

TRANSCRIPT

Framework of Interpretation Working Group Call

3 May 2012

Attendees:

ccNSO:

Martin Boyle, .uk

Becky Burr, NomCom

Keith Davidson, .nz

Chris Disspain, .au

Stephen Deerhake, .as

Desiree Miloshevic, .gi

Patricio Poblete, .cl

Bill Semich, .nu

Dotty Sparks de Blanc, .vi

Other Liaisons:

Cheryl Langdon-Orr, ALAC

Staff Support and Special Advisors:

Jaap Akkerhuis, ICANN / ISO

Bart Boswinkel, ICANN

Kim Davies IANA

Kristina Nordström, ICANN

Bernard Turcotte, ICANN

Apologies:

Carlos Aguerre, GNSO

Eberhard Lisse, .na
Nigel Roberts, .gg

Keith Davidson: All right, Madam Chair, take her away.

Becky Burr: Okay. Kristina, could you read us the roll call and Apologies?

Kristina Nordstrom: Sure. Will do. From the ccNSO, we have Martin Boyle, Becky Burr, Stephen Deerhake, Desiree Miloshevic, Bill Semich, Dotty Sparks de Blanc. And from Liaisons, we have Cheryl Langdon-Orr. From staff support and special advisors, we have Jaap Akkerhuis, Bart Boswinkel, Kim Davies, Kristina Nordstrom, and Bernard Turcotte. Apologies from Keith Davidson, Eberhard Lisse, and Nigel Roberts. And somebody else just joined?

Chris Disspain: Yes, it's Chris.

Kristina Nordstrom: Hi, Chris.

Becky Burr: Hello, Chris.

Chris Disspain: Hello.

Kristina Nordstrom: We also have Chris Disspain.

Becky Burr: All right. Our first item on the agenda is the approval of the agenda, which is up there in the little corner there. Approval of the meeting notes from the last call, and then just a brief discussion of the fact that we don't have recommendations yet on the revocation piece, a discussion about the response to the gap submission on consent, and any other business including the IANA implementation discussion, and future meetings.

Any objections or additions or changes to the agenda? Hearing none, I'm going to take that as approval. Okay. We also have meeting notes. Do we have meetings? Yes, right up there on the left-hand side. Bernie, if I try to do this I'll really screw it up. Do we have any comments or additions, changes, exceptions to the meeting notes from the 12th of April? Hearing none, I'm going to deem them approved.

We're just flying here. On to the next issue. Bernie, want to give us an update on the revocation piece?

Bernie Turcotte: Well, the update on the revocation piece is that we did not finish it, so probably what we should do is pick up where we left off last time and finish the first reading of the document, even if it doesn't have its recommendations at the end.

Becky Burr: Okay.

Bernie Turcotte: The new version that was posted, 1.1, tried to incorporate the input from the last meeting, but I don't think we should try going through that. It's just a placeholder, if you will, given that some of the things that were brought up at the last meeting were fairly simple to fix, but they were –

Unidentified Participant: When was that posted, Bernie? When was that posted?

Bernie Turcotte: That was posted with Keith's materials for the meeting.

Unidentified Participant: Okay. Cool. Thanks.

Bernie Turcotte: So that's my proposal to you, Madam Chair.

Becky Burr: Okay. I think that sounds like an excellent idea. Shall we do that? And I'm now turning the cursor over to you.

Bernie Turcotte: Okay. Thank you. Let's make sure we've got the right document. Sorry. Now it's just being temperamental. Oh, come on. There we go.

So this is the original version of the document that we were working on. If I remember correctly from the minutes/meeting notes I will pull up, we documented exactly where we stopped, which I will pull up in one second. All right. This is now approved. Up until 624. So let us pick up where we left off and go down to 624.

And someone's ringing.

Becky Burr: Sorry. That's my other phone ringing in the background. And if I could figure out how to turn it off, I would.

Bernie Turcotte: A pair of scissors works well.

Unidentified Participant: Or just pick up the receiver and slam it down again, Becky.

Becky Burr: Oh, okay. I'll just tell my son not to -- just stop calling me.

Bernie Turcotte: Well, not permanently but --

Becky Burr: Oh, no, there's no worry about that. He probably wants me to take him out to dinner or something.

Bernie Turcotte: Okay. All right 624. We were at definitions. We had started chatting about those with Nigel on our last call. I have chased both him and Becky down to no avail to try and get some new versions of these. So we know for a fact that Nigel, I can certainly say, really objects to 624.1 and 624.2, and he had some great words but did not manage to get them to me before I could finish this document or since.

Becky Burr: Okay. Well, I'm not going to try to explain away my lack of -- my incommunicadoness other than to say it's been crazy. But we should probably just continue to go through the rest of the definitions and still put those to the side, don't you think?

Bernie Turcotte: Yes, that's what I am going to suggest. So we were -- I guess that basically takes us to 626, substantial misbehavior, inability or unwillingness by the incumbent manager to correct significant issues with respect to non-DNS requirements, which we know we have to fix the non-DNS things, requirements of RFC1591 for managers of ccTLDs.

