

TRANSCRIPT

Framework of Interpretation Working Group Telephone Conference *7 March 2013*

Attendees:

ccNSO:

Martin Boyle, .uk
Becky Burr, .us (Vice Chair)
Keith Davidson, .nz (Chair)
Chris Disspain, .au
Stephen Deerhake, .as
Patricio Poblete, .cl
Dotty Sparks de Blanc, .vi

Liaisons:

Cheryl Langdon Orr, ALAC
Cintra Sooknanan, ALAC

Staff Support and Special Advisors:

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

Apologies:

Ugo Akiri, .ng
Maureen Hillyard, ALAC
Eberhard Lisse, .na
Paulos Nyirenda, .mw

Keith Davidson: Well, I think shall we make a start for the call? It's three minutes past the hour. So while there's not a lot of people in the Adobe Connect Room, I think there are a few on the call. So, Kristina can we have a roll call of who's on the call and who's tendered their apologies?

Kristina Nordstrom: Sure. From the ccNSO we have Martin Boyle, Becky Burr, Keith Davidson, Stephen Deerhake, Patricio Poblete, Dotty Sparks de Blanc. And from liaisons