

**Transcription ICANN Los Angeles  
Joint ccNSO – GNSO Council meeting  
Monday 13 October 2014 at 17:00 local time**

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(Jonathan): All right everyone. If we could have your attention and get ready for our joint meeting.

So we were scheduled for 5:00 originally. We've scheduled later for quarter past 5:00 and it's now 5:30. I think we've got a relatively succinct agenda, so hopefully we can have a productive meeting, but with not spending an unnecessary amount of time on it.

Thank you.

So really, we've got a relatively familiar structure at this stage, which is obviously welcome and introduction and pleased to have both groups here. I mean, we seem to have found a format which works and which is productive. (Byron), I don't know if there's anything you would like to say just before we start working through the - okay. So we're happy.

(Byron) and I have been doing a double (unintelligible) for the best part of the day in various meetings.

John?

John Berard: Before we start, I would like to wish (Alan) and (Byron) a Happy Thanksgiving.

Man: We're Canadians and today is our Thanksgiving.

Thank you, John.

(Jonathan): That's fellow North Americans then. And you'll have some empathy, because most of us don't know what Thanksgiving is, do we (Gabby)?

(Gabby): Well, see I wouldn't. (Unintelligible).

(Jonathan): Nevertheless, it's not culturally universal.

(Gabby): No, (unintelligible).

((Crosstalk))

Man: (Unintelligible).

((Crosstalk))

(Jonathan): My colleague from North America over here thinks that it should be universal. That - all right, so we have a couple of progress reports from the community working groups by the co-Chairs. We've got the use of names of countries as TLDs and the framework of principles for CWGs.

So do we have someone available to talk about the use of names of countries as TLDs? I think we do. Wonderful.

Thanks, (Heather), I would - I hadn't seen you there.

Welcome, (Heather). Let me hand over to you.

(Heather): Apologies, (Jonathan). A bit of a sidebar there as to whether we had the slides.

I believe that the Councils for both the ccNSO and GNSO received at least a week ago a progress report from the cross-constituency working group on country and territory names. If not, please let me know and I'll make sure that that gets to you.

What that report contains is essentially a summary of the work that we've done since forming the group earlier this year in - I guess work essentially commenced in Singapore.

Really up to this point, the group has been focused on reviewing the findings and conclusions of the study group on country and territory names that was convened by the ccNSO. We have found that the study group's conclusions remained valid. Principally that the use of country and territory names in the domain name system has not changed since the time of that report.

And with that as a platform, understanding the use of country and territory names, we'll now progress to attempting to scope issues in relation to the continued use of country and territory names as top level domains and how that might be addressed.

I'm happy to answer any questions that you may have. As I say, our next task is (Ian) - I suppose reaching a determination as to whether a framework can be developed. And if so, how we might even begin to work on such a framework.

(Jonathan): Thanks, (Heather), so we've had the independent report effort to me (as they say). Are there any comments or questions? Any responses to - any thoughts?

John?

John Berard: This is John Berard. Did I see something from the GAC on country names today? Yesterday? And then does this tie into the request that NuStar has made for two letter second letter domain names?

(Heather): Thank you, John. Both very good questions.

There are in fact two parallel efforts in this area. They overlap, if you like. They're concentric circles, but the overlap is not 100%.

The GAC initiated some time ago earlier this year a working group on issues relating to next round, and part of that working group is a sub-working group, and members of that sub-working group, and that group focuses on geographic names, so GAC working group with a sub-group focusing on geographic names, has put together a proposal that was tabled essentially to the community in London and will be discussed again here in Los Angeles on Wednesday at 9:15 in the morning.

And, that specifically - this proposal put together by particular members of a sub-group of a GAC working group.

Now I say the two efforts overlap but not entirely in a sense that if you read the proposal and the members of our cross-constituency working groups have read the proposal, the GAC sub-group proposal, the GAC members authoring this proposal are looking at a much broader set of names. Geographic and if you like nationally - names of national interest. Cultural interest, religious interests, this sort of thing.

And indeed, the definition of geographic names covers such things as monuments and rivers and this sort of thing; whereas the scope of the - of our cross-constituency working group is really very narrow. Its country and territory names.