Right after that, we've got the IANA contractor should develop and post the procedures for determining if the manager of the ccTLD is substantially misbehaving based on the work of the FOI working group. These procedures should be reviewed and approved by the ccNSO as they will be responsible for monitoring.

So, we'll throw it open with that. We know there are some updates to the (inaudible) to 626.1, and I'm certain that we'll be hearing from Nigel in the next few weeks, but I'll take any additional comments at this point.

Okay, 626.2. Oh, okay. I see Martin. Martin? And then after that, Bill I guess. Martin, we're not hearing you, so if you're on mute, you have to unmute. We're still not hearing you.

Becky Burr: Martin? Martin is talking to himself. Maybe he's on the Adigo.

Bernie Turcotte: My audio is caput. Okay. So, I don't think we'll hear from you. Are you in a position to dial in? Oh, he's saying he is on Adigo. Let's see. Can you dial in?

Becky Burr: Yes. He's going to try to dial in. Why don't we go to Bill in the meanwhile?

Bernie Turcotte: Bill, over to you.

Bill Semich: Okay. Two questions. One of them is -- refers to -- first, can everyone hear me alright because I'm hearing an echo?

Bernie Turcotte: You're pretty good on this end, Bill.

Bill Semich: Okay, fine. I'll ignore the echo. One of the issues for me is that this refers to material that precedes the section, which we haven't actually all agreed on or even have seen language for. So I just want to raise that as a -- I want to spell that out clearly in the meeting notes.

And then the other issue is I'm concerned about the word inability as being an indictor of substantial misbehavior. I think we need to find a more willfully misbehavior type of work. Inability could be he had a heart attack and he's still recovering or she no longer is connected to the internet because of a tsunami or whatever.

Bernie Turcotte: Okay. I'll note that, Bill.

Martin Boyle: Hi. It's Martin Boyle here.

Bernie Turcotte: Hi, Martin. Floor is yours.

Martin Boyle: I think I've got an even worse echo than Bill's is.

Bernie Turcotte: We're not hearing it on this end.

Martin Boyle: Right. Okay. What I was intending to say, I realize that I was actually going for section 262 not 626.1, so I can put my hand down.

Bernie Turcotte: Okay. We're not going to deal with that one again today. Anybody else have comments or questions? Okay, doesn't sound like it so we'll try to move on if that's okay with you, Madam Chair?

Becky Burr: Carry on.

Bernie Turcotte: All right. So, 627, process for revocation, 627.1. The FOI working group also believes it is consistent with the intent of RFC1591 that revocation should be a last resort option for the IANA contract. The IANA contractor should use all means at his disposal to assist the manager to resolve any substantial issues with non-DNS requirements. Yes, we know we have to work on the non-DNS requirement wording, of RFC1591.

Revocation should only be considered if the IANA contractor can reasonably demonstrate that the manager is incapable or unwilling to resolve the clearly identified and documented issues in (inaudible). If the delegation is revoked, the IANA contractor should use all means at his disposal to ensure the ccTLD will continue to resolve names and identify a suitable replacement.

627.1. Given it's a big chunk, we'll take them one chunk at a time. Bill?

Bill Semich: I'll just repeat my comment about the use of the word incapable.

Bernie Turcotte: Noted.

Becky Burr: Just for purposes of thinking about this, presumably prolonged or permanent inability would not be something that you would object to as a concept in here? Or would --

Bill Semich: Yes, but how do you determine it's permanent? I mean, there needs to be some -- I think another kind of word might be more appropriate. I'm not sure. I'm not going to start looking in the dictionary, but I understand what you're saying, Becky.

On the other hand, if they're incapable -- I think of a revocation almost as a taking. It's like a taking of property in the case of a condemnation procedure, and I think we have to think of it in those kinds of terms where if there's no culpability, then there should be some sort of alternate mechanism of resolving this problem.

Becky Burr: Okay. We'll try to look for another word that conveys significance and importance of getting it right in this circumstance.

Bernie Turcotte: Okay. I don't see anyone else who has any other comments. I'll just add in along the lines of Becky, although it may be the wrong word, incapable, I think the reality is we're going to have to deal with the situation that if someone cannot fix a major breach, then there are some problems. And there aren't a lot of options for the IANA contractor to resolve these.

And we are talking about significant here. So, anyways, certainly noted Bill's comments and we'll try to come up with something. But the reality is that I think if the -- we should probably address the fact that if the ccTLD operator can't operate the ccTLD, even if he wants to, that's still an issue.

I'll leave that one there and move on to 627.2. The FOI working group believes that it is consistent with RFC1591 to allow a manager the right to appeal a notice of revocation by the IANA contractor to an independent body. So this comes back to some of the elements that were listed in 1591 and certainly something I remember Bill bringing up quite a while ago and wanted to make sure that when we got to this point that something like that was in there. So, and I thought that made sense to actually have that in there. So we'll take comments on 627.2.

Becky Burr: Looks good to me.

Bernie Turcotte: Okay, 627.3. The IANA contractor should develop and post the procedures necessary for the revocation of the delegation of the ccTLD based on the work of the FOI working group. These procedures should be reviewed and approved by the ccNSO as it will be responsible for monitoring these.

