| Heather Dryden: | Again, thank you to the Board for meeting with the GAC this week in Singapore. There are a couple of agenda items that we would like to propose for what I understand is a short meeting today; we're hoping to end at 6:30. |
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First of all, we'd like just a brief opportunity to comment regarding new gTLDs. Also we would look for an update regarding the ATRT recommendations. And I understand that you have an agenda item that you would like to add as well.

| Peter Dengate Thrush: | Yes, we have some reporting on the WHOIS studies that we can take you through very quickly, and we have a letter to explain that. Thank you. |
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| Heather Dryden: | Okay, so first of all, regarding new gTLDs the GAC notes the decision that has been made this week regarding new gTLDs, and we understand that a lot of work has gone into the discussions and all of that that has led up to the decision that has been made. There has been progress. Of course we are disappointed that not all of the GAC's advice has been taken in and reflected in decisions, and we have particular concern in those areas where we have a public policy, a strong public policy interest. |
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We do need time to further analyze the decisions and the rationales that have been provided regarding the decision and its impacts, and as I mentioned there are areas, particular issues where there is

going to be a need for further consideration and next steps and so on. So with that, some of my colleagues around the table may have particular questions regarding timelines or next steps to be undertaken regarding particular aspects of issues regarding that program.

So with that I would like to open the floor to see whether GAC members would like to comment on those aspects. No questions at this time? Italy?

Stefano Trumpy: We just received this paper, regarding the remaining (inaudible) differences between ICANN Board and GAC, and we would like to know something more because we received it just now; especially about the timing and the shortly, the activities that you propose to follow on, and when this will arrive in your mind for a final set or what you perceive as a final set.

Steve Crocker: Thank you, Stefano, or I should say Italy. The timing of the letter, we simply didn't know what the agenda was today and we wanted to make sure that we thought of "Okay, what can we bring up?" – some items that we've been handling in the past, we're making some progress on. Or hang on…

Peter Dengate Thrush: He's talking about new gTLDs.

Steve Crocker: Sorry, I missed it – a miscue. Sorry.

Peter Dengate Thrush: I was just discussing with Heather, the easiest answer I think is to put the timeline that forms part of the Resolution. I don't know if we can do much more than put that up and discuss that. Well, I think it's the timeline for the program but I'd be happy to have that clarified. Sorry, perhaps you could help us – we're not quite sure what timeline you're referring to. We assume it's the timeline that we refer to in our Resolution, but if it's not that what else can we help you with?

Stefano Trumpy: The, what you expect and what you propose in the further interactions that we are going to have, the GAC and the Board; when you see and when you want to conclude, and eventual conclusions that will be affecting the final publication of the Application Guidelines. So because there is some work that you are still doing to finalize the document before the launch, I would like to know what work you propose, you see to continue the discussion of the points that are discovered in this document.

Peter Dengate Thrush: Again, we're having trouble because we're not aware of any areas in the Guidebook that are open. We've approved the Guidebook in a particular format, but Kurt might be able to… Is there a

particular area that you're aware of that we haven't covered off? I'm not sure that there is.

Stefano Trumpy: Excuse me. You mentioned in the decision of the Board also the questions that appear in the letters you received from European Commission or from the US government. So what are the steps forward in these issues that are still, let's say not yet defined?

Heather Dryden: Australia, did you want to comment on that?

Peter Nettlefold: Yeah, look, I'm just noting the decision. I note that the Board Resolution refers to "subject to the revisions agreed to with the GAC on 19 June." I'm not sure if that's what my colleague is referring to but I guess there are still revisions to be made to the Applicant Guidebook. Is that what you were referring to?

Stefano Trumpy: Yeah.

Peter Nettlefold: So the question may be when is a final version of the Applicant Guidebook likely to appear?

Peter Dengate Thrush:    Ah, we understand.  No, there are no planned further revisions to the Guidebook.  The question we think you might be talking to us, we received some letters from some competition authorities dated the 19th of June.  We got them on the 19th of June, and we've said that we're going to have further discussions.  We currently have no plan and haven't had time to prepare one in relation to how we will have those discussions with other competition authorities.

Heather Dryden:    Thank you.  Is there a follow-up, Australia, to that?  Yeah, please go ahead.

Peter Nettlefold:    Yeah, perhaps I've missed a final version of the Applicant Guidebook coming out since yesterday but the Board decision says there will be decisions to delete text referring to the GAC advice, incorporation of text concerning protection of specific Red Cross and IOC names and so on.  So I can only assume there is going to be another version, final version of the Guidebook coming out.

Peter Dengate Thrush:    We'll check with staff when that's coming out.  I think some of us had assumed that it would be done by way of publishing just an errata that would be attached to the single page just with the dates and the names, etc., inserted.   I'm not sure that it's worth publishing, but it's relatively easy to do either/or.  Rita?