One of the things that the study group attempted to do in 2012 was to try and understand, well, what do country and territory names mean? But our remit really is national designators and languages that they might be represented in.

I would encourage everyone that's interested in this issue to attend the 9:15 session offered by the GAC. What we have done is we've invited the GAC working group members to our country and territory name cross-constituency group which meets on Thursday at 8:00 am in Westwood, I believe it is, to try and understand in the spirit of collaboration and communication across the community exactly where we all are in terms of status, what the GAC members who've authored this proposal see as next steps.

It'll be particularly helpful I think in that that session will follow Wednesday's opportunity to provide community feedback to the GAC proposal. And I think it will be useful to understand and acknowledge as a base point that we have two very separate tracks running on this issue. And, try and understand at least you know common understanding on this issue.

As to the second aspect of your question, John, does it relate to changes within existing TLDs? Not directly.

(Jonathan): Comments? Question? Any other points?

Okay, thanks very much (Heather).

John, I think we might be over to you on this next one.

John Berard: Thank you, (Jonathan).

First of all, let me ask has there been any update on (Becky Burr)'s participation, arrival or not? Has she decided to come or not?

(Jonathan): All I can say is we had a meeting earlier today in which she was a remote participant, which suggests that she's not here.

John Berard: Well I knew that, but she - and (Byron), do you have any further insight on it?

(Byron): My understanding is she's not going to be able to make it.

John Berard: Okay.

(Byron): Face-to-face, but will only participate remotely.

John Berard: All right, well that's good.

(Byron): Unless Keith, do you have more up-to-date information?

Keith Drazek: The same, but more recently, four hours ago, she was still trying to get medical clearance to come, and so she's hoping still - she's still trying to be here for the morning, but...

(Byron): Day-by-day I think they say in (pro sports).

John Berard: All right, so (Becky) and I are the co-Chairs on the framework of principles of cross-community working groups. We have made - we have had quite a bit of fun over the last six, seven months with the notion of a cross-community working group on cross-community working groups. A bit of a hall of mirrors.

But in fact, as we have seen a proliferation of cross-community working groups as almost a default position for decision making inside ICANN, it's

become increasingly important I think that we take this even more seriously than we have.

The goal here is not to dictate terms. We decided early on, and Alan was a part of those early discussions, that - to try and dictate terms would be to set ourselves up for failure.

But instead, we are trying to create a guardrail essentially. A range of potential activities that can help organize, operate, and gain endorsement for the work of a cross-community working group.

We've discussed the elements of chartering such a group. We've discussed the membership in such a group. We've discussed in fact the - an approach to consensus that is much more in keeping with what the ccNSO does as opposed to the five stages of grief that the GNSO engages in.

And, I believe that we will be - on Wednesday, when we meet at 11:30 - yes, it's 11:30 on Wednesday, that we'll be in a position to take the working group through a - as if we were A/B testing our software, our program. Do you like this? Do you like that?

Or maybe if you're familiar - if you've been to the eye doctor lately, when they flash the which is better? A/B? B/C? The idea being that - to get a better sense more quickly of the range of activities that we would like to assert as guidelines for the creation, operation, and ultimate endorsement of cross-community working group products, so...

I would - Alan, if there's anything you want to add as a member of the working group, I would greatly appreciate it, or you can just take a pass.

Alan Greenburg: No, I think you've covered it. I don't think I have anything real to add. The working group is taking a very pragmatic view that we don't know which communities might be part of some future cross-community working group

and we're trying to be as generic as possible, and yet still provide some guidance.

So the only - the final thing that I would say is that if we are successful, it is pretty clear that the energy for that success has come from the GNSO Council and the ccNSO Council. So while credit is short-lived often, I think for as long as it does live, we can lay claim to some of it.

(Jonathan): Great.

Have you got a timeline for the work? Did I miss that?

Alan Greenburg: We don't have a - a timeline for conclusion will be a product of our work on Wednesday. If we are successful in achieving as much as I hope we do, then I suspect that by the time we get to Marrakesh, which sounds like a bad (Pope Road) movie actually - by the time we get to Marrakesh, we should be fairly well done with the guidelines.

This is not vertical integration.

(Jonathan): No.

