

Minutes ccNSO Council Telephone Conference

15th January 2008

Attendees

Becky Burr
Chris Disspain
Lesley Cowley
Keith Drazek
Mohamed El Bashir
Olivier Guillard
Ondrej Filip
Hiro Hotta
Young Eum Lee
Denise Michel
Paulos Nyirenda
Patricio Poblete
Dotty Sparks de Blanc

Observers

Don Hollander
Jaqueline Morris
Peter Van Roste
Margarita Valdes

ICANN Staff

Bart Boswinkel
Gabriella Schitteck

Apologies

Oscar Robles
Slobodan Markovic

The purpose of the teleconference meeting was to discuss the resolution passed by the gNSO Council on 3 January 2008 and submitted to the ICANN board.

The Chair explained his understanding of why the gNSO had taken this step.

Just after the Board approved the IDNC Working Group charter, *Avri Doria* (gNSO Chair) had requested that the number of gNSO representatives on the WG be increased to 5 to ensure equal representation of the gNSO. The Chair felt that this was inappropriate for a number of reasons but did invite the gNSO to appoint additional people to the group as observers.

The gNSO then passed a resolution, asking to change the charter to enable equal representation. This was, however, never submitted to the ICANN Board. Instead, the presented resolution was passed, dealing with fundamental questions, such as defining what a gTLD and ccTLD is.

The resolution was sent to the ccNSO Chair on the 8th January. He then contacted the gNSO Chair and via email expressed his concern about the resolution.

The Chair then ran through his suggested recommendations, sent to the Councillors prior to the meeting, and asked for their view and input on the matter.

He explained that in his opinion, the gNSO questions, and especially the one about defining what a gTLD and a ccTLD is, can't be answered by a committee in a way that will make it binding for ccTLDs. The ccNSO bylaws are set in a way which forces Policy development to be done through a PDP; policy can't be set in any other way.

Also, it would be a significantly longer process than 120 days.

He further reminded the group that some questions raised by the gNSO are in fact covered by questions that the Issues Manager has been asked to answer in respect to the Issues Report to the PDP.

Peter Van Roste asked for clarification whether the letter from the gNSO has any implications on the fast-track approach.

The Chair said that in his understanding the gNSO is supportive of the fast-track; however, their suggestions would delay it. He again explained that the way the fast-track is intended to operate is so that nothing infringes on anything in the PDP.

Olivier Guillard asked if the gNSO really asked for a definition of what a gTLD and ccTLD is in their letter, as in his understanding the posted questions ("the GNSO council has one primary concern: Before policy can be finalised regarding new IDN TLDs, criteria must be developed to determine how TLDs will be apportioned into the ccNSO and GNSO") potentially could have another meaning.

The Chair said that in his view in order to reply to these questions a definition of a ccTLD/gTLD needed to be made.

He suggested that perhaps some gNSO Councillors fear that the ccTLDs will end up taking all decent names referring to countries, territories, regions and cities. He thought this fear may come from a lack of understanding on what is actually happening and thought that it could be dealt with by having open and frank discussions.

Mohamed El Bashir suggested that it should be noted in the reply to the gNSO letter that many North African governments and registries have expressed concern that new IDN gTLDs would become implemented before their ccTLDs. Many ccTLDs are ready to start operating with Arabic IDNs and are placing much hope in the IDN fast track approach.

Paulos Nyirenda asked whether the response would go to the ICANN Board, the gNSO or to the community.

The Chair clarified that it would be addressed to the ICANN Board and copied to the communities.

Patricio Poblete suggested that a point should be made in the first resolution saying that the ccPDP Issues Report and process itself will answer some of the question raised in the gNSO resolution.

Dotty Sparks de Blanc asked whether it is possible that some of the issues could be solved by a legal interpretation instead.

The Chair explained that a part of the Issues Report needs to be reviewed by ICANN's General Council to confirm that matters are within scope.

Bart Boswinkel added that the only issue which needs to be legally resolved is whether the ccNSO can allow membership of IDN ccTLDs.

Don Hollander asked whether there are any other controversies between the gNSO and the ccNSO, other than a lack of clear understanding and communication.

The Chair said he did not know, but that hopefully there will be a face-to-face meeting with the ccNSO Council in New Delhi which will hopefully clarify matters.

He repeated that there is some fear within the ccNSO that cc's might try to trespass on gTLD territory in order to try to get additional names as being part of the cc community. He commented that he, personally, is not aware this is happening and in fact is not sure it can possibly happen, as cc's need to follow the ISO 3166 list.

Lesley Cowley followed up explaining that there are some concerns that registries, such as Nominet or Denic may want to run registries such as .berlin or .london. This is being viewed as a threat by established operators in the gTLD-space.

Patricio Poblete expressed his surprise over the gTLD suspicions. In his thinking ccTLDs have reasons to be more "nervous" than the gTLDs. He further underlined his worry that the fast-track approach would be slowed-down by the gTLD suggestions.

Lesley Cowley suggested reiterating in the first resolution that the ccNSO must and will be involved in the PDP process, as this is a crucial requirement, defined in the bylaws.

Becky Burr suggested drafting a reply letter instead of passing a resolution, as arguments could better be laid out and explained. She also volunteered to work on a first draft, encompassing the four points set out in the Chair's notes. The Chair and Bart Boswinkel would then work on the final draft which would be sent to the Council list for comments and approval. The Council agreed to this approach.

Paulos Nyirenda asked whether the ccNSO representation in the IDNC Working Group just couldn't be increased, if that is what the ccNSO is aiming at.

The Chair explained that in his view it was not about numbers, but about making the group manageable so that it can meet the set tight timeframe. All other constituencies, committees and representatives have accepted their assigned number of representatives. The ccNSO will be able to give input through the people on the group.

The Chair underlined, however, that if the ccNSO Council has a different thinking on the matter, then he would implement whatever they recommended.

No objections were noted.

The Chair then reminded the group that the US Government's ICANN review is underway and comments should be submitted by the 15th February. auDA is working on a submission which he possibly would share with other ccNSO members if they would like to use it as a model.

ICANN has already submitted a reply, saying it has done all that is necessary to get loose from the JPA.

Finally, the Chair updated that the planned Council Workshop will take place in New Delhi on Sunday, 10th February. A proposed draft agenda will be posted during the coming week.

The meeting then closed.