Rita Rodin Johnston:    I think one of the things that we're talking about is deleting that text on the sensitive string objection. That was the change that we agreed and we talked to you about the other day, so I think that's what we're talking about.

Heather Dryden:    Okay. I'd like to go back to the speaking order. I have Bertrand and United Kingdom.

Bertrand de La Chapelle:    Yeah, the way we're seeing this question is that there are several elements. The first thing is that there has been a certain number of things that have been agreed during the discussion between the Board and the GAC, and this has been incorporated in the Resolution that has been adopted. Following what Peter said there will be no publication of a new Guidebook because those are explicitly mentioned in the Resolution where it is changed. That's the first point.

The second point is there is a second Resolution explaining that there are areas where there are still a few disparities. The document that has been distributed here is covering, is the draft of the one that is referenced in the second Resolution that was adopted yesterday and it is distributed as a draft. We intend to polish it and finalize it. It's not to start a consultation process, it's not to put a burden or an additional work on the GAC – it is just to show you that the rationale is being prepared. We hope to finalize this as quickly as possible.

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And the last thing is that in the discussion yesterday, sorry, in the interaction with the GAC there was this mention that some issues were not discussed, were still in the document that had been sent, the letter of the 26th of May if I'm not mistaken; and there was a commitment that the Board and ICANN will produce a written response to this letter. That's the process, the three elements: no new Applicant Guidebook revision but just an erratum as reflected for the first Resolution; this is the rationale that will come very quickly regarding the second Resolution and there will be a communication in response to the letter of the GAC of the 26th. And correct me if I'm wrong – that's my understanding.

Heather Dryden: Thank you, Bertrand. I have UK then Sweden.

Mark Carvell: Thank you, Chair, and good afternoon, everybody. We really need to bottom out this intention to hold discussions with competition authorities. I think you might be getting a sense we're kind of grasping around a bit of what this actually intends. You've informed us you don't have a timeline yet – we need that. We're reporting back all the time to our colleagues in administrations back in capitals and they will want to know "Well, what is that timeline?"

We need to know which authorities you're going to talk to; that's obviously very important to know. There's been reference to the US and European Commission letters, but is it just those two

authorities or what? Can you enlighten us on that? Further question: do you intend those discussions to be in a single forum with the authorities coming together or are you going to conduct bilateral discussions one by one, and somehow formulate a result; which brings me on to my final question – what is the objective of these discussions?

I think it'll be very important for you at this juncture, as we report back to capitals and it goes up to ministers, for us to be able to have a clear understanding of what that phrase in the Board Resolution actually means. We start gearing up people to prepare for those discussions in those authorities with whom you're intending to hold these discussions. Thanks so much.

Heather Dryden:          Thank you, UK. Sweden?

Maria Häll:          Thank you very much, Heather, and good afternoon everybody. I would like to echo very much what my colleague from the UK said – it was pretty much my question as well, actually. So of course we are very much looking forward to the written answer to our questions that Bertrand very much mentions – that's very good. But of course it's very interesting to know actually the process forward; for instance, exactly the questions that my colleague from the UK mentioned – how actually the dialog with the different entities is going to take place, when, who's going to be involved, and so on, and how this is going to reflect upon the multi-

stakeholder process and the multi-stakeholder model that we care so much about of course.

And then of course what my colleague from the UK mentioned also – the timeline – so we can in our hour prepare for our dialog in the GAC, with our department at home and our ministers and so on. So that is going to be very, very important for us to have a good process from now on actually. Thank you very much.

Heather Dryden:         Thank you, Sweden. I have Australia then Erika and Bertrand.

Peter Nettlefold:         Thank you, Heather. Just a very minor point, sorry to sort of make such a pedantic point, but another thing the Board Resolution does is talks about deletion of text in Module 3 concerning GAC advice to remove references indicating that future early warnings or advice must contain particular information or take specified forms. I note there is also language in Module 1 that does that same thing, so I would hope that that language would also be deleted.

Heather Dryden:         Thank you, Australia.

Peter Dengate Thrush:   So I think to be clear on that, why don't you just send the edits, right? Because let's not use wishy-washy language – just say what line you're concerned about, because I did get some communiqué

from Heather before when I was over to identify that line. So if there's a particular line in Section, Module whatever, just send it to us. That's the easiest way.

Heather Dryden:        Thank you. I think that's quite helpful. Okay, I have Erika next.

Erika Mann:        I mean I want to be careful and don't want to confuse the discussion because I'm aware of the difficulties which are involved with competition authority and that they have their procedure and the way they get engaged in investigation. So I mean, thinking in the blue I mean, if looking at the text – I don't have it in front of me the way it was phrased – usually we would in a critical case, when we have a critical case to handle, the staffers, where they see the need actually to get advice or to work with competition authorities, in this case they would address the respective competition authority, which would be the one that in the worst case would have to handle the case anyhow.

