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Keith Davidson: I think it's now four minutes past, so we probably should make a start. I'm not really sure if we've got critical mass to proceed with the call, but let's at least have a roll call of who is on the call and apologies, please, Gabby.

Gabriella Schittek: We have Ugo Akiri at least through Adobe I think. Not on the phone, but I think he's listening in. And then we have Becky Burr, Keith Davidson, Steven Deerhake and Daniel Kalchev seems also to be here listening through Adobe. And we have Patricio Poblete and Bill Semich and Cheryl Langdon Orr. From staff we have Bernie and myself. And we have apologies from Martin Boyle, Dejan Djukic, Paulos Nyirenda, Suzanne Radell, Nigel Roberts and Bart and Kristina are on holiday.

Keith Davidson: And Chris Disspain has now just texted me to offer his apologies for lateness. He said he will be joining us, but he'll compensate for his lateness by leaving the call early.

Speaker: Okay.

Speaker: I've been known to do that.

Cheryl Langdon Orr: I guess that's like (inaudible).

Keith Davidson: Yes. With that, appreciating everybody or those who have made the call. That is quite a long list of apologies, but I think -- shall we make a start and see what we can do? I think last -- or two weeks ago we had to cancel a call because there just wasn't sufficient mass. I'm not sure if this is what we'd properly call a quorum, not that we have a proper quorum requirement, but I'm not sure that we've got a clear critical mass. But let's work through at least items three and four on the agenda and see if we can make some progress. And maybe we'll call it a short call and limit ourselves to an hour under the circumstances or at least see how we go. Is everyone quite relaxed about that?

Speaker: Um-hmm.

Speaker: Yes.

Keith Davidson: And as the -- well, any other changes to the agenda? Please excuse me too if I go a bit vague or off topic. I'm just 80 hours time from Japan, so and it's 1:00 am in New Zealand, so if I start to ramble, Becky, slap me and take over.

Becky Burr: I doubt you'll ramble.

Speaker: Well, just set that alarm off again. That's what greeted me.

Keith Davidson: That would do it.

Becky Burr: That was just feedback from my opening up the Adobe room with the speakers on (inaudible) talking on the telephone.

Speaker: So any one of us could do that.

Keith Davidson: Yes, it gets a loop going that perpetuates itself. Oh and I see Eberhard's just joined on the Adobe Connect room, so welcome, Eberhard and I assume you can hear us or if you're not hearing us you will be shortly.

Okay, could we move to the meeting report of 28 June? Is there any comments, anything that isn't otherwise on the agenda? Any discussion? Bernie?

Bernard Turcotte: Given we've covered a bit of ground, I adjusted the format a bit for the report, presenting the areas where we did do work and what came out and what was supposed to be the follow-on work. But apart from that, I don't think there's anything special.

Keith Davidson: And if there's no comments, we'll consider the meeting report accepted and move onto item four on the agenda, the revocation topic. And Bernie, do you want to take us through where we're at and where we're going?

Speaker: Oh, there you go. Somebody else did it.

Speaker: That was not my comment.

Eberhard Lisse: Hi, can you hear me?

Keith Davidson: We can hear you fine, but there's quite a bit of background sound as well.

Eberhard Lisse: Yes, I'm sitting in the airport lounge on the Blackberry at Adobe Connect on the Blackberry Playbook.

Keith Davidson: Oh, okay.

Eberhard Lisse: I've tried to -- I'm trying to mute now.

Keith Davidson: Okay, thank you. And I've just lost Adobe Connect completely, so I'll rejoin. But anyway, Bernie.

Bernard Turcotte: Thank you, sir. Okay, basically we had not finished going through version 2.1 of the revocation document. And so I haven't updated the document because I usually wait until we finish a full pass at the document before doing updates. So, I would propose if it's okay to go, we actually pretty much carry on from where we stopped last time.

Keith Davidson: Yes, please.

Bernard Turcotte: Which was in our face-to-face.

Keith Davidson: Okay. Yes, please, Bernie. I'm not hearing any objections.

Bernard Turcotte: Okay, so let me actually pull that up.

Keith Davidson: Well, while we're waiting, Eberhard, I think we can still hear airport news, so you may not have actually muted properly.

Eberhard Lisse: Okay, can you hear this?

Keith Davidson: I can hear you, yes, Eberhard.

Eberhard Lisse: Okay, so I have to -- I'll find a way. There is a way of muting, don't worry. It will just a little bit longer to un-mute then.

Keith Davidson: Okay.

Bernard Turcotte: Okay, so we basically stopped at 5.2.5.1 on June 28th in Prague. So I will bring the document down and increase the size of it because my eyes actually can't read this too much.

Keith Davidson: I can't read it at all.

Bernard Turcotte: Okay, whoa. That's a bit -- all right. Sounds like we're about here.

Becky Burr: Bernie, you're going to have to tell us where here is because the scroll -- it's individually scrollable.