I have to go down a bit here. Oh. 627.3, basically following our standard procedure. We try to walk the line between policy and developing detailed procedures. What we're saying is if we're coming up -- if we will come up with a framework for helping establish revocation than IANA should develop the procedures to support these and the ccNSO should go through those and make sure they're okay because it's not our job, nor are we probably competent in developing these procedures because we don't know all the constraints under which IANA has to work, especially with the USG.

However, such procedures should be established and they should be public and they should be reviewed. So, comments? Where is Nigel when you need him?

Becky Burr: Getting bored, Bernie?

Bernie Turcotte: No. It's just not the same thing, right? You go to a hockey game you expect a fight, right?

63. Section 3.5, revocation for persistent problems with the proper operation of the domain ccTLD. In cases where there are persistent problems with the proper operation of a domain, the delegation may be revoked and possibly delegated to another designated manager.

Okay, so basically we've switched gears here and moved off of the previous section of RFC1591 and moved on to section 3.5, which no longer invokes significant misbehavior but rather talks about persistent problems with the proper operation of a domain. So really complete other world, or at least we tried to draw that line in the sand saying okay, let's look at what section 3.5 of RFC1591 means.

63.1 is just a restatement of RFC1591, so I don't think we're going to have a huge argument about that, or I hope not. And 63.2, persistent problems with proper operation of the domain. 63.2.1, the technical operations of TLDs has greatly evolved from the time of publication of RFC1591 along with the use (inaudible). Although still a specialized field, standard knowledge for a networking specialist and is supported by a large volume of easily accessible documentation applications. In addition to this, as mentioned in the point, there are a number of service providers -- in a previous point, sorry, specializing in performing these services under contract for ccTLD.

Oh, I see what happened. So this basically is just a preamble to persistent problems, and I see Bill has his hand up. Bill?

Bill Semich: Yes, I believe the previous point has been expunged. So instead of saying as mentioned in the previous point, you might just want to say there are a number of.

Bernie Turcotte: Yes. Thank you. I was making that connection as I was reading it, but yes, you're quite correct. Any other comments? Okay.

Next in my preamble, the IANA contractor has not published its expectations as far as what constitutes a manager doing a satisfactory job of operating a DNS service for the domain ccTLD or what should be considered to be persistent problems with the proper operation of the domain.

Now, I may be wrong but I don't think I found these. So I think that's fact. Kim, am I wrong?

Kim Davies: Sorry, what was the question again?

Bernie Turcotte: 63.22. The IANA contractor has not published its expectations as far as what constitutes a manager doing a satisfactory job of operating a DNS service for the domain or what should be considered to be persistent problems with the proper operation of the domain.

So as far as I know, there is no official mapping of those parts of RFC1591 to anything published by IANA?

Kim Davies: I think that's correct.

Bernie Turcotte: Okay. Fair enough. Thank you. Anybody else? Bill?

Bill Semich: Yes. Speaking with recognition of what Eberhard might say at this point, I think there are sufficient adequate RFCs relating to operation of root name servers and relating to DNS management 1091 and 2 I believe. I don't remember what the root server number one is, but I could probably find it quickly.

As a starting point, we might want to recommend the RFCs as the basis for this kind of consideration.

Bernie Turcotte: Maybe, but this point, what I'm making right now, is that the IANA point of view, we don't have anything published, which they can refer to in their own documentation. I'm not saying there isn't anything out there, I'm just making --

Bill Semich: Well, because the IANA contractor used to be the same person who was the IETF editor and so RFC editor, there may be some intersection of the material that the IANA contractor is involved with managing. And one might think that these RFCs are the equivalent of posted policy or procedures.

Bernie Turcotte: That is certainly possible, but just to be clear, you're not arguing the fact that IANA has not published anything on that?

Bill Semich: No, I'm not arguing that at all. What I'm suggesting is that in the mind of John Postel, the RFCs may have been the basis for determining misbehavior. And again, I can't read his mind, but considering one hand is writing the RFCs and the

other hand is managing the IANA contract, one would think there had to be some cross-pollination if not actual intersection.

Bernie Turcotte: Yes, but just to be clear, we've left significant misbehavior and we're now in the world of persistent problems of the proper operation of a domain.

Bill Semich: I understand completely. The RFCs that I'm talking about relate to operation of the DNS.

Bernie Turcotte: Yes. Okay. Good. Anybody else on 63.22? Okay. 63.23, IANA should develop documentation as to what constitutes a manager doing a satisfactory job operating the DNS service for the domain or what should be considered to be persistent problems with the operation of the domain and undertake public consultation on this.

So basically I think what Bill is saying is maybe we can -- again, just to frame this, we don't go into making detailed procedures. We certainly, if there is information that we think is relevant, I think it's our role to sort of suggest it to IANA, so we definitely need IANA to come up with procedures. We need these procedure to be vetted somehow.

Certainly in the previous point we said that ccNSO needs to approve them. We would certainly hope that the ccNSO would approve these. And I think that sort of creates a very consistent framework with the rest of the work we've done. Bill?