Now, this can be in the US or it can be in Europe or it can be elsewhere, and it would then of course be this respective competition authority. Now, I'm aware that this is not usual procedure, the way competition authorities get engaged, but maybe there is a way – looking to Mark, because we are all working in future-oriented areas – maybe there is a way one can do more generally an outreach. And we have established competition

authorities in many countries, not in all countries; and in some countries the system varies.

But one could imagine to do an outreach and maybe have a session together with them, the respective people which need to work on this, to understand actually how such kind of procedure could ideally work from this side and the respective side of the competition authorities – how they would ideally like to design it so to get in better understanding.

Peter Dengate Thrush:    Heather, perhaps we can just close this off a little.  It's, I don't think helpful for us to try and speculate how you're going to answer the questions that you've asked, Mark, which are very obvious questions which we are about to go through ourselves. We said we've only just got these letters and we haven't yet prepared a response.  When we do the questions we'll be looking at are the very ones that you've asked, Mark – who, where.

The question about why of course is contained very clearly in the Resolution.  I'm not sure whether it's helpful for me to read it out, but if you look at Paragraph 5 of that part of the Resolution it says quite clearly what it is that's being referred to the authorities: it's consideration of modification of existing agreements to allow cross-ownership with respect to the operation of existing gTLDs as deferred pending further discussion…"  It's that point that's going to be discussed – that's the what.  And we will work out a plan and we'll consult and we'll discuss, and we'll go through that.

And one final part, just the question about rationales: the rationales have been published. The rationale in relation to GAC advice, answering all the points in the letter of the 26th and elsewhere is contained as part of the Resolutions. I can accept obviously that not everyone's had the chance to go through and check, but I invite you to do that; and if the GAC finds that there are any of its questions raised in any of the materials that we haven't answered in the rationale on explaining why we're disagreeing with GAC advice, we ask you to tell us and we will remedy that.

In relation to the rationale for the gTLD Program there's a 121-page rationale for that. So we think we've done that work and I'm not sure that we can take it that much further until we've had the internal discussions and the external discussions about the competition authorities. Thanks.

Heather Dryden:         Thank you, Peter. In light of that response is there anything new that GAC members would like to raise? Okay, we have the European Commission who is the lead on this issue for the GAC. I see the United States also insists. Okay.

Gerard de Graaf:         Thank you, Mrs. Chair. First we would, like you, express our disappointment that the GAC advice to the effect that the Board ensures that all remaining public policy concerns are not quoting from the GAC letter of Saturday are not properly addressed and

adequately respected before the New gTLD application procedure is finalized has not been followed.

On the particular competition question, and this is indeed not the moment to go into detail, but I would like to make two points. I think the first point is that this is obviously an issue outside of the GAC context – this is an issue directly between the European Commission and ICANN, and the letter was addressed to ICANN. It was actually a letter of the 15$^{th}$ of June and not the 19$^{th}$ of June, so I think that's an important point. This is not the subject of discussion; this is not going to be channeled through the GAC process.

I think the second point that I wanted to make is that we're actually, we invited, we urged ICANN to provide us with information, and we set out in the last four indents in our letter what kind of information that we were looking for; to provide us with that information. And so we're looking forward to ICANN submitting that information in due time and obviously on that basis we stand ready to dialog. But it's first the information and then the dialog. Thank you.

Heather Dryden:          Thank you, European Commission. United States?

Suzanne Sene:            Thank you very much, and I did want, not to be… I have an observation and a question. So not to be overly pedantic, but in the

rationale itself, the document you attached – the remaining areas of difference – the very last two pages do say "Areas of Agreement, Remaining Work," so I think that's where we are coming from. There are areas here that have been clearly identified in writing in your rationale that say "remaining work," so in part when we're curious about timelines we're motivated by your text. So it would be useful to have… I think that's where we're coming from in terms of timing.

And I had one particular question, and it's more just to get some guidance and understanding. In the Resolution, the points with regard to the GAC's statement of support for the pending requests from the IOC and the Red Cross, you indicate that you are going to take a certain step – a moratorium – for a short period of time or for a period of time pending the development of policy advice by the GAC and the GNSO. And that's a very, very interesting proposed approach. We have never done a joint GAC/GNSO policy development, and I'm not even sure… I'm hesitant – do we call it a PDP? Because we the GAC are not a part of the GNSO and so do not normally feature in their particular rules for their own policies.

Or might we be able to… Could we get a green light that we could explore on an experimental basis something other that might be a little faster since it would be a GAC/GNSO? We'd create a new creature, a new platform to advance a new policy approach? It would be helpful to get some feedback on that. Thank you.