Bernard Turcotte: Yes, 5.2.5.1. You're about three quarters of the way down the document.

Becky Burr: Thank you.

Keith Davidson: 5.2.5.1.

Bernard Turcotte: So basically the last comment we had from that was that Kim and I were supposed to look at that. So I guess we're over at 5.2.5.2. But just to get us back into the swing of things, let's go back up a bit. We just finished defining substantial misbehavior in 5.2.4 and in 5.2.5 we're looking at the process for revocation, which takes us to 5.2.5.2. The FOI working group is that it is consistent with our -- in 91 to allow a manager the right to appeal the notice of revocation by the IANNA contractor through an independent body.

So we'll keep -- if everyone's okay, we'll just keep doing this the way we usually do. We'll do it chunk by chunk. This is our next chunk, the right to appeal. Comments, any thoughts, et cetera?

Doesn't sound like anything. I'm in full screen mode, so I'm not seeing if there are hands up, so Keith, I'm going to count on you.

Keith Davidson: Yes, no comments. Go for it, Bernie.

Bernard Turcotte: Okay, 5.2.5.3. The IANNA 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. And these procedures should be reviewed and approved by the ccNSO as it will be responsible for monitoring these. Thoughts, comments, questions? 5.2.5.3.

Hearing none, sounds like it's okay. So I'll take it that for this limited group at least we were okay up to 5.2.5.3. And that sort of closes off the section on significant misbehavior, if you will. So that's the end of what happens under 3.4, significant misbehavior.

5.3 we start on revocation for persistent problems with the proper operations of a domain, which is section 3.5 of RSC1591. So are we all okay to head into 5.3?

Keith Davidson: Okay for us, Bernie.

Bernard Turcotte: So basically we've got our usual standard format listing what's actually said. 5.3.1, in cases there are persistent problems with the proper operation of a domain, the delegation may be revoked and possibly delegated to another designated manager. End quote. I'm

not expecting any arguments with that, given it's a straight cut and paste from our RSC1591. Are we good on 5.3.1?

Okay. Moving on, 5.3.2, persistent problems with the proper operation of the domain., meaning a ccTLD in our case. 5.3.2.1, the technical operation of TLDs has greatly evolved from the time of publication of RSC1591, along with the use of the Internet. And although still a specialized field, this is standard knowledge for networking specialists and is supported by a large volume of easily accessible documentation and application. In addition to this, there are a number of service providers, which specialize in performing these services under contract for ccTLD managers.

So that's sort of an introduction, if you will. I think we've gone through that on our first half of the revocation document and it sort of stood the test. Questions, comments?

- Keith Davidson: Steven indicating a tic (inaudible).
- Bill Semich: Hi, this is Bill.
- Bernard Turcotte: Sorry, Bill?
- Bill Semich: I'm a little bit lost. Can you tell me where we are now?
- Bernard Turcotte: 5.3.2.1.
- Bill Semich: Okay, I was back in 5.2.3.1.
- Bernard Turcotte: No, not 5.2.3, 5.3.2.1. Yes. 5.3.2.1.
- Bill Semich: All right, thank you.
- Bernard Turcotte: Okay, so I'll take this as the general concepts of 5.3.2.1, which just states this is not magic is okay. Moving onto 5.3.2.2. The IANNA contractor has (inaudible) expectations as far as what constitutes a manager doing a satisfactory job of operating the DNS service for the domain or ccTLD or what should be considered persistent problems with the proper operation of the domain. So that's 5.3.2.2, basically saying we've got this statement in 3.5 of RSC1591, but that there is no documentation from IANNA regarding what is satisfactory jobs operating the DNS service or what constitutes persistent problems for the proper operation of the domain. So any questions, thoughts on slide 3.2.2?
- Keith Davidson: Becky has her hand raised. Okay, Becky, in a moment. But I guess the issue firstly is that there -- yes, there is sort of, I guess what we would call industry best practice that has evolved over time and will continue to evolve for the operation of the DNS. I wonder if we should be referencing the concept in 5.3.2.1 in that regard to indicate that there are --
- Bernard Turcotte: I think we were trying to put that into 5.3.2.3 last time, if I remember correctly.
- Keith Davidson: Oh, I guess (inaudible).
- Bernard Turcotte: We're only sort of saying in 5.3.2.2 that from the documentation that's available on the ISF site, there is nothing which references those two points directly.
- Keith Davidson: Yes, okay. Becky has her hand raised. So, Becky.
- Becky Burr: I'm just having this moment of anxiety as to whether or not this constitutes IANNA making policy and where that puts us with the IANNA function contract. I mean I think it would help if we said something like in there that IANNA has not documented current

industry best practices or something like that so that -- I don't know. Maybe I'm overreacting to it, but it just makes me a little nervous.

Chris Disspain: Hi, it's Chris. I just wanted you to know I've joined the call.

