the time to be on the drafting team and then all of a sudden the drafting team comes out with a statement and then within a week, I think almost -- I think it was less than a week, on Monday, and then on Thursday or Friday the statement is submitted. And I know the GAC only gave us a week which is an abomination because these are the same people that require at least three weeks to read a document to comment on it and they give us a week and we just accept it without going back to them and say, are you nuts?

But the main point is I don't think the council should ever make a statement on a policy decision without going through the constituencies. 'Cause we didn't elect -- maybe I'm speaking only for the registry constituency -- but I know we didn't elect our councillors to come up with substantive policy decisions without consulting us.

 >>AVRI DORIA: Yeah, and this is a discussion that we have also on the table for Wednesday and one of the things that has come up is a discussion between consistency with a policy that's already gone through the process versus whatever. But -- so it's definitely one where we have a whole bunch of variable -- various viewpoints on at the moment so it's an open discussion. Yes, Philip.

 >>PHILIP SHEPARD: Certainly, in the recent example when the BC shared Jeff's discomfort with that particular policy statement which is why we as a constituency did a very short consulting and decided, in fact, to abstain on the issue, made a point to abstain, because we felt it was appropriate at that point. We're not quite as black and white, I think Jeff, as you are, in terms of elected representatives should never speak on behalf of those who elect them. I think we tend to feel that there are times and issues where it's appropriate that your elected representative does so do, but I also understand, of course, that from users perhaps in a group where there was greater commonality of purpose as opposed to a group who were competitors, there's a great difference in that. And that needs to be recognized also in terms of the ability of council in terms of consulting. And on the issue I think that brought us to this question, my feeling is anything that could be done at the GNSO Council level would be so top level and anodyne as to be useless compared to the aspiration I think that was behind the question which is wanting much greater in-depth consultation which I think is essentially a -- not a bad idea so long as we accept the many months of delay that that would inevitably cause.

 >>AVRI DORIA: .

 >>JEFF NEUMAN: (Speaker off microphone).

 >>AVRI DORIA: Sure.

 >>JEFF NEUMAN: Phil Corwin, are you still here? Ahh. So let me ask you that question. So you think -- so you said you recognized the issues that trademark owners have. And you said -- so you said that these issues should be looked at, they're a policy process. So is it your view that the new gTLD -- is it your members' view that the new gTLD process should be delayed a couple of years until all these policy issues should be -- could be figured out through former PDPs?

 >>PHIL CORWIN: It is my view, and I don't want to be -- you know, the question is a leading question. We're not advocating a multiyear delay, but we are concerned that a process has been put in place which addresses one group's problem with the existing UDRP and gives them an

opportunity to do so in the context of this new gTLD launch while we believe has not fairly included the registrant point of view and I hear many complaints all the time from registrants with the UDRP and new types of abuse that they feel that they're subject to. And I do believe that when you look behind the veil, I don't want -- and I want to make sure that -- that no one characterize my statements in any way personalizing this to any member of the IRT 'cause I believe they try to do the best job they could under the circumstances. They saw a process, a train speeding down the track, which caused them considerable concern, and trademark interests articulated their concerns in a very vocal way and got the board to announce in Mexico City that they were that they were authorizing the IPC to create this group which they essentially control it, I mean, I don't want to say it's a sham in any way but when you look behind the veil there's not a huge degree of difference between the IRT and the IPC and the IPC was certainly in control of the agenda and the membership of the IRT, and we wouldn't permit any constituency to recommend major policy changes and have them implemented for some or all gTLDs without going through the regular GNSO processing yet that seems to be what's going on here. So I don't want to be in the position of saying we advocate multiyear delay and I have members who say -- who have said we should just oppose all new gTLDs, period, and I've said that's not a sound position, nor would it be an effective position, frankly. But I think just as -- the trademark owners saw a train coming down the track that they didn't send out of the station or doesn't make the designation and thought they'd be harmed by it. We now see, in reaction to their concerns, major -- I don't think you can really argue, again, some might, but what the IRT has proposed in the URSP and I would call it P, because I believe it displaces, really replaces substantially if not entirely the UDRP and new gTLDs, we don't want to see policies implemented that, in our view, are one side have not taken our registrant concerns into adequate account in the recommendations.

 So I think they've been in a difficult place now we find ourselves in a difficult place. The process has put a lot of people in a very difficult place. And I don't know -- I can argue process, and I can argue substance. And we're not trying to be a road block to new gTLDs. We think there's a need for the introduction of new gTLDs in a sound and uniform and understandable format. Nobody wants a replay of dot.xxx. But we feel compelled, as we see what's going on and we see a train coming down the tracks at us, and we rightly suspect that, if these IRT recommendations are adopted in whole or in part that there would be calls in a fairly short time -- I would guess no more than one or two years -- to say it's worked so well with the new gTLDs, let's impose them at the incumbent.