Peter Dengate Thrush:    Just immediately on the last point, I think our first thought was that it would be GNSO policy with GAC advice on that policy, rather than a joint working group between the GNSO and the GAC. But the resolution doesn't preclude developing a new working model, and I think that could be a fruitful area of discussion between the GAC and the GNSO. But the starting point is policy development in ICANN is done by the Supporting Organization, with the GAC providing advice to the Boar on that. So that's our starting point, but hey, you know, if we can do something quicker and certainly better I'm certainly open to exploring it.

Heather Dryden:    Thank you for that, Peter. Are there any questions or comments that the GAC has on other topic areas related to the decision? Kenya, I suspected yours was on a new topic. Please go ahead.

Alice Munyua:    Yes. Thank you, Heather, and thank you, Board. I'm encouraged by the reference yesterday on the JAS Working Group, and would like to urge and encourage the Board to move very quickly to support the evolution towards completion of this process, leading towards implementation by committing various resources required – some of them legal, logistics, including the authoring of a needs-assessed Applicant Guidebook in a universally accepted format.

And I also urge the Board to actually commit resources for outreach, awareness creation; as well as best practice to enable applicants to reduce time costs of process and implementation

steps. We are also keen to hear about a response on the GAC's advice on the reduction of application fees and also lowering of prices for needy applicants designed to deliver on multiple IDN scripts as well; as well as consideration for the initial $2 million fund pool to be made available to qualified applicants which include of course services and technical supports among others. Thank you.

Heather Dryden:     Thank you, Kenya. Rod, do you have a response?

Rod Beckstrom:     Yes, thank you. Alice, thank you very much for your historic advocacy for your support for needy applicants from developing countries. I think that your numerous interventions in the past contributed to the final decision. And with respect to your suggestions in terms of outreach, etc., I would welcome you to take a look at the Communications Plan for the New gTLD Program which has been posted online and which I believe is available for comment. And we would very much welcome the suggestions.

And Suzanne, I would like to respond to your comments as well. We did make some commitments to follow up on remaining issues in the resolutions and we will do so. We will endeavor to do so within the next month – with response and with information. Thank you.

Heather Dryden:    Thank you, Rod.  I have Netherlands and then Norway.

Thomas de Haan:    Thank you, Chair.  You asked for a new item – I think I will introduce a new item.  First of all I will say as one of the topic leaders we worked hard on this Applicants Guidebook, all of us – Board, staff, GAC.  I think now you have decided.  It's a multi-stakeholder model; we have to live with it, I would say, and we will, at least we will work constructively to implement it and to cooperate in the same way we have cooperated in the past together.  That's not related to my next subject.

We had a very good discussion about blocking with SSAC.  It struck me that this was something which is apparently only on the radar of the GAC.  And I think, at least we concluded together that this is something which should much more be on the radar of the whole ICANN community in the sense that when we have controversial string which may be going to be blocked for the sake of, let's say protecting citizens in a certain country, in advance of this I think we would like to help also these countries and to get a better grasp on how blocking can be negative and positive depending on the purpose, depending on the way it's being used.

I would not promote blocking at all.  I think it should be avoided if possible, but in the case it's unavoidable I think some means and some guidance could be given to these countries who are needing to have some kind of blocking.  So it's something we discuss with the SSAC.  I think also our European colleague Bill Dee

mentioned this – this should be much more on the radar of I think ICANN cross constituency.

Another point is also the point that we have now experience with .xxx. It's in the root and we can expect also there some kinds of these issues. Learning from that, learning how it will affect the stability and continuance of the internet, we should learn of it and then take that back into our process somehow. It's now kind of a general remark. I think we have only thought about this this afternoon but it was very constructive to have spoken with the SSAC about this. Thank you.

Heather Dryden:       Thank you, Netherlands. I have Norway.

Ørnulf Storm:        Yes, thank you, Chair. Just I don't want to take attention away from what the Netherlands said; I just had a very quick comment or for clarification to Peter's comment, because you were talking about competition. I thought well, the further discussions with competition authorities and in the Resolution it's referred to as "existing gTLDs," and of course in the preface of the Resolution it also mentions the two sort of inputs from the US and the European Commission. So just for clarification, are you also going to include discussion on competition issues for also new gTLDs, not just existing gTLDs? Thank you.

Peter Dengate Thrush:    If you wouldn't mind, Heather, I can ask Bertrand to answer that question I think, because there are certainly those two distinct parts and Bertrand and I were just discussing whether it would be helpful to make that clarification, because some of those have reasonable…. Bertrand, perhaps you can help clarify that.

Bertrand de La Chapelle:    Thank you, Peter, and actually I would like to bundle the answer with (inaudible) with Mark's remark earlier.  The decision that the Board has incorporated in the Resolution adopted yesterday needs to be explained – not clarified, but explained in plain terms.  There are two completely different issues regarding the vertical integration matter for existing TLD operators.