Bill Semich: Yes. I'm going to actually echo the language of the letter we sent to GAC, preferably the replacement language that I proposed, in so far as that this might be an appropriate place to refer to the relevant RFCs, develop procedures consistent with the relevant RFCs, for example. And that would be a very simple way to deal with my concerns. I don't know where (inaudible) would come down on it, and I see that Jaap has his hand up as well and I'd be interested in hearing his opinions.

Bernie Turcotte: Yes, no, I think that's a great suggestion, but let's hear from Jaap. Jaap, you're up.

Jaap Akkerhuis: Mute button. I want to give some warning about this plan. For two reasons, a lot of operational RFCs have been written after 1591 and the RFCs. As to (inaudible) I don't know what you can really second-guess what Postel's meaning there in related documents.

The other thing is that's acting more seriously is if you are going to point to specific RFCs you're opening up a new can of worms. There has been in the past, in past I mean the last five years or so, has been numerous attempts to write documents about what is supposed to be a well-maintained domain or not. And all these attempts as far as I know have been kind of -- either stopped because it was getting too complicated, people are getting too much policies, quite a lot of different opinions upon how you're going to name service.

And before you know, you're doing 32 discussions, which nobody seems to have finished for the last five to ten years. This has to -- for instance, coming up in DNS (inaudible) trying to get minimum chat of (inaudible) you do of which RFCs appear to bypass a couple of times to try to get kind of a -- advisory document about how to (inaudible).

I haven't seen any consensus on more than just it should work, and so we have to watch which path you get into.

Bernie Turcotte: All right. Thank you, Jaap. I've noted that. So basically from Jaap, a warning about referring to specific RFCs and unclear what's out there right now. Obviously, there will have to be -- we'll be coming back to this one and try to deal with that.

Jaap, your hand is still up. Do you still want to talk? I'm not hearing you. I guess you just forgot.

Jaap Akkerhuis: I'll put my hand down.

Bernie Turcotte: Thank you, Jaap. Okay. So that was our discussion of 63.23, and I see a tick from Bill. All right. Let's move on to 63.24. And I will bring that up a bit on the screen. The documentation could then be used as a reference point when considering DNS-related issues with the managers of ccTLD. I don't think there's a huge discussion to be had there.

Definition of revocation, 63.3. 63.31, as noted in section three of RFC1591, a new top-level domain is usually created and its management delegated to a designated manager all at once. That's a cut and paste from RFC1591.

63.32. This would seem to clearly indicate the separation between the creation and insertion of a ccTLD in the root and the granting of management responsibilities to a designated manager by the IANA contract manager.

All right, let's take comments and questions on this part. Bill?

Bill Semich: Well now, I don't know which way to go on this one because on a first reading of 63.31, it appears to me that it's presto chango it happens at once. But the way you've come up with 63.32, because it defines them as two separate acts, they must be separable. Becky, what would you say on this?

Becky Burr: Well, it seems to me that -- well, I could read it either way. It seems to be that they're talking about two things happening, which is creation of domain and delegation. They're two different things. But the fact that they're all -- so I guess you're all at once, but to me that means sort of at the same time as opposed to being the same thing. I mean, I think that is sort of just a more straightforward reading, but I definitely understand the reasonableness of taking a different vote.

Bernie Turcotte: Bill?

Bill Semich: I think if we rest the argument on the word usually, the separate ability of the two actions is clear. So I'll withdraw my earlier observation.

Bernie Turcotte: Thank you, sir. Okay. So that would be 63.32, as I scribble away furiously. 63.33, as such one should define delegation as the IANA contract manager conferring the responsibility for management of the ccTLD to a manager, or what we call the designated manager.

So from 63.32, what we're saying is one should define delegation as the IANA contract manager conferring the responsibility for management of the ccTLD to a manager. So we can build up some definitions.

63.34, revocation could then be defined as the IANA contract manager rescinding the responsibility for the management of a ccTLD from an incumbent manager. All right, since we're using the evil R-word, oh, I have (inaudible) from Bill. Wow. Okay.

But we will take comments. Becky? You're the Chair, you can just speak whenever you want, you don't need to raise your hand.

Becky Burr: Oh, okay. Well, there's something about -- I'm sorry, this is my fault for not catching this, but rescinding the responsibility is -- strikes me as odd. This may be a Bill Semich conversation too. This is just a grammar thing. Can you rescind? It's kind of like rescind like conferring of the responsibility.

Bernie Turcotte: Madam Chair, I'll be glad to work with you on the specific wording so that it makes sense from your excellent perspective.

Becky Burr: Right. I will endeavor to be more promptly responsive.

Bernie Turcotte: So the notes will show the Chair has chastised herself.

Becky Burr: They don't have to show it quite that clearly.

Bernie Turcotte: Oh, okay. Sorry.

Becky Burr: But it's okay with me.

Bernie Turcotte: Okay. Moving on, 63.35. Let's lower that a bit, or raise it rather. Because delegation and revocation only deal with conferring and rescinding responsibility with the caveat that Becky will be working with me and probably Nigel on this wording. I'll throw that in the notes right now. Nigel, as you read in the transcript, I'm there for you. Rescinding responsibility for the management of the ccTLD from/to a manager, there is no requirement or expectation that the ccTLD be taken out of the root if a delegation is revoked.