Bernard Turcotte: Excellent.

Becky Burr: Actually, Chris, you might have thoughts on this one.

Chris Disspain: I'm sure I have, Becky, but I have no idea what you're talking about, so.

Keith Davidson: Well, welcome, Chris. I did note your apology for lateness and that you would compensate by leaving the call early as well.

Chris Disspain: Yes, I'll be late and leave early.

Keith Davidson: So, we're -- for Chris' sake, we're at 5.3.2.1 and point 2 on the document. And sorry, Bernie, I think let's carry on, noting Becky's reservations, but let's just get down the page a little bit and see where we get to.

Bernard Turcotte: Yes, sir. What I was saying to Becky, but I noticed that I was talking to a muted phone, was that really 5.3.2.2 is just about saying IANNA doesn't reference this in any way, shape or form. So we can expand this to include industry best practices or other things. I am sensitive to what Becky is saying and we may actually be more sensitive to it in 5.3.2.3. But noted and let's carry on to 5.3.2.3.

Okay, (inaudible).

Keith Davidson: Just before we do, Bill has his hand raised, so Bill, did you -- oh, your hand's gone down.

Bill Semich: Yes, well actually I had thought that I would wait until 5.3.2.3, but then Becky's comment sort of made me jump the gun. But it's 5.3.2.3 that I'll comment on once Bernie's made his presentation.

Keith Davidson: Okay. Carry on, Bernie. Sorry.

Bernard Turcotte: Okay, so I guess I'm doing 5.3.2.3 at this point.

Keith Davidson: Yes.

Bernard Turcotte: IANNA has developed documentation as to what constitutes a manager doing a satisfactory job of operating the DNS service for the domain. Based on currently accepted standards and what should be considered to be persistent problems with the proper operation of the domain and then to undertake a public consultation on this.

So, from our last go at this paragraph, we added in, as I was talking earlier, based on currently accepted standards. So, let's go to it and I think Bill has the first go at it.

Bill Semich: I guess this is more a cautionary note rather than a suggestion of how to deal with this. Of course, we know that ICANN, not IANNA, although I'm sure what IANNA's role is with the new gTLDs, but ICANN certainly has a series of technical requirements and expectations for the proper operation of TLDs in the generic space. So way back to the dot com contract. And I don't know whether this is something we should be concerned about or not, but it would kind of be obtuse for us to ignore it. That's my comment.

Bernard Turcotte: And that's very relevant, Bill. I did go and get the specifications -- operational specifications and DNS related things from the new gTLD contracts and the expectations. There are obviously things in there which could fit into this if this is what we decide to

refer to it. And I can -- it's been a little while, but I'm sure I can dig it up again and circulate it to people. But I think the point at this level, whenever we get down to significant details, we always get into trouble on the FOI side of things. So, maybe there is some wisdom to just sort of leaving it in a generic fashion like this is my only comment to people. I'll put it over to Keith and see what he wants to do with it.

Keith Davidson: I think I'm just sort of noting and, yes, Steven's comments too on Adobe Connect is saying it smells like policy development on the part of IANNA. I don't think it is. There is a clear policy statement on RSC1591 and this is a development of color and depth I would have thought. So, I think throwing it back to IANNA to go through a process is not -- I don't think this is in any way contravening the spirit of the contract with NTIA or IANNA's obligations. I guess it would be nice to have Kim or Alicia on the call to talk that through more but perhaps we could note that as a topic to, if those on the call agree, we can enter into an open discussion with IANNA staff on.

I'm not hearing any objection to that, so perhaps we will progress down that path. So, continue, Bernie.

Bernard Turcotte: Give me a second. I'm finishing writing the notes. Okay, anything else on 5.3.2.3?

Bill Semich: It's Bill.

Keith Davidson: Hi, Bill.

Bill Semich: I will say that from a purely operational point of view, as a technical manager for a TLD, if there were certain specific standards available for managers to know that they -- there's a goal for them to meet, even if they're a smaller TLD and maybe have to work their way to it. It would probably be a great relief for many managers. That's just a comment.

Eberhard Lisse: Can I come in?

Keith Davidson: Sure, Eberhard.

Eberhard Lisse: Maybe we -- with the technical working group we have in the Asian and (inaudible) to IANNA. If it's not maybe something that we should mix (inaudible) from a technical point?

Keith Davidson: It's possible too. I think if there -- I guess the concern is that we'd be signing up for a constantly changing set of criteria as well, which may be difficult for some ccTLD managers to subscribe to because as we know, the DNS continues to evolve and so will (inaudible) along the way. (Inaudible)

Eberhard Lisse: I was thinking of some minimal standards. I mean best practices and so there is no requirement. It's just a minimum that which constituents could serious misconduct.

Keith Davidson: Okay, good suggestion. I'd like to hear from IANNA staff as well. Chris, could you comment? Chris, you're on mute I think.