One is whether there will be ultimately a removal of the restrictions regarding integration in the management of the TLD they operate today; i.e., those who operate .info, those who operate .biz and so on have restrictions, and the question is in the future, in order when the new gTLDs are in the root, to allow them if they do not have market power to play on a level playing field in a competition – will they benefit from a suppression of the restrictions they have today in sort of an alignment of their regime with the new regime?  That's one question.

The other question – and this one is not urgent because it is only a matter that really happens when the new gTLDs are in and we want to make sure that actors are on a level playing field.  So in that respect, and I thank the representative of the European

Commission to highlight that actually the letter they sent is not GAC advice, that it is a parallel process, it's an input in the process and a very valued input that is appreciated as such. It allowed us honestly to understand better the distinction between those two elements: the evolution of the existing contracts and the provisions in those contracts that actually prevented until yesterday, in principle, those operators to be vertically integrated operators for the new gTLDs.

These are completely two different elements. One is to change existing contracts for the operation of those registries – and sorry for being long because it took a lot of discussion to really understand the difference between those two elements. One is to change these contracts that exist in existing TLDs and the decision has been to postpone it temporarily so we have full time to find the right way to interact with the competition authorities, the relevant ones, to find whether it's appropriate to do it or not.

The second element was an urgent issue, because the provision was actually preventing those actors from being a candidate registry operator or to provide registry services in an integrated manner, and the echo was that some of them would be prevented from participating in requests for proposals because they could not do this due to that provision. And so I don't want to be long but this element has been a very big element of contention between the different actors within the community because it is a competition among them as well, and so it needed to be solved.

This is why we have disassociated the two elements. The one that was a minor modification to make it equal treatment for the new gTLD needed to be done right now. The decision has been made; it does not require further consultation. The other one, we have time enough and we will interact with the appropriate competition authorities, and we welcome your recommendations on how to do this.

And the final point is to Ørnulf's comments. He is right. The question of competition and evaluation of market power will be a question in the New gTLD Program, and one of the things that we're trying to think about is how to engage on a more regular basis with those actors who are competition authorities so that we have a joint understanding of how this market structure is evolving. It's an open issue so there's no timeline particularly on that, but we have that in mind and any suggestion on how to engage this will be welcome.

So I hope it clarifies the timeline: one decision has already been made; the decision on the change of the existing registry agreements for the existing TLDs will have to be done but there's no urgency before the round really opens. And for the coordination with the competition authorities on the New gTLD Program the deadline is even further, but we will think about it.

Heather Dryden:        Thank you, Bertrand. I have United Kingdom next in my speaking order. Did you want to comment?

Mark Carvell:          Thank you, Heather.   Actually I'd like to follow Bertrand's precedent in going back to a previous agenda item if I may, and that is the IOC and Red Cross issue?  May I do that, thank you?

Heather Dryden:        Yes.

Mark Carvell:          Thank you, thank you very much.   I mean as I read the Board response to the GAC advice, is that it's not a rejection of that advice.  So it is still GAC advice that is of 106 governments plus European Commission that these names, these words should be added to the reserve list.  So I think it's slightly a strange situation that the Board has responded that this should go to the GNSO when really it's still live GAC advice.

And I would argue that perhaps a way forward which we could explore to ensure that this advice is taken, what we expect to be a positive result quickly, is that the GNSO work with the GAC on resolving this rather than, as I think Peter might have been suggesting, that it goes to the GNSO and somehow the GAC then liaises with the GNSO as it works and progresses its way through the GNSO agenda, which is obviously a very busy one, a very detailed one and it's not going to be easy for the GNSO simply to slip it into its processes.

The GAC – it's still live advice, it hasn't been rejected. So can we agree that this issue is one where appropriate expertise with the GNSO can work with the GAC and formulate the end of this issue, if you like? Because as I say, as I read it the issue hasn't been shut down; it's still a live piece of advice to the Board. Thanks.

Heather Dryden: Would you like to respond?

Peter Dengate Thrush: Yes, thank you, Mark. We're just calling up the Resolution ourselves so that we've got clarity around that. I think we've been fairly clear about how we've dealt with that advice at the second level, but in relation to the first, yes – we're working out ways, and I think we're fairly clear in our discussions that this is a major matter of public policy.

I'm not sure how much more help I can be other than repeating what I said to the same comment in relation to the delegate from the United States. We haven't foreclosed any mechanism for doing that extra policy work. Our starting assumption I suppose if asked was we do it the routine way, which is through the GNSO with GAC advice through that process. So I, and I'm not sure if anyone else has any difficulty with trying to work up a more efficient, more rapid, more expeditious way if one can be found.

Heather Dryden: Thank you. UK, I have a request from Mike Silver to speak and then I see Bruce Tonkin. Is this on the same topic or can we move? Can we move? Okay. Are there any new topic areas where GAC members might seek clarification from the Board at this time?

Okay, so the next item in the agenda would be the ATRT recommendations, where we're looking for an update on that. Peter, yes?

