

ICANN – CCNSO – FOIWG

Meeting Notes (draft V1) for 8 December 2011 – 21:00 UTC

1. Present / apologies

ccNSO:

Martin Boyle, .uk
Keith Davidson, .nz (Chair)
Chris Disspain, .au
Stephen Deerhake, .as
Desiree Miloshevic, .gi
Eberhard Lisse, .na
Paulos Nyirenda, .mw
Patricio Poblete, .cl
Kathryn Reynolds, .ca
Nigel Roberts, .gg
Bill Semich, .nu

Other Liaisons:

Cheryl Langdon-Orr, ALAC
Carlos Aguirre, GNSO

Staff Support and Special Advisors:

Jaap Akkerhuis, ICANN / ISO
Bart Boswinkel, ICANN
Kristina Nordström, ICANN
Bernard Turcotte, ICANN

Apologies:

Kim Davies, ICANN

2. Meeting notes for 24 November 2011 – Accepted with amendments.

- 2.1. KD noted that he had provided his apology for not attending this meeting.
- 2.2. BS noted that in 5.2.2 his comment was meant to refer to a possible beginning of a revocation process and not simply revocation – BT agreed to correct.
- 2.3. The meeting notes were accepted with these amendments.

3. Significantly Interested Parties V2.9

- 3.1. NR noted that section 7.1.1.1 had an errant comma after the 'and'. BT agreed it was a typo and would be fixed in the final version.
- 3.2. Given there were no material changes to the document the Chair asked for final approval of this document. V2.9, with the corrected comma, was unanimously accepted as the final version.
- 3.3. The Chair noted that staff would provide the wg with a draft of a SIP public consultation document for its first meeting in January (this should be distributed 5 January for the 12 January meeting).

4. Terminology – Significantly Interested Parties

- 4.1. The proposed definition for Significantly Interested Parties, which is identical to the one provided in the SIP document V2.9, was unanimously accepted for the terminology documentation.

5. Revocation V0.1

5.1. Section 3.1.1

- 5.1.1. NR -Usual noting of the spelling of mis-behaviour vs miss-behaviour.
- 5.1.2. NR -The first and last paragraphs of section 3.4 of RFC1591 that are quoted are irrelevant to the discussion.
- 5.1.3. BS – contrary to NR he does not think any of this section applies to the revocation of delegated ccTLDs.
- 5.1.4. CD – Does not agree with the BS proposal that section 3.4 of RFC1591 does not apply to delegated ccTLDs.
- 5.1.5. NR noted that he would expect IANA to have some reserve power if a manager is significantly miss-behaved “I hope -- if there is substantial misbehavior, the IANA seems to have some kind of reserve power to step in and rescue the situation”.
- 5.1.6. MB – has difficulties that we can artificially split up this section so that part of it applies to delegated domains and not others. This position was supported by CLO.
- 5.1.7. EL – disagrees with MB, the charter of the wg is to look at each part of each section and see if they are applicable or not.
- 5.1.8. MB – Agrees with this noting that it is important to always look at a document in its entirety especially when it comes to RFC1591 and the GAC Principles.
- 5.1.9. The Chair noted that this will conclude the discussions of this

section for this meeting to allow us to move on.

5.2. Section 3.1.2 (Section 3.5 of RFC1591)

- 5.2.1. NR – Originally this clause was concerned about the zone file not going down. However this was over a decade ago and things have changed substantially and we may need to interpret this in the context of all of the operations of a ccTLD.
- 5.2.2. SD – This could take us into policy development which is beyond the scope of this working group.
- 5.2.3. NR – This is borderline.
- 5.2.4. CD – We need to be very careful we do not step over this line. KDavidson and EL are in agreement.
- 5.2.5. MB – We have to be careful to capture the global meaning or intent without trying to create exceptions by subdividing things too finely - as such does not agree with the approach suggested by NR.
- 5.2.6. The Chair closed the discussion of this section for this meeting.

5.3. Section 3.2 (GAC Principles 20050)

- 5.3.1. MB – Although the GAC Principles do not directly refer to revocation they have many points which are relevant to its discussion and that the group must consider the document as a whole.
- 5.3.2. EL - does not agree with MB.
- 5.3.3. BS – It is important to note that the GAC principles in section 1.3 clearly state that they are not meant to be binding.
- 5.3.4. MB – Yes this is correct but we will have to have the discussion with GAC members of this group regarding the nature of the advice that is provided by the GAC Principles.

5.4. Section 4 (IANA Process for delegation and re-delegation)

- 5.4.1. MB – this is relevant when considering derelict managers.
- 5.4.2. NR – objects to this being included in this document given it does not deal in any way with revocation. BS and EL support this.

5.5. Section 5 (IANA Reports)

- 5.5.1. NR generally agrees with this.

5.6. Section 6 (recommendations)

- 5.6.1. NR generally supports 6.1.1
 - 5.6.2. EL – Revoking the right for the incumbent, or revoking the right of the incumbent?– to be clarified with BBurr.
 - 5.6.3. NR – Point surrounding the use of the term delegation in 6.2.1.
- EL – Section 6.3 - Believes the proposal to have the FOIWG frame the development of processes and procedures for revocation, as described in section 3.5 of RFC1591, would be developing policy and as such objects to this.
- 5.6.4. Kdavidson – Section 6.3 - Does not think this is policy development in any way but rather is very similar to the work the wg agree on for Consent.
 - 5.6.5. SD – section 6.3 - If this is simply advice to ICANN and IANA they do not have to follow it!? BT noted that as per the recommendations of the DRDWG that if the ccNSO concludes that ICANN and IANA are not following the recommendations that the ccNSO can launch a PDP wrt this topic, the results of which will be binding.
 - 5.6.6. BS – section 6.3.1 – Concerned about the level of detail in the document. BT noted this was an early draft and that the text causing concern should be removed in future versions.
 - 5.6.7. EL – Believes 6.3.1 is developing policy and infringes on the US DOC contract with IANA.
 - 5.6.8. KDavidson – section 6.3.1 - We always have to be vigilant for this but has a similar comment as per the previous point.
 - 5.6.9. NR and MB – section 6.3 – overly prescriptive and beyond the scope of the wg.
 - 5.6.10. MB – section 6.4.1 – Does not agree the wg should be developing criteria for defining miss-behaviour as this could be dangerous.
 - 5.6.11. EL – section 6.4.1 – Agrees with MB and notes that this seems to impinge on the US DOC IANA contract.
 - 5.6.12. NR – phrasing of points relevant to IANA reports
 - 5.6.13. EL – Has looked at the FNOI and IANA should not develop policy.
 - 5.6.14. Kdavidson – Agree but it does not mean IANA cannot participate in a process that is external to it.
 - 5.6.15. KDavidson – key points should be put on the wg mailing list for discussion prior to our next meeting.
 - 5.6.16. NR – IANA should not interpret policy, this is the responsibility of this wg.
 - 5.6.17. EL – As requested previously we need to differentiate between the IANA function and the IANA contractor in these documents.

6. Future Meetings

- 6.1. The next meetings of the WG will be on Thursday 12 January 2012
13:00 UTC (teleconference).

7. Conclusion of the meetings

- 7.1. The meeting was concluded at about 23:00.