Chris Disspain: You're correct, I am, but not anymore. Only just to say that I think Bill's -- I mean I take Bill's point about having a -- I mean a stance -- whatever the right word is. The challenge with that is -- I think all of us are comfortable to agree to something as being a standard if we agree to it. And none of us are comfortable to agree to something being a standard if we don't. And so there's a challenge around that. And Eberhard's point about there being just like a minimum is all fine and I agree with that too. And we'd be -- I'd personally be comfortable agreeing a minimum, but the challenge again becomes what do you do if it doesn't suit you? And this has always been the case. We've had this discussion many, many times over the years outside of the context of this working group, just generally in the ccTLD community about best practice and standards. And it's very, very hard to

concept of -- the moment you say the CC community agrees to this as a standard, it becomes incredibly dangerous I think.

Keith Davidson: Fully agreed, but --

Eberhard Lisse: Not for the cc community. It's for IANNA to tell us what they expect as a minimum standard. We can work with IANNA, but there is no industry standard, there is no CCNSO or ccTLD standard. I agree with Chris on that.

Chris Disspain: But Eberhard, what would you do if the IANNA standard mandated something or suggested something that you didn't agree with?

Eberhard Lisse: Let's respect our own job. Yes. So far the basic -- to the others I think we should take that when we arrive at it. We should take that hurdle when we near it.

Chris Disspain: Okay.

Keith Davidson: Yes. I guess the other issue is determining what an unsatisfactory job is as opposed to what a satisfactory job is. Okay, well look, I think that, Bernie, that gives us a steer and perhaps that's something that we need to await a bit of reasonable interaction with IANNA on when they make a call. So shall we proceed with a question mark over 5.2.3? 5.3.2.3. Sorry.

Bernard Turcotte: 5.3.2.3, carrying over? Wait for the discussion with IANNA. All right, we done with 5.3.2.3?

Keith Davidson: I think so, yes.

Bernard Turcotte: Okay, 5.3.2.4, this documentation could then be used as a reference point when considering DNS related issues with the managers of ccTLDs. So, however we get to a standard is just basically saying that's what should be used. So just to recapture the thought as we're going through this, there is a policy statement in 3.5 of RSC1591 that says the operator should do a good job of operating the domain and if he doesn't, the domain could be revoked and they'll get it to someone else. IANNA has not published -- has no references -- no reference manual material to say what is a satisfactory job or what is not. We're saying there should be such material, however we get to that. And I think we've heard both sides of the arguments that it's not necessarily going to be a simple thing and Keith has said, well it would be fun to bring in IANNA on this call to see what happens. And we're saying if we do get to a point where there is some generic definitions that we can all agree on, whether it'd be minimum standards or anything else, then that should be published and that's what should be used when trying to see if a manager meets up to the two requirements of doing a proper job or failing to do a proper job.

So any comments on 5.3.2.4?

Keith Davidson: Doesn't appear to be, Bernie.

Bernard Turcotte: Okay. So that closes off section 5.3.2, which moves us onto section 5.3.3, definition of revocation where we will find a lot of text that is similar to what we had under significant behavior.

Slide 3.3.1, as noted in section 3 of RSC1591, the new top level is usually created and is management delegated to a manager all at once. That's a quote. I don't think there should be a problem with that.

5.3.3.2, we have some new text here versus the previous version of the revocation document. While the activities may occur more or less simultaneously in the case of a new ccTLD, this language reflects the distinction between one, the creation and insertion

of the ccTLD into the root and two, the delegation of responsibility for the ccTLD to a designated manager.

5.3.3.2, your thoughts, comments?

Keith Davidson: Just for clarification, your point there, Bernie slash Becky, who I think actually suggested that point, is that it's to differentiate that there's actually two separate strands of thought or just two separate actions occurring simultaneously.

Bernard Turcotte: That is correct. And yes, if I remember correctly, this is Becky's work I think because it's significantly too good for me.

Eberhard Lisse: Can I come in?

Keith Davidson: Yes, Eberhard.

Eberhard Lisse: I don't like the word delegation in delegation of responsibility there.

Becky Burr: I think that's exactly the wording that's used. I'm pretty sure that's why I --

Keith Davidson: Becky, you're echoing on us because you have your Adobe Connect speakers un-muted I would think.

Becky Burr: I have them muted actually.

Keith Davidson: We're getting a lovely echo from you anyway.

Bernard Turcotte: She may not have her microphone on the Adobe Connect muted.

Keith Davidson: Ah, yes.

Becky Burr: I wasn't getting an echo earlier, right?

Keith Davidson: No, you weren't.

Becky Burr: I'm just going to redial in. Bye.

Keith Davidson: Okay.

Bernard Turcotte: So we'll wait to get Becky back?

Keith Davidson: Yes, well shall we carry on and come back to that point? And so the question that Eberhard raised is over the use of the word delegation of responsibility. And so can we come back to that one and carry on in the interim while we wait for Becky to get back on the call?