Peter Dengate Thrush: I did want to leave the topic, the individual topic of the IOC, but I don't want to leave the topic of the whole relationship between the new Guidebook and GAC advice accepted and rejected. I want to pick up the point that I think the representative from Sweden has made today and on previous occasions, and that is about you're going home and explaining this to your governments. We want to help you with that. We regard you, as I said, as our allies in that process, and we accept entirely the comment that was made I think by the representative from Portugal that you are standing in the trenches, fighting for the multi-stakeholder model on a frequent basis.

And what I would like to try and move from is an end to the position that we've been in, which is negotiating parties on opposite sides of the table, as much as possible to what we really are, which is members of ICANN in our various capacities. And what we want to be able to discuss much more productively if we

can with you is what is the help we can give you to return to capitals and explain what's going on, explain what the new process means, help you explain where GAC advice has been accepted and why; and if necessary, help you explain why GAC advice has not been accepted and why.

And I would very much like to have, to leave at least Singapore with that intention well expressed and well understood. If we can help you... We're already getting media comment which shows that much of this is misunderstood at various levels and sometimes it takes a few quick words to sort some of these things out. I've, for example, been fielding inquiries today about the $500,000 application fee for trademark owners. Now it's pretty clear to most of us that there is no such thing, but a rumor like that somehow gets established by one service.

Now what we want to do is prevent anything like that, so please, could you discuss among yourselves and with us what can we do to help explain this process with you in your capitals? Thank you.

Heather Dryden:           Thank you, Peter. I see Portugal and Australia.

Ana Cristina Amoroso das Neves:    Thank you very much, and thank you a lot for commissioning this multi-stakeholder model issue. Well, I know that some of you are not acquainted with the problems that the governments are facing with defending the multi-stakeholder

model because it is so easy to go back to the inter-governmental model.  But I think there is something that ICANN can do – it's work very closely with the developing countries.  Thank you.

Heather Dryden:          Thank you, Portugal.  Australia.

Peter Nettlefold:         Thank you very much.  To Peter's comments, I very much agree with your sentiments about looking forward here.  And in fact I probably would have phrased it a little differently, potentially, about a negotiating table where we're on opposite sides.  I'm sure it seemed to all of us like that at various times, but another way of looking at it as part of the multi-stakeholder model, we were all working together to improve the outcome here.

So one thing which may be of use is that I personally haven't read all the rationale documents yet but I'm appreciative that the Board has engaged substantively with all of the GAC's positions and has provided a rationale document, so once I get a chance to reading it all…  It may be useful if there was someone, I assume there may be someone in staff, Kurt or someone that we may be able to contact if we do have any questions about the rationale and so on; about if there is any expansions to the thinking and so on, if we have any questions when we return home.  So perhaps just a point of contact may be a very useful way to go.  Thank you.

Peter Dengate Thrush: Yes, thank you.

Heather Dryden: Thank you, Australia. I have France and then Sweden.

Christian Tison: Thank you, bonjour. You must think "Oh no – not that guy is going to make another speech" or something. Of course first I want to say that we are committed to that model too, and just read the (inaudible) declaration: at the end it's talking about a multi-stakeholder model, so it's okay with that. I just want to add something on what I've said but very clearly last Sunday, if I don't take into account as a government your financial, economical, legal problem as a corporation – a non-profit corporation – it would be a mistake. But if you don't take into account the political problem it's a mistake too. That was my point.

And I reinstate that the developing countries issue is above all political. Why? Because ICANN is not as any other corporation. It has responsibilities, it is whatever we want or not, whatever we like or not; involved in the global governance. Now it's an experience of global governance. And if I may say with great power comes great responsibility. You have this responsibility for developing countries, whatever you want or not, and for the future of that model.

That's why I was trying to say to you… So I express it passionately because diplomats are not always talking blah, blah,

boring speech – we can be pushy sometimes, we have to. But that was my main point I mainly wanted to tell you, and as a government, the French government committed to that model we will continue to work closely and monitor closely this particular bond with other points for the future.

Last quick comment: as the lead singer of the GAC I would like to advise the Board to join us onstage tonight and I hope you will follow that advice at that time. Thank you.

[Applause]

Peter Dengate Thrush: It all depends on the choice of song. If we can form a working group to…

Heather Dryden: Next I have Sweden, please.

Maria Häll: Thank you very much. I heard one of these days that somebody in the room thought we were a bit dull in GAC and didn't laugh, but we can be quite funny. Let's see tonight when we are singing; actually it was (inaudible) singing the last time.

Anyway, thank you very much, Peter, for your remarks about wanting to help us actually. I think there are several things that

actually you can do to help us, and one of the things is of course to protect the multi-stakeholder model – that is very important; and also understand that that's a model that we absolutely protect as well, and that's pretty much why we're here. And I've said it several times at several other GAC/ICANN Board meetings that we like you, we want to support this, we believe in this; on the other hand, we also forget the need to find ways to solve problems.