The prime responsibility of the IANA contract manager to the security and stability of the internet actually dictates that it undertake all means at his disposal to keep the domain functioning.

All right, 63.35. Bill, go for it. Oh, Bill, you put down your hand. Okay. Does that mean you don't have a comment?

Becky Burr: I think it means that he, like I, just left his hand up. Now Martin does have his hand up.

Bernie Turcotte: All right, Martin?

Bill Semich: No, actually I missed the mute button. Sorry. Martin, feel free to go ahead and I'll sit here and think about it.

Becky Burr: Martin?

Martin Boyle: Hello? You getting me now?

Becky Burr: Yes.

Bernie Turcotte: Yes.

Martin Boyle: Right. I'm as well having great difficulty in understanding what this particular paragraph is trying to get at. I would have expected that you're not going to want to rescind responsibility from a manager without having gotten a new manager because otherwise who is going to be looking after that domain during that undirected period. And I certainly don't like the idea of IANA then having to take the responsibility for managing a TLD.

So what I guess is missing in this particular paragraph is really the concept that came in in 63.31 as stated in the RFC1591, that actually you don't want to have created something that then is not actually being operated.

And I'm struggling hard to see sort of how in the current wording you could not actually almost be inviting somebody to say that that manager is not actually doing the job, therefore, we've now spent three years trying to find a new manager without a manager in place. Thanks.

Bernie Turcotte: All right, Martin. The way I'll go at this, I'm not arguing that point with you. I think it may be badly made, but the point we were trying to make, just for clarity, is that even if there is an action to revoke, there should not be a consideration of taking the domain down or not ensuring that it's working for those people in there.

So I don't think we were trying to make the point that IANA has to operate domains, we were just trying to be clear that the option of taking a domain that has registrants in it should really not be part of the equation.

All right, Bill?

Bill Semich: Yes. Related comment to Martin's, but from a slightly different angle. I would suggest for clarity that we get rid of the introductory clause because delegation, yada yada yada, and start the sentence that there is no requirement or expectation.

And then in the second sentence we might want to, and again I don't know if it's upsetting policy or it's merely trying to understand the IANA rule, we might want to indicate that we are aware that IANA and possibly the manager involved in the revocation process or using some other mechanism, IANA has the responsibility of assuring the continued operation of the domain prior to the assignment of a new manager.

And I don't mean actually operating it itself, but establishing procedures which will, for example, find a contract service provider who has no interest in being a manager, of which there are plenty around these days.

Bernie Turcotte: All right. Noted. Thank you, Bill. Anybody else have any comments? All right. I don't see anything else. So that would conclude 63.3.

63.4. We're getting near the bottom of the barrel here folks so hang in there. I know this is just riveting you to your seats with the excitement and the pace we're moving. Pardon me?

Becky Burr: Titillating.

Bernie Turcotte: Yes, titillating. Okay. Process to revoke delegation. The FOI working group also believes the intent of RFC1591 that revocation should be a last resort option for the IANA contractor. The IANA contractor should use all means at his disposal to assist the manager to dissolve any persistent issues in the operation of the ccTLD. Revocation should only be considered if the IANA contractor can reasonably demonstrate that the manager is incapable or unwilling. Yes, Bill, I note the incapable thing, and I will put it in the notes. To resolve the clearly identified and documented issues in an appropriate timeframe.

If the delegation is revoked, the IANA contractor should use all means at his disposal to ensure the ccTLD will continue to resolve (inaudible) an identified suitable replacement. And yes, the language and the discussions we had from the previous section should be applied here.

So, with those caveats I will take any comments or new comments saying that I have noted the impact of the changes in the previous section will have on this one. Bill?

Bill Semich: Yes, I'm a little concerned about the sort of general phrase identify a suitable replacement, and I'd prefer that we refer to any other -- previous document on delegation as being the procedure to be followed.

Bernie Turcotte: What document are you referring to, just so I'm clear?

Bill Semich: I don't know the document, I just know we're working on different documents, ones on delegation and ones on change in manager, and then there's this one on revocation.

Bernie Turcotte: Oh, okay. I get you.

Bill Semich: Basically following the working groups' recommendations.

Bernie Turcotte: Okay.

Bill Semich: Rather than just a suitable replacement.

Bernie Turcotte: Okay. Thank you. Any -- and we've got Stephen.

Stephen Deerhake: Quick point of clarification. Are you suggesting here that IANA go ahead and revoke without having somebody to step in?

Bernie Turcotte: No. I'm not saying that. I think from the previous section we've expanded that issue a bit. It's obvious that we're going to have to spend a little bit more time at it.

Stephen Deerhake: That's what I thought, yes.

Bernie Turcotte: What was made clear -- well, what I took away from the discussion on the previous -- the end of the previous section was that if there is a real requirement to revoke, A, IANA should not be the one -- well, let me back up a bit.