Bernard Turcotte: Given the points after it depend on this, I think it would probably be best to wait the 90 seconds it's going to take from this point for Becky to get back.

Keith Davidson: Okay, let's wait. Would someone like to sing us a song then?

Bernard Turcotte: Not me.

Eberhard Lisse: I can ask the manager in the restaurant here to play music if you want.

Keith Davidson: Which particular airport are you in, Eberhard?

Eberhard Lisse: That is actually -- what a good idea. I'm at (inaudible) International. I'm using a plain Blackberry Playbook with the Adobe Connect software. I'm using a 3G Myfi as a wifi to get in. It's bloody marvelous.

Keith Davidson: The audio is extraordinarily good quality considering.

Eberhard Lisse: Yes.

Becky Burr: I'm back.

Keith Davidson: Hi, Becky.

Becky Burr: Oh, I'm still echoing.

Keith Davidson: You are.

Eberhard Lisse: You're not echoing to me.

Keith Davidson: Yes, I don't think it's as bad as it was, Becky. But let's have a try and so the question Eberhard had was over the word delegation of responsibility and why you suggested that word delegation in that instance.

Becky Burr: I'm just going to look it up, but I think that is the language that appears in 1591 and that's why I used it.

Eberhard Lisse: My problem is even worse in the next paragraph, the IANNA contract manager conferring the responsibility. It's not for them to confer anything and it seriously interferes with what happened before and we often cannot (inaudible), so we must find a way around this.

Becky Burr: I'm not sure I understand the next issue.

Eberhard Lisse: The direction this takes. It's not IANNA contract managers thing to give.

Bernard Turcotte: I understand his point. I'm looking what we did in the previous section on this while Becky's looking up 1591.

Keith Davidson: Okay, and I note Bill's agreeing or has a tic on screen, but I'm not sure quite what he's agreeing with, whether he's agreeing with Eberhard or -- oh, Eberhard or Becky.

Becky Burr: Oh, I'm sure it's Eberhard.

Eberhard Lisse: It's not a problem for new delegations as of now, but it's a problem for existing delegations. We cannot say that this applies to existing delegations because that would say it's for IANNA contract manager to give, so it's for IANNA contract manager to take away. Not on.

Bernard Turcotte: I understand what Eberhard is saying. I can't find the section right now, but I think we managed to write our way around this in an earlier section of the document. And what I will do is I will note that on 5.3.3.3 we've got at this point it should probably refer to we handled this earlier.

Eberhard Lisse: I'm perfectly confident that we'll figure a way out.

Bernard Turcotte: Because I --

Eberhard Lisse: This is sort of a definition (inaudible).

Bernard Turcotte: -- I clearly remember we had that type of a problem and we came up with a solution.

Keith Davidson: Okay, so some further work for Bernie there.

Bernard Turcotte: Is Becky -- Becky, have you found what you were looking for?

Becky Burr: I'm still looking, but I'll get back to the other with you and look at the -- how we handled this in the previous section.

Bernard Turcotte: Okay, so on --

Patricio Poblete: This is Patricio. May I come in?

Keith Davidson: Please. Hi, Patricio. Yes, I just noticed your hand up so please proceed.

Patricio Poblete: Yes, what I was suggesting in the chat was to use the same language that's in the RFC. Well, there's no mention of responsibility in that paragraph, rather the word used is management. And as to what Eberhard was saying, that's a valid concern, but what is the -- it's tough just to make a decision between ccTLDs, (inaudible) before. The RSC was published and separated those from those that were delegated after the RSC.

Keith Davidson: Oh, okay. Yes, point noted.

Eberhard Lisse: For me that would do it, but we decided that we don't really want to open that can of worms, isn't it?

Bernard Turcotte: Well, we actually use that text in several places. We can certainly mention it again and I don't think that's inconsistent with a number of things we've done.

Eberhard Lisse: If we make a definition, we should at least try to come up with something that -- where we don't have to make that.

Bernard Turcotte: Redo would be nicer and I think Becky and I will be working on that tonight.

Keith Davidson: Okay, (inaudible) points for Becky and Bernie to work on that, taking into account the points raised. Okay, can we move on? Thanks, Bernie. Bernie, you're muted. Bernie, you're still muted.

Bernard Turcotte: Oh, sorry. There we go. So I'll consider those comments applicable to 5.3.3.2 and 5.3.3.3, that we have to go back to the similar language from higher up in the document.

Keith Davidson: Yes.

Bernard Turcotte: So then that takes us to 5.3.3.4, revocation could then be defined as the IANNA contract manager rescinding the responsibility for the management of the ccTLD from an incumbent manager. Questions, thoughts, comments?

Keith Davidson: Doesn't appear to be any.

Bernard Turcotte: Yes, I think we had done okay with that. It's a question of process before we get there and what happens.