And one of the things that struck me actually when we had this very, very good dialog with the SSAC group talking about blocking, for instance – we had that meeting just before – and I would like to see more of these horizontal discussions, not only with the GAC and different constituencies and different expert groups but also more target-oriented but when ICANN is actually attending and other groups. Having more horizontal discussion I think is a very, very good way forward.

Now we have a little bit more sign of discussions with the GAC and the Board and the ICANN Board with some other groups, and that is very, very important as well, but more horizontal group discussions I think is a very good way forward. So I'm looking forward to from now on have more discussions and more interesting processes, and I'm sure it's going to be fine. Thank you.

Heather Dryden:            Thank you, Sweden. I have Bertrand and Kenya.

Bertrand de La Chapelle: Thank you. Before we're closing I wanted to share something with the GAC members that is very important in the phase that we are entering. We've adopted the program, we've validated the program and the way it is going to be conducted. Now the burden is, among other things, on ICANN as the organization to deliver in the implementation of this program but this is not even the last phase. Then there will be the applicants coming in, the people preparing their applications and then running the TLDs.

The credibility of the process that we've all participated in depends upon whether it leads to a viable implementation and to a sustainable domain name space in the future, which in turn depends on whether people will abuse or not abuse the rules that have been put in place. So the thing I want to share with you, and it will be no surprise to the other stakeholders because we have discussed that with them, is that the Board is very committed to saying and to sharing with the different categories of stakeholders that will be part of the program – as applicants, as consultants, as service providers – that there is a joint responsibility to ensure compliance, to ensure the respect of the letter and the spirit of the rules that have been decided together.

It is a message that we are sending, that this is a joint responsibility, because if the rules that we have set collectively, that we've negotiated, that we've drafted are gamed then it's a failure of the model. And so I wanted to share with the GAC members that this is a responsibility that the Board knows and that the message is being shared; and I think, from what I understand,

heard by the stakeholders.  I think it's important for you also to get back that this is not just about rubberstamping rules that have been elaborated but it's about being efficient in the implementation and vigilant in the way it will be run.  Thank you.

Heather Dryden:    Thank you, Bertrand.  I have Kenya and then the European Commission, and I understand the Board has a hard stop at 6:30 so I will move with Peter to close the meeting at that point.  Okay, Kenya, you are next.

Alice Munyua:    Thank you, Heather.  In response to Peter's question regarding how we can work together, so in addition to what Sweden has said in terms of encouraging more discussions between the various constituencies and stakeholders, I think that's a very important process to continue as well as protecting the multi-stakeholder model that we all hold very highly.

But more than that, for developing countries, and not just for the African continent but Latin American and others where there's really a need for increased outreach, especially as more and more of our own citizens access internet in various ways.  And so I think ICANN needs to actually put a little bit more effort in outreach to those areas of the world where you have quite a number of us accessing the internet.  Thank you.

**EN**

Heather Dryden:          Thank you, Kenya.  European Commission?

Gerard de Graaf:         Thank you, Mrs. Chair.  The European Commission fully supports the multi-stakeholder model and I don't want there to be any misunderstanding about that, but I heard the Chair say "help us to explain"; I also heard Mr. La Chapelle say that we need to respect the rules.  I mean we as governments are confronted with situations where there is GAC advice that points to difficulties, potential conflict of law, and that GAC advice is then not followed up; and being asked to explain, at least to our political masters and to our citizens that there is a risk that our rules will not be respected is a fairly hard call, I must say.  I mean I don't want to kind of spoil the ambience but that is something that we will find very hard to explain back in Europe.  Thank you.

Heather Dryden:          Thank you, European Commission.

Peter Dengate Thrush:    We just have a question about that.

William Dee:             Yeah, can you give me an example of rules we're not respecting?  I don't think we're clear on that.  Are you saying we're not respecting a law?

Bertrand de La Chapelle: I think you have a submission of the European Commission dated 15th of June, it's a GAC advice that says there are risks here that might even be to the detriment of applicants for registries and registrars. So I don't think there should be… I mean I'm quite surprised by that question after all the debate that we've had.

Heather Dryden: Thank you. So can we move to the next agenda item, or you would like to move to your proposed item? Okay, I believe we can do that so please, introduce your topic.

Peter Dengate Thrush: Thank you. This is a pleasant return if you like to business as usual between the Board and the GAC, and it's been a long time since we've talked about something other than new gTLDs. This is a letter that we've just prepared and we'll hand over just to bring it to the GAC's attention, the community's attention. It relates to something that we've been both concerned about – it relates to GAC advice to conduct WHOIS studies, and this is the update.

We've actually now got the clarification of where we're up to with the GNSO position on these. So there are four studies: the first deals with WHOIS misuse and will assess whether the public WHOIS significantly increases harmful acts and the impact of anti-harvesting measures. The study was approved by the Council in September, 2010, was initiated following contract negotiations in April of this year. So that's now underway.