All efforts should be made to keep the domain running. B, IANA should not be the one operating it, which, C, means that there should be someone in interim to handle it before it's re-delegated. Bill has suggested that there may be a contract operator. I don't know if that's going to make everyone happy or if we're going to

be happy with that, but we've got to go through those words and understanding, write those things down, and make sure everyone gets a chance to comment on them and basically arrive to something that when we read it is clear, represents the intention, and avoids confusion.

So, that's my reply to you, and I hope it hasn't made things more confused.

Stephen Deerhake: No. That's good.

Bernie Turcotte: Martin? We're not hearing you, Martin, if you're speaking.

Martin Boyle: Sorry, I un-muted the Adobe rather than my telephone line. Sorry.

I've actually got a bit of a problem with the very last part of that section because what it's actually saying is that IANA, the IANA function manager rather than IANA contractor, will identify a suitable replacement.

Bernie Turcotte: I understand your concern, and I understand why you would have that concern given the way it's written. And what I will say is two things. It's not meant to be that IANA chooses who is the new operator for the domain in this kind of a situation. There are procedures. We've talked about them and how they work, so this is not a shortcut in this situation.

And secondly, I think both Bill and Steve have noted that everyone has problems with the way the end part of this is written, so it's got to be fixed. So I think I understand your concern and I think it's fairly easily -- and I agree with it, so we'll be working on that. Is that okay, Martin?

Martin Boyle: Yes, that's fine.

Bernie Turcotte: Okay. Thank you. All right, that was 63.41. Moving on. So if you remember the last part of the previous section on significant misbehavior, we're trying to follow the track here. The FOI working group believes that it is consistent with RFC1591 to allow a manager the right to appeal a notice of revocation by IANA contractor to an independent body. So that's the same wording as the previous section. Do we have questions here?

Okay. 63.43. The IANA contractor should develop and post the procedures necessary for the revocation of the delegation of a ccTLD based on the work of the FOI working group. These procedures should be reviewed and approved by the ccNSO as they will be responsible for monitoring these. Questions, comments, 63.43?

Okay. Oh, Bill agrees. Okay. Thank you, Bill.

And we're down to our last two statements. Relevant procedures. The FOI recommendations on consent and revocation address the issues listed. So you'll remember way back at the beginning of the document, relevant procedures is when we talk about the IANA procedures that are in place, and we raised a few concerns relative to those. And what we're saying is after we finish going through this work that those issues are now addressed. Are there thoughts, comments?

Okay. GAC principles. The GAC principles do not directly deal with revocation. I tried to go through this and understand it and work through it. I think there is

some basis for the transfer of a domain, but just the outright revocation of a domain I could not map. And, Martin, I know you were intimately involved with that, so if I did not get that right, then I'll be glad to take some guidance on that one relative to working and how we can present it. Martin, the floor is yours. Don't forget to unmute the phone and not the Adobe room.

Martin Boyle: Yes, thanks. I think section seven of the GAC principles, while they don't specifically refer to revocation, remember revocation was not actually a term of the past in this phase.

Bernie Turcotte: Yes, I agree.

Martin Boyle: But it does talk about delegations. It does talk about the requirement for continuing name resolution in 7.21. And so I don't think you can just say the GAC principles do not directly deal with the revocation. That's true because the terminology revocation wasn't used. But certainly there are I think a number of guidelines in there that do specifically refer to that, and more fundamentally there is 7.1 the principle which applies not just to delegation but also to re-delegation and therefore by extension would be expected to apply to revocation.

But this is just what's written in the words. I guess we ought to be talking to the GAC about how they would see the GAC principles applying to this particular section.

Bernie Turcotte: Yes. I'm certain we'll do that at some point, but may as well take the experience and the excellent counsel that we've got by having you here. Would it make more sense to say that what we're developing here is in line and consistent with what's in the GAC principles 2005?

Martin Boyle: I think so, though I guess we probably need to go and read and collective (inaudible) the section seven of the GAC principles against what we've just written. Certainly I don't think I heard anything particular that term (inaudible) no it isn't, although how people then interpret what is substantial misbehavior might actually vary from where you're actually sitting in the supply chain.

Bernie Turcotte: Okay. Thank you, Martin. All right, Madam Chair, that concludes our reading, our first reading of the revocation document. The recommendations, because of the way the document is structured, you'll see sort of our -- the elements of them are certainly present in the previous section, which is why we didn't go into details on this first pass, especially given it's such a document.

So the next step on this one will be for me to gather up the comments, hopefully get a hold of Nigel and Becky next week, hash out some of the areas where they can be -- they can contribute to fixing up my words, and hopefully have a redline version out to everyone so we can do this all again in a few weeks.

Becky Burr: All right.

Bernie Turcotte: So, over to you, ma'am.

Becky Burr: Okay. The next item on the agenda is the working group response to the GAC submission on the consent document. And as I recall, this was an item that was -- that we had started to discuss last time. Do we need -- and I guess the question is do we -- is there something we need to continue to do in this respect? There's no document here, right?

I mean, I think that the bottom line here is that there were -- the procedures that were followed were not ideal and everybody knows that and I think that's sort of where we've come to in all of the -- throughout all of this process. Bernie, am I missing some important piece of this?

Bernie Turcotte:

I believe where we left it off and what it says in the notes -- well, maybe just to bring everyone back into it, I'll just read the notes from the last meeting.