I do take your point about the concern that the groups are catching up with developments, but that's no bad thing. I mean, there's real life experimentation going on, and you know even if you end up summarizing and capturing that experience that actually works and embellishing on elements, so it doesn't feel like a bad process to me.

Any other comments or questions, or input on this? Strong feelings about it?

(Mason)?

Okay.

All right, I take your point and agree strongly that this clearly works. That (unintelligible) - I mean Chuck got me going on this very early on, and we didn't get it completed as fast, so that technology is sort of foresightedness in recognizing that this is going to become the issue that it now is. But, we seem to have managed to make progress with some of these groups, notwithstanding the fact that we don't have the formal framework.

But ultimately, I think having the framework is going to set us in the right place.

All right, let's move on then to Lars. Is there something I'm missing?

John Berard: Lars is just concerned because I totally ignored the slides, which is which is what we're taught to do in making presentations. Don't read your slides, right?

(Jonathan): All right. Lost for words on this one. Perhaps I need a slide.

There you have it.

Now Item 3, full stop. Hot topics. So we've spent quite a bit of time in two separate sessions today talking about NTIA stewardship transition process, the work of the CWG and enhancing ICANN accountability. Clearly, things have moved on as far as - and particularly accountability track since this agenda was envisaged.

I think it might bore people, at least (Byron) and I have heard various bits of the background and points on this, if we went through it laboriously. I'm tempted to just throw up this into kind of a free-form discussion. I don't know, (Byron), if you'd like to frame it any differently, but it seems to me that we could just have the opportunity for any comments or any sort of points in particular on these.

If anyone wants clarification, if anyone feels they've missed the meetings or would like any kind of update?

Wolf-Ulrich?

Wolf-Ulrich Knoben: Wolf-Ulrich Knoben speaking.

I don't need an update, but I have a question to you in this respect. I saw on the ICANN main schedule that the ccNSO has different meetings, (unintelligible) meetings for these items in a closed room. I was interested just to enter there but it wasn't possible to because they were closed meetings.

So my question is here - is the GNSO also planning to have closed meetings for their part in preparing for the IANA transition accountability and how to match this together? If that's - I don't feel comfortable to stay in front of closed doors.

That's my comment.

Man: Maybe a comment of clarification for us. Generally speaking, the ccNSO meetings are open to anybody who wants to sit in on them all day Tuesday, all day Wednesday, where we'll be discussing this at some length. I'm not sure exactly what you're referring to in terms of closed door meetings on this subject.

Wolf-Ulrich Knoben: Just look at the main schedule of ICANN, of this, so there are - there's a line of (unintelligible) meetings with C behind that and there's a link, and if you go to that link it points you to that - to the ccNSO Web site which also refers to a closed meeting.

Did I misinterpret something, or...

Man: Well I do admit I don't have the schedule memorized. I'm just - I'm not sure what meeting specifically you'd be referring to.

I mean generally speaking, the ccNSO's meetings are open. I don't know, Bart, did you have a comment specifically on the - on this issue?

Bart Boswinkel: Yes. The ccNSO working group's meetings are generally closed in the sense of - that's why - they're not really closed, but to make - enable the working group to make progress. That has been a longstanding tradition of the ccNSO.

And maybe you've been referring to the prep Council meeting this morning. That is an internal meeting preparation for the whole week. That one is particularly for the Council. It is dividing the work along these lines.

Again, that has always been traditionally closed.

If you're referring to the Coordination Committee meeting, again that is a working group that is establishing and that is again a usual working group meeting. The ccNSO meetings themselves where they feed into and what they are doing, they are generally open.

But if you would look and go into the - look in the past, these meetings has always been closed on a working - yes, as these are real working group meetings itself.

(Jonathan): Any other comments? Questions?

So we're all either exhausted or completely clear.

Avri?

Avri Doria: I just wanted to think out loud for a second on this before it went away.

Since in the cross-community working groups, and in that whole notion we always say - and by the way I apologize for being a terrible member of that group. So terrible that they don't even remember I'm in it. But since we tend to have a notion that each group within a cross-community working group does things by its own normal processes, even if they are completely closed, while it's something we could bemoan and have an opinion on, it doesn't seem like it should get in the way, if that's - I mean that's sort of the - as people were talking, that was the notion that was going through my mind is we're always very specific to say - and each group will do it in - according to its own procedures.