Okay, 5.3.3.5, because allocation and revocation only deal with (inaudible) and rescinding responsibility for the management of a ccTLD from to a manager, there is no requirement or expectation that the ccTLD be taken out of the group if a delegation is revoked. The prime responsibility of the IANNA contract manager to the security and stability of the Internet actually dictates that it undertake all means at its disposal to keep the domain functioning. 5.3.3.5.

Keith Davidson: Steven's indicating a tic, other than that there doesn't appear to be any comments.

Bernard Turcotte: Okay. That would close 5.3.3, which would then take us into 5.4, process to revoke a delegation, which is -- this is the section that should be more similar to the section we've seen under significant misbehavior. Any problem for us to head into that?

Keith Davidson: Bill has his hand raised. Bill?

Bill Semich: Yes, I just lost the battery on my phone, so I'm trying the computer and just checking if you can hear me.

Keith Davidson: Yes, I hear you fine, Bill.

Bill Semich: Okay, I'm going to mute.

Eberhard Lisse: It's much better actually than the telephone.

Bill Semich: Thank Apple.

Bernard Turcotte: Get bigger battery. No, I'm just kidding. 5.3.4.1, the FOI working group also believes the intent of RSC1591 is that revocation (inaudible) options for the IANNA contractor. The IANNA contractor should use all means at his disposal to assist the manager to resolve any persistent issues with the operation of the ccTLD. Revocation should only be considered if the IANNA contractor can reasonably demonstrate that the manager is unwilling or incapable because of significant incompetence to resolve the clearly identified and documented issues in an appropriate timeframe. If the delegation is revoked the IANNA contractor should use all means at his disposal. The ccTLD will continue to resolve names in that the published process to identify a suitable replacement is undertaken and expedited.

So that's a big one. Let's take comments and thoughts on that. It's basically an adjusted version of what we had under significant misbehavior to reflect the notion that we're working from 3.5 this time and that there is significant problems with the operation of the domain.

Keith Davidson: There doesn't appear to be any questions or comments, Bernie.

Bernard Turcotte: Okay. 5.3.4.2, the FOI working group believes that it is consistent with RSC1591 to allow managers the right to appeal a notice of revocation by the IANNA contractor to an independent body. We did not have a problem with that the last time we went through it or rather in the previous section beyond, if I remember correctly, trying to understand what an independent body would be or might be. Thoughts on it?

Eberhard Lisse: I must say the independent body that is referenced in the RSC is nonexistent and would not be acceptable because that is -- it's the unilateral body organized by IANNA. As you say that any decision is final. I don't think this is going to be easy.

Keith Davidson: So, Eberhard, are you suggesting then perhaps that we need to add color and depth to the concept of what an independent body might now mean that it be a jury of your peers or other ccTLD managers or some such thing like that?

Eberhard Lisse: That would not be policy, because it hasn't existed and now we would create another body that would need policy. I don't think so. This is a really difficult one. Maybe we should just look for (inaudible). Maybe we should just take this 5.3.4.2 out and overlook it.

Keith Davidson: Well, there is a clear referencing to this external body in 1591, so it does exist. I'm a bit reluctant to just let it go quite so quickly. I see Bill has his hand raised. Bill?

Eberhard Lisse: The body has never been (inaudible).

Keith Davidson: Agreed. Fully agree with you, Eberhard, in that regard, but it is referenced. So anyway, let's hear Bill's comment.

Bill Semich: I just had a question maybe Becky's experience -- has some experience with this, but I wonder how the appeal process in ICANN might apply to ccTLDs through the IANNA. I'm thinking of the process that dot X used. I believe that was not an absolute kind of decision, it was more a review of the circumstances and a recommendation, which was not binding on the board.

Keith Davidson: Yes.

Bill Semich: I only raise that because perhaps there's a process in place already.

Keith Davidson: Because that was a judicial review in the US by US parties, so I think -- but anyway, Becky, your clarification?

Becky Burr: To the extent that there's board action on an IANNA action or recommendation or whatever, then clearly the reconsideration and independent review mechanisms would be available. I mean they're not great vehicles because reconsideration has a very, very narrow application and the arbitration under independent review can be very expensive. But to the extent there is actual board action, they would be reviewable.

Keith Davidson: Yes, and very expensive no doubt.

Eberhard Lisse: And this is an important thing. A small ccTLD just hasn't got the resources. So this body has never been in existence. It would not have been -- it would not have been, if it existed, be independent and its decision would be final, which they cannot be because you always have recourse through the court. So I don't know. Maybe we should just not talk about this.

Keith Davidson: I think Chris wants to make a point. Chris. You're muted. I assume that was Chris who asked to make a point. Chris, if you're talking, you're still muted.

Speaker: No, that wasn't Chris.

Gabriella Schitteck: Keith, Chris actually left the call, so it's not him.

Keith Davidson: Oh, okay.