Bill from France, yes, in the press of time I believe, and I think relevant staff and the chairman where this meeting in Asia, a letter was drafted and sent without, at least without my knowledge, and I suspect without being posted to the working group.

And there was a small but important sentence in the annex to the letter which set off a few whistles and bells in my alarm system, and I have proposed changing a couple of the words of that in order to make it consistent with how we've been described RFC1591 versus GAC principles in the context of this working group.

With the principles serving as a guideline and not as policy, and I think we've been consistent with that as far as I feel uncomfortable suddenly changing that approach, and I would strongly urge that we modify the annex and merely send it as a substitute annex to the GAC with the explanation that in deference of the need to get the letter to them quickly, it hadn't been reviewed by the members of the working group and assuming that the working group confers with my proposed changes, or something like it, we would include that.

And then there was something inaudible. 62, apologies from the Chair for sending the letter without consulting. 63, Chair, yes, certainly at a minimum I would recommend that we read into our records what the wording should have been so that any further dissection of the data later on leaves no question either what we actually really meant.

From Bill's email posted to the FOI working group, the response states in annex A the FOI working group fully concurs with the GAC that the terminology on the IANA function manager website should be aligned and consistent with the proposed guidelines and more importantly with RFC1591 and the GAC principles.

So that was the quote from the document we posted. Bill says, for me at least, it is untenable to equate RFC1591, which is a community-accepted policy document with respect to ccTLDs, with the GAC principles, which is a self-described advisory of voluntary guidelines drafted by the GAC with no other community input and which we have never viewed as anything other than an advisory document, albeit an important one.

I would propose the alternative language, the FOI working group fully concurs with GAC that the terminology on the IANA function manager website could be aligned and consistent with the proposed guidelines and more importantly with RFC1591 as well as reflecting the voluntary guidelines put forward in the GAC principles. And this topic will be discussed at the next meeting, which is this.

The recommendation from Keith was that we did not believe we should repost to the GAC because that may bring on a whole bunch of unintended consequences. What he was suggesting that we make Bill's -- we've noted that the Chair has

apologized for sending the document, that was a breach of protocol, that's in our meeting notes. We've noted the alternate text in the meeting notes.

I believe where we are now is we need to understand if it's the will of the working group to send a revised annex to the GAC or not. So that's my summary of this situation. Madam Chair?

Becky Burr: Okay, thank you very much. And I see Bill has his hand raised.

Bill Semich: Yes. I think even on the last call, or maybe just in conversation with Keith, but I think on the last call I indicated that sending a new annex to the GAC wouldn't -- I wouldn't see that as a necessary step in my -- in fact it might confuse things by having two documents floating around that have a slightly different language in them.

But I do think that it would be important that if we have posted in the documents that include that letter on the working groups' documentation that we have a modified version, assuming it's acceptable to the working group, that has language similar to if not the same as what I'm proposing.

And again, I don't see it as a major big deal. It's basically clarifying how we define or perceive RFC1591 versus the GAC principles/guidelines. I'm comfortable with what Keith has recommended here. I think he's put in XYZ rather than ABC because he feels that it's possible the working group may want to have some other kind of alternative language. If so, we should probably wait till there's more people on the phone call to talk about what the language should say.

But I would be comfortable with what the Chair recommends on the presumption that we will also include a letter -- an annex in our documentation that would be the annex presented to the working group as opposed to the annex sent directly to GAC.

Becky Burr: Yes. I think that's -- I think that makes sense. And Keith would be happy to finesse with a smaller group he says. So it must be Keith is in the airport between flights here.

So should we take the final finessing language offline?

Bill Semich: That's fine with me.

Becky Burr: Okay. And Keith, you've nominated yourself to participate in the finessing.

Bernie Turcotte: Martin has his hand up, ma'am.

Becky Burr: Oh, Martin, you have your hand up. Sorry.

Martin Boyle: Yes, can I just also for a point of clarification, I felt a little bit unhappy with what I heard and therefore I suspect I probably didn't hear it correctly. If we have got a document we have sent to the GAC, then if we post something differently, this is a different document, even if only minorly different, in our library as a public document, then I think we've actually got a serious problem because somebody will notice that the document is not actually the same and ask why.

So if we go to post a different document, that different document has actually got to go to the GAC, and we can then talk offline to the GAC representatives on this working group to find out how best to do that, but I would be very concerned if I thought that the documents were (inaudible).

Becky Burr: Well, can I just ask whether we think that the change is of such magnitude that we couldn't essentially post and note the differences in whatever's posted on our library and then maybe -- I mean the question I have I guess is whether we -- whether the GAC needs to go through and review the document again, I guess.

But I didn't have the impression that these changes were so -- were particularly material, but I could be wrong.

Bernie Turcotte: And I don't think we even have final wording, and I think Bill has agreed to look at wording with Keith and it's going to have to come back to the working group anyways, so why don't we let Keith and Bill talk about wording, and if they can agree on something, then when they bring it back to the group, we'll see what we do with it as a suggestion?

Becky Burr: Right. And we can make a decision about whether it is in fact a material change in which case I would -- I hear you Martin. Any other comments? Martin, you still have your hand up, but I don't know if that --

Martin Boyle: Sorry. Yes, I did want to -- material or otherwise, if we've actually changed the document, I do think that almost certainly it will be politic to put a revised document to the GAC saying that we've just made a couple of minor mistakes, minor amendments to it. And I think that actually needs to be born in mind when we're looking at revising the text that we can't just sort of slip it out because somebody will notice.

Becky Burr: Okay. I don't think -- I think -- Bill has his hand up. Yes?

Bill Semich: As I think I said earlier, this isn't a change in the letter itself. It's a modification in the attached annex which is consistent with the manner in which we described the two different basis of our working groups' foundation, which is the -- foundation documents, which are the RFC1591, which we have established as accepted policy, and the GAC guidelines, which are recommendations by government.

Both have their own weight. Both have a different -- were created in a different context and have been proposed by two different groups. And as the working groups' role is to somehow integrate a series of procedures, or at least processes, that look to these documents, I think it's consistent to keep our description of these documents parallel all along, and that's all I'm suggesting here.

It's not a major change. Again, it's the annex. If it turns out that just posting a special note from this particular meeting or the meeting where we decide to make the small modification that I'm proposing, assuming it gets decided, and if it doesn't of course the whole issue is moot, then that's fine.

I'm not trying to suggest that we rewrite history.

Becky Burr: Okay. Well I think it sounds like we should let Bill and Keith get together and sort of confer on the language wording and bring this back to the group. Any questions, concerns, comments? Anything like that? Hearing none.

Okay. Any other business? We have an item held over for the next call. IANA implementation of the recommendations, discussion of the process. Bernie, I can't tell if that was from last week or this is what we're going to hold over till the next call?

Bernie Turcotte: No, that was held over from the last call.

Becky Burr: Right.

Bernie Turcotte: Given where we are and we are missing a few people, we may want to move that over to the next meeting also.

Becky Burr: Okay. Then finally, the schedule for further calls, keeping to our regular every-two-weeks thereabout schedule, a meeting on May 17th at 5 UTC, a meeting on May 24th at 1300 UTC, meeting on June 7th at 2100 UTC, and in Prague at the end of June. Does that meet with everybody's approval?

Kristina Nordstrom: Yes.

Becky Burr: All righty.

Bernie Turcotte: I think Bill has his hand up, ma'am.

Becky Burr: Oh, okay. Sorry. Bill?

Bill Semich: Do we have a time for the Prague meeting? I was -- because they're closing the meeting early, I'm leaving on the 28th instead of the 29th.

Kristina Nordstrom: Hi, Bill. This is Kristina. You mean the FOI working group meeting in Prague?

Bill Semich: Yes, the local time.

Kristina Nordstrom: Yes. It's going to be 1 pm UTC. Oh, sorry, CUC.

Bill Semich: Local time basically?

Kristina Nordstrom: Yes, local. That's local time, for three hours.

Bill Semich: Okay. I may be on a plane at 2 o'clock. I have to go back and check. I'm just -- I'm not asking for any changes. I'm just getting information.

Kristina Nordstrom: It's 11 UTC.

Bill Semich: Yes.

Becky Burr: Right. It's an interesting question about whether this change in the schedule -- in the Board's schedule essentially puts us in need of reviewing what our traditional schedule is and contemplating whether Thursday, which is typically pretty full day of working group meetings, whether we need to sort of evaluation whether the way we've traditionally planned still works. But I guess that's just a general thought.

Bernie Turcotte: I think that's a good question, and I guess we'll be looking at that with Bart, Kristina, and Gabrielle to make sure that it actually still makes sense, but for now this is the schedule and the time slot we've been given for rooms. And I'm sure as you all know, getting rooms is always a challenge at these things. And maybe not -- we may not be able to change anything for this meeting, but certainly --

Becky Burr: Yes, Keith has a suggestion that apparently the GAC has a day off on Monday, so maybe we should talk to them and the working group members about moving it to Monday. It sure would be nice to get a good GAC participation.

Bernie Turcotte: That may be great. So --

Unidentified Participant: One issue there is you're going to step on the tech day if you do that.

Bernie Turcotte: Yes, Eberhard and Company will certainly not be available.

Becky Burr: Oh, right. Of course.

Bernie Turcotte: Staff will look at that and we'll have some notes for everyone for the next meeting regarding that.

Becky Burr: Okay. All right. Any other business?

Unidentified Participant: Did you just see what Kim Davies wrote? If we want to jump on it, we need to jump on it today.

Becky Burr: Yes. I think we have a small enough group here that it's probably going to be difficult to do anything by the end of the day.

Unidentified Participant: I see end of the day. I would agree. I think it should stay where it is for now -- for next meeting.

Becky Burr: All right?

Unidentified Participant: Is that it?

Becky Burr: I think that is it. So we are adjourned until the --

Bernie Turcotte: May 18th. All right, thank you everyone.

Unidentified Participant: Thanks guys.

Bernie Turcotte: All right. Bye-bye.

Unidentified Participant: Bye.

Becky Burr: Bye-bye.