So that would seem to me - to therefore mean it was okay is what I was saying.

(Jonathan): Fair enough.

Any other thoughts or points in relation to that?

John?

John Berard: This is John Berard.

Only to the extent that the first few days in this meeting seems to have created a brand new set of circumstances. I mean there are different - I'm not even sure that I fully understand how all the pieces fit - pieces. I don't want to talk about - that was a Freudian slip. How all the pieces fit together anymore.

I mean, what, with Fadi's conversions, or like St. Paul on the road to Damascus, we've - you know, we've - everybody seems to be quite happy now that we've got separation between accountability and IANA transition, and we had the Secretary of Commerce this morning making her claim of commitment to an open Internet.

So I mean, it strikes me - it seems to me that there's been a tamping down of anxiety on this issue. Is that - I mean, I haven't been paying as close attention as others who follow Internet governance with a passion, but it strikes me that it's in - always, there seems to be a lessening of anxiety over this.

True or false?

(Jonathan): Welcome to California.

John Berard: (Unintelligible).

(Jonathan): Look, I would - I mean, anyone else is welcome to - I mean, I think there was - clearly was a big change in terms of the accountability work stream - or accountability track of work. Keith, I don't know if you want to say anything about that, but it's clearly been quite a sizable change, and that was - that's been percolating through from Friday night when we first heard about it orally, and then it came out on the wires - you know, on the email overnight.

And I think that certainly took the sting out of the concern in and around the accountability track. So that's one element.

And then - I mean, it's - I guess my - one of my personal concerns, which is not strictly to do with this area, but has been about how much senior management, if you like, is focused on effective functioning of ICANN operations, and in fact also the policy making function. And, Fadi seems to have addressed that and said that's an ongoing key area of focus and it's got a different level of emphasis to all of the external works.

So that - and if others wish - had that concern that might've, you know, calmed things down there.

Keith, let me see if there's anything you want to add or...

Keith Drazek: Yes, thanks, (Jonathan). Keith Drazek.

So John, I think to answer your question, I think the answer is yes. Is that I think there is quite increased comfort, if you will, in where we stand today compared to where we were a week ago or even just a few days ago.

I think you know without getting into the gory details, there has been I think a concerted effort among the SO/AC/SG/NC leaders over the last several months, and I think certainly with others in the community as well, to try to ensure that the process for the accountability discussions in particular are in the hands of the community where they belong. And that the process is structured in such a way that the community in a bottom-up consensus way can come up with recommendations that are not unduly influenced by external experts or other structures or mechanisms.

And that at the end of the process, the community will be responsible for submitting a recommendation to the Board and that there will be a clear and predictable path for the Board to accept those recommendations ideally.

And if in the event - in the hopefully unlikely event the Board cannot, that there is a referral practice or a referral mechanism to send it back to the community rather than just cherry-picking or rejecting a recommendation.

And I - so, I think where we were a week ago or a month ago, it is clear to me -- and I think to many others in the community -- that ICANN was trying to either - at least the appearance was to dictate a process that would allow them to influence or control the inputs and ultimately influence and control the output of the process.

And I think over the last several months, as a community we came together in an unprecedented way, putting markers down and basically ensured that the

community is in control of this process now. So we have a lot of work to do. And, I think there's still a few questions that need some final clarification.

But to answer your question directly is I feel a lot better today about this process, and I'm looking forward to getting to work. But, a lot better about the process than I did a week ago. So I hope that helps.

(Jonathan): Please go ahead.

John Berard: Yes, thank you Keith. This is John.

So I sat in on the beginning of the Fadi press conference with (Steve) this morning, and the first question was are you open to a check on the Board's decision making? Some - are you open to that or is that a non-starter? And Fadi said - his response was, "We'll let the community tell us what needs to be done."

(Steve) was a little bit more forthcoming, saying that he didn't really want to set up another organization or entity that might cause more problems that it would solve. Ultimately, the buck needs to stop somewhere.

So I guess it's - as I listened to it, it struck me that while we've seen the acceptance of much of what the community has asked for, that I was reminded, being here in California, of Ronald Regan - President Regan, who's phrase was, "Trust but verify." So I think we probably should keep that in mind.

Keith Drazek: Yes. No, I completely agree. Keith Drazek again.

No, I completely agree with that. The sentiment certainly. And I think the reality is that there's a lot of hard work ahead of us. And that I think we made a lot of progress in securing a process that we can trust, but there's still a lot

of work to be done. And by no means, are we assured of the accountability mechanisms we may want. And, I think that that fight is still ahead, if you will.

You know, if you're talking about the questions of specifically about, you know, some sort of an external body that the Board would be subservient to or an appeals mechanism, or a redress mechanism, I think all of those need to be discussed. But my understanding - and I'm not a lawyer, but under California not-for-profit law, the Board cannot be subservient to another organization.

So, we may have our hands tied in that regard.

So I think if that's true, then we need to find other ways of an appeal mechanism or redress mechanisms that are perhaps internal to the community as opposed to an external body, but that are I think more I guess meaningful than what we have today.

Thanks.

(Jonathan): Thanks, Keith.

Alan? Did someone else have a hand up? James?

Alan Greenburg: Just a quick comment and I don't have a magic answer, but listening to Larry in the last session, Larry Strickling, he and they clearly expect some mechanism to cover a Board doing things which everyone thinks is wrong. So there's got to be - whether it's a recall process or an overseeing process, they're expecting something.

(Jonathan): And also just to add another note before we go to James, they also - he also seemed to make it pretty clear that he wanted a consensus view from the community, and that community stretched as far as the Board - it included the Board rather than the community's recommendations to the Board.

So that was an interesting nuance that we may not have heard before.

James?

James Bladel: Is something wrong with this microphone?

So just - James speaking for the transcript. Just to support Keith's latest comments. And we actually touched on these issues in (ATR1) in trying to determine what the proper mechanism or structure would be for accountability for the Board, and he's absolutely correct. This was covered I think in the (Beckman) Report, which was an annex to that (ATR1) report. That that body, or whatever, would then legally become the Board if it you know could somehow overrule the Board.

What - two of the things that we discussed, and I think are also explored in that report, are some sort of a community vote where all the different SOs and ACs could possibly vote, and I think that goes to his point about being accountable to the community itself.

Or, splitting the Board into two. One being like a legal Board and one being a policy Board, and then you know separating those functions so that you would still be able to provide that oversight without running afoul of California law.

So I mean, all those things were explored, and I think - you know, I'm hoping that this effort will dig up that (Beckman) Report because I think there are a lot of good ideas and a lot of good things were examined. Some ideas were thrown out for very good reasons. I know (Byron)'s was here. He probably recognizes they have member votes and we even considered, you know, what that might look like in the ICANN framework.

So, I encourage them to take a look at that report mostly because we paid a lot of money for it, and I don't think it went anywhere, so you know if we're going to reopen these questions, I think you know let's not reinvent the wheel.

(Jonathan): James, can you - I missed it perhaps, but what is the (Beckman) Report? Where did it come from?

James Bladel: Sorry. Berkman. I'm sorry. And it was part of the first accountability and transparency review team, and it was a very lengthy effort that was supporting the work of that review team. And it ended I believe at the Cartagena meeting in December 2010.

(Jonathan): That certainly looks like something to feed into the - to be formed, accountability working group. That's interesting.

James Bladel: Yes.

I mean if nothing else, it's a giant bread crumb that can help them maybe find their way back to those conversations.

(Jonathan): I think we might have got to Item 4, which takes us very quickly onto Item 5. Let me read the slide. (Thomas) - oh, right.

(Thomas): John, you shouldn't be laughing because what I'm going to say affects you.

As you well know, John is an outgoing Councilor and he will not further serve as ccNSO liaison, and I just would like to recognize all his efforts. At least I, as a Counselor, have felt very well informed and I knew that this position was in very capable hands, so thanks so much.

Man: And I'd like to echo that on behalf of the ccNSO. We have felt very well informed and have benefitted significantly from your contributions to our side of this collective house. Thank you. And done it with wit too.

John Berard: And at 5:00 every time.

(Jonathan): Tough act to follow in more ways than one.

All right, so reading from my slide, (four-dot) is closure, and (five-dot) cocktails.

END