The second one is the WHOIS registrant identification study, which will examine information about how domain name registrants are identified and classify the various types of entities that register domains. This study was just approved 9th of June; contract negotiations for the research firm are underway and the study should begin shortly.

The third study is WHOIS proxy and privacy abuse. It's to study a broad sample of privacy and proxy registered domains associated with allegedly harmful acts. It was approved by the GNSO Council on the 28th of April and contract negotiations with the research firm are now underway.

And the fourth and final one was the WHOIS privacy and privacy relay and reveal study to analyze communication relay and identify reveal requests sent for privacy and proxy registered domains to explore and document how they're processed. The GNSO Council has approved this pre-study on the 28th of April and work on that's begun.

So in closing we point out that with the approval of the financial year ending 2012 budget these studies will be fully funded by the Board for a total of $530,000 US and will take between four months and a year to complete. We're optimistic that the results of these studies will provide important factual data to better inform WHOIS policy development in the future. I know that's been a concern and there was a request for these studies, so that's an update on where we are at with producing those studies. Thank you.

Heather Dryden:          Thank you for that.  European Commission, please.


William Dee:             Sorry, just for clarification, these are the studies we asked for in March 2007 in the Principles for WHOIS.  Are they the same ones or are they different ones?  Thank you.


Peter Dengate Thrush:    The recommendation that we've got from the GAC actually dates April, 2008, so I'm not sure whether that was the…  I'm not sure what the recommendation in 2008…  This is a response to a recommendation from April, 2008.


William Dee:             No, I think I'll look to my colleague from the US, actually.  I think we asked for studies in the WHOIS Principles actually, on the use and misuse of WHOIS data.  I'm just checking actually if this is the response, whether it's three or four years is probably not so important.  Thank you.


Bruce Tonkin:            We'll look into that.  As I look quickly at the letter of May, 2007, that appears to be some definitional issues on WHOIS but we'll look into that and we'll let you know.

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| Heather Dryden: | Thank you. Bertrand? |

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| Bertrand de La Chapelle: | I'm not speaking on behalf of the Board here; I'm speaking as a member of the Board. There are moments when it is necessary to say "touché." The duration was too long – that's clear. Whatever the content of the studies, it was long. Point taken. |

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| Bruce Tonkin: | Liz Gasster from our staff would like to help provide a more detailed response on the WHOIS studies question and the time elapsed. |

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| Liz Gasster: | Thank you, I'm Liz Gasster from the ICANN Policy staff, and indeed this took quite some time. The Council originally agreed that studies would be useful to inform further policy development in October of 2007. It then solicited a series of studies from the public proposals – what would the public like to see – between about September and March of 2008. The GAC did submit 17 proposals in your letter of 16 April, 2008.

From that period to March of 2009 the GNSO Council did three things: it formed a working group that redefined the studies into testable hypotheses because many of the study proposals were so general that we needed to add some specificity around what the parameters of those studies were. So that was the first step, to make sure they were testable hypotheses. |

The second piece was to solicit from various, including the ALAC and each of the constituencies at the time, what their views were on all of the study proposals. There actually turned out to be about 45; the 17 that the GAC proposed and then many others that were proposed by the public. And then the third step just prior to March of 2009 was for the GNSO to actually vote based on the input of the constituencies on which studies they wanted staff to then determine what the cost and feasibility would be.

They did that and they identified four study areas, basically six areas that we combined into four in March of 2009. And it took from March of 2009 to the time that these studies were voted on by the Council to prepare detailed RFPs that were precise enough to get qualified inputs from independent experts; then to make sure that those RFPs' language met the requirements of all of the stakeholders who wanted to review those RFPs before they were released; then to evaluate all of the responses that we got back and to make sure that the dollar figures that were submitted and the parameters of what various independent researchers said they could do were in fact quality responses; and then turn that over to the GNSO along with staff's evaluation for them to vote on.

So you're quite right that it took quite some time but there certainly was an enormous amount of activity both by staff and by the GNSO community to make sure that what's actually going to be done now is precise and specific and will meet the expectations of the community. It might be helpful, and I'd be happy to point you into the direction of the level of detail that was submitted in

each one of these RFPs to the public that went a long way from the point at which a proposal was made to the actual details of how a study, an empirical study could be done.  Thank you.


Peter Dengate Thrush:     Thank you, Liz.


Heather Dryden:     Netherlands, please.


Thomas de Haan:     Sometimes it looks like government.


Peter Dengate Thrush:     Well, with great power comes great responsibility.  To exercise great responsibility one sometimes has to take great care.


Heather Dryden:     With that I think we can conclude the meeting.  Thank you very much.


Peter Dengate Thrush:     Thank you all.


 [End of Transcript]