Nigel Roberts: Here's Nigel.

Keith Davidson: Oh, Nigel. Hi, Nigel.

Speaker: Here is Nigel.

Nigel Roberts: I've been waiting patiently trying to get into the Adobe room.

Keith Davidson: Oh, excellent. Well, you're here now. Do you have a point to make?

Nigel Roberts: Well, okay. First of all, I'm reluctant to go down Eberhard's route, because the words are there in the existing RSC. Our job is to interpret them. We're the interpretation group, okay? But I agree with him when he says difficult because the interpretation we have to place on it is basically the rest of what he said. Which is that in all disputes, and bearing

in mind -- my interpretation of the idea in B clauses in RSC1591 are that again it was intended this would be convened on a disputed delegation, not a dispute that subsequently arose.

So for example, somebody applied for -- I mean dare I sort of give the example of dot Africa in the current situation. But somebody applied from a country and there were two fairly competing groups wanted to run the ccTLD and John Postell, on his own, would say okay, well we'll talk to -- let's just say he talks to Colleen. We'll talk to Colleen and you, Group A can do it. And Group B is not happy that he's picked Group B.

The idea in B from interpreting the words would appear to be a body, which is, I think would have been Joyce and Josh and John sitting together. In other words, the feeling I get from this is that it would be a little bit like a three member panel as opposed to a one member panel in UDRP. And they would then decide. They would look at it again and see if -- it's a bit like reconsideration. In effect he says this has a narrow scope. I think we've got to interpret to say that it is not an appeal body because it is not independent. It is the IANNA. So it's basically, as far as I can see, it's reconsideration and nothing else.

- Keith Davidson: Okay, thanks, Nigel. And I note Eberhard not yet saying that he yet can live with that. Dos that help, Bernie?
- Eberhard Lisse: What I'm saying is that if it's only -- if it's an appeal body that only reviews the decision of who to delegate it, yes. But if a revocation, if it doesn't apply to a revocation then what I'm saying is correct. We don't need to deal with it.
- Nigel Roberts: May I continue and expand on that?
- Keith Davidson: Yes, please, Nigel.
- Nigel Roberts: Okay. We've agreed in the past and we don't need to dwell on the circumstances, we've agreed in the past that there are rare, hopefully very rare circumstances in which revocation might be possible and appropriate. Let's take that as a starting point. Let's presume that's the case. The issue of natural justice is really simple. If the IANNA or the US government and the IANNA or the ICANN board or all three of them or any combination of those, decide to revoke, it's a very serious thing, both for the incumbent operator and for the territory or country represented by the TLD that's concerned.
- So, the actual act of doing this has to be surrounded by safeguards. And the safeguards have to be particularly safeguards against arbitrary action by the IANNA contractor in particular. But there are all sorts of other possibilities whereby the process could go bad.
- So, I think what we have to do is identify that there is not a satisfactory appeal to such a situation if it ever existed, and that it is crying out for a policy development process to produce one. Or I got that wrong.
- Keith Davidson: Who is that?
- Nigel Roberts: It's all gone remarkably quiet.
- Bernard Turcotte: I have that effect.
- Eberhard Lisse: Everybody but you and me are on mute.
- Keith Davidson: Everyone was talking to themselves. Nigel, I think your point was clear or points were well made. And I'd just like to add that I've always had the slight discomfort about the ICANN board appointing itself to always be the decider of what I guess essentially constitutes a revocation of a ccTLD or and so on. And to be honest (inaudible).

Nigel Roberts: Well, Keith, as you know I have serious professional and academic legal doubts about their authority to do that.

Keith Davidson: Sure and (inaudible).

Nigel Roberts: I mean I think you have -- you have practical nervousness about it as well, but leaving all that on one side, whoever may take it on unless he actually skips this, there's not -- let's finish this argument. Let's say perhaps somebody one day could. Then if somebody one day could, there must be natural justice and an appeal process and a stay of execution, et cetera. It's got to be surrounded by the same principles that would apply, for example, if a government decided to revoke the license of (inaudible) to operate television and radio in the area where I am today. It's possible. They have a license after all, but it would have to be done for serious cause and a complete breach of the terms of appointment.

Keith Davidson: Well, governments have often nationalized various assets like railways and electricity and so on.

Nigel Roberts: Perfectly possible. And there are very strict rules on how that may be done.

Keith Davidson: Yes, or varying degrees of rules, depending (inaudible) --

Nigel Roberts: And we could be concerned.

Keith Davidson: -- in the country concerned. But I do take the point. But I think the issue to me, I mean is the ICANN -- is the ICANN board safe in what it's doing? And so far it's proved to be safe because it hasn't been the capability of contesting that. But is it appropriate for the future compared to say, the ICANN board saying well, we have a re-delegation request for a country. And so we're going to appoint a panel of experts to hear that re-delegation and look into it. And that panel of experts could be high court judges, constitutional experts in that country or neighboring countries, et cetera. So, is that a safer, better process and stance? Yes, this is kind of one of the fundamentals for this group to consider I think.

Nigel Roberts: I don't think it is, Keith. I think it's outside our scope. That's our policy development issue.

Keith Davidson: Oh, yes, absolutely it would be a (inaudible). Could I just finish? Yes, absolutely it would be a policy development process, Nigel. I think that would be well beyond the interpretation of what the independent body might mean under 1591.

Nigel Roberts: Before you pass it to Eberhard, can I just make a little point of order, please?

Keith Davidson: Sure.

Nigel Roberts: I'm trying desperately to get into the Adobe room in order to be able to do this with -- by raising hands and so on. But it's just saying your request has been sent to the presenter, please wait for response.

Gabriella Schitteck: Well, Nigel, I have let you in several times and to me it appears you're in the room. So I'm not sure what's wrong, but I have let you in the room.

Nigel Roberts: Okay, I'll close the browser down and start again.

Gabriella Schitteck: Yes.

Keith Davidson: You are showing as being in the room. Anyway, Eberhard.

- Eberhard Lisse: I disagree that the decisions of the ICANN board have been safe. I disagree with the conclusion that they have been safe because nobody had the financial resources to appeal this. They have been unsafe, they are -- they're just nodding on the consensus agenda to whatever IANNA is saying. It's clearly not safe and I just want to place it on the record.
- Keith Davidson: Yes, I think we're actually saying the same thing in a roundabout fashion.
- Nigel Roberts: Different definitions of the word safe.
- Keith Davidson: But noted. Okay, anyway we're moving a little bit off track, but a very interesting and probably pertinent factor for us to consider going forward. Bernie, are you happy to continue understanding that there's some difficulty with this idea of the independent body?
- Bernard Turcotte: Yes, but I think you summed it up quite well. I mean the concept is present, I'm just trying to make an entry for it. And at the end of the day, it may be that Eberhard's point may be the right course that we simply take it out. But given it's in there, I think we are going to have to finish this discussion on that point. At least now certainly we have started it and the previous sections of the document has come back I think in a very realistic fashion. So we'll just have to decide at some point where we stand on this in terms of (inaudible).
- Keith Davidson: I think it's -- yes, may well be. I mean I think that the range of discussion to occur from whether we'd take it out or whether we recommend a PDP, as Nigel was suggesting. But I think if we can hold over on that, wait until we've got a fuller meeting and have a more robust discussion on those options as we can properly do as well.
- Bill, you have your hand raised.
- Bill Semich: Yes, I do think I'm going to push a little harder on this. I do think what's in this section is pretty innocuous. It merely says we believe that consistent with 1591 a manager should be allowed to appeal. We don't say what kind of an independent body, we don't say who's going to create it. Nor do we say must appeal or the decision is binding or any of that stuff. It's pretty innocuous. So I'm (inaudible).
- Keith Davidson: Okay, so a further opinion. There's a diversity of opinions. Let's hold it for further debate. Thanks, Bernie.
- Bernard Turcotte: Yes, sir. That would put us off 5.3.4.2, taking us to 5.3.4.3. The IANNA 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 in a group on the CNSO as they will be responsible for monitoring these. And you'll recognize this text as being essentially the same text we had in the previous (inaudible). Questions, (inaudible).
- Keith Davidson: There doesn't appear to be any.
- Bernard Turcotte: Okay. 5.4 doesn't apply anymore because in our review of this version of the document we've had relevant procedures taken out, so 5.4 should be struck.
- Keith Davidson: Okay. That's easy.
- Bernard Turcotte: Okay, and 5.5, the GAC principle. At this point we're saying that as far as revocation is concerned it doesn't seem to apply. But I guess we have some homework to finish relative to the GAC principles.
- And that's the end of what we've got on version 2.1 of the revocation document, ladies and gentlemen.

Keith Davidson: Okay, I think that's been a reasonably valuable piece of progress and surprisingly with this small number of people on the call. But I think that's given us a bit more to do or when I say us, I mean Bernie.

Bernard Turcotte: Yes, absolutely. Now I can get to work and I think we're -- I will try to deliver version 3 of revocation for our next call.

Keith Davidson: Excellent, thank you. And our next call is set down for a couple of weeks' time. I did have noted on the agenda there's the issue of the response to the GAC on consent and the response to the GAC on cert. And I think we'll hold those two items over. I think Martin had some very strong points on both, so I'll hold these two items over for our next call.

And if -- unless there's any other business, we'll meet again on the 9th of August at 2100 UTC. So, if there's nothing else, I'll close the meeting and thank you all for our contributions and participation.

Bernard Turcotte: Thank you, everyone. Bye-bye.

Keith Davidson: Thank you.

Becky Burr: Bye.

Gabriella Schittek: Thanks, bye-bye.

Eberhard Lisse: Bye-bye.