 I know, Jeff, when I made that statement at the IRT in San Francisco, you were in agreement. I think we should all recognize what's going on here, which is we're seeing major policy proposals for what will be the majority of new gTLDs proposed and possibly adopted without going through the normal process. And --

>>CHUCK GOMES: Okay, Phil. Let me cut you off there. We're actually now a little bit past our break time. And we only have a 15-minute break scheduled. We don't have to take a break. But for those of you who need one, we have learned that the Australians don't give us much leeway with regard to breaks. So I want to point that out.

Now I have two people in the queue, I have Kristina and Kathy. Is there anyone else that wants in the queue?

I would, just for the sake of those who may need a break, I would ask that the remaining comments be as brief as possible. Thank you. Kristina?

>>KRISTINA ROSETTE: I just want to make several points, for the record.

First, it was the ICANN staff and the board that identified the trademark protection issues were an overarching issue. And it was the IPC that decided to actually try to propose a solution to that. So it is not the case that the trademark community said, "This is what we're going to do." We put ourselves in -- we, basically, offered ourselves up to, if you add the dollars up, to about half a million dollars worth of free legal advice to ICANN to try and get some solutions so we can move this process forward. And, obviously, you and I can have -- can agree to disagree on the process. But the board resolution itself set the agenda for the IRT, and we followed that to the T.

Finally, they made that very clear to us. And, to the extent that you have a dispute, I would suggest you take it up with them -- that these are implementation recommendations. And, finally with regard to the URS itself, there was a question posed to you in San Francisco as to whether or not you had suggested changes, suggested revisions to the URS to address some of the concerns that you'd identified. And at that point you weren't in a position to present those because you hadn't had a chance to discuss them with your members. But I would hope that by now, six weeks later, you've had that opportunity. And, to the extent that you do have suggestions for identifying deficiencies, I would encourage to you articulate those.

I think it's -- at this point it's incumbent on the rest of the community to, instead of just shooting holes at it, to come up with some constructive criticism. If you see a problem, identify the solution.

>>CHUCK GOMES: Just to interject here, I have had the understanding that the comment period on the IRT will probably be extended a week. Has that ever happened? Do we know?

>>KRISTINA ROSETTE: Yes. Until July 6th.

>>CHUCK GOMES: July 6th. So everyone should be aware that there is a public comment period open now to submit comments. And it's very have important that we do. Kathy?

>>KATHY KLEIMAN: Yes, but only the first two days will those comments be considered. I'm sorry. It was odd to find out that there was a 30-day comment period on the draft where only the first 10 days were being considered.

I'm Kathy Kleiman. I'm a co-founder of the noncommercial users constituency, coming back to the ICANN arena after a few years.

I wanted to address Jeff's question about delay and whether registrants are seeking delay by asking for further evaluation of the IRT report.

And the answer is no. Registrants don't want delay. At least in the noncommercial constituency we've been waiting for new TLDs for a long time. We'd like to see them come forward. But not with an IRT report that, by its own admission, included trademark owners, registrars and registries, but not registrants. It really does need to be evaluated from a registrant perspective and from a concern of what the harm is to registrants, what the rights are that some of us worked so hard to put into the UDRP, what's been stripped out by an express process that doesn't have the same due process and notice. And, yes, so, to the extent that things need to be reviewed, we should be doing that. But also the delay that would come from setting up the IP clearinghouse, the delay that would come from setting up the global marks list. We should think about that. That is going to delay the new gTLDs as ICANN takes on charges and mandates beyond its mission and scope. So, when we think about delay, not just who's asking for evaluation but what we're asking for evaluation of is something we should think about.

>>CHUCK GOMES: Thank you, Kathy.

Jeff, can you be brief, please, so we can give five minutes or so for a break.

>>JEFF NEUMAN: Phil's absolutely right in the sense of you should absolutely be thinking about a URS or anything like that in terms of all gTLDs. Because I think you're right. If it works, if it's deemed to work, then certainly people are going to ask for it in dot com, net, biz, and all those. You should think of it in that term. The second thing is: The frustration I have a little bit with what I'm hearing is I know I put words -- it was a very leading question about delay. But the real question is: I keep hearing people say I recognize that trademark owners have an issue. And then a lot of thrashing a lot of the proposals that are being made. But I'm not hearing a lot of solutions as to how you would solve the issues which you have admitted are issues. And that's -- and I'm a registry. I was the lone registry on the IRT trying to come up with ways to implement some of the

concepts. But, you know, so I'm trying to present solutions to -- I do see the trademark problem. And I think a lot of us see the trademark problem. And, unless you can provide concrete solutions, then all I'm hearing is, "I know you've got a problem, but I don't really care to deal with it or I don't know how to deal with it so just don't deal with it." And I'm trying to figure out what it is. Sorry, took too long.

 >>CHUCK GOMES: That's okay. Thanks, Jeff.

 Let's take a 10-minute break. We are going to need to get -- there are two sessions remaining. The next is geographical names at the first and second level. It's probably going to be mostly on the second level. And Kurt will be giving a presentation on that. This is a very important issue because we're meeting with the GAC tomorrow at 5:00, and this is the topic of discussion. And we really need to in the GNSO have a good feel for where we're at on this. We may not all be on the same page. So I encourage good participation in this session so that we know before our meeting tomorrow with the GAC where we stand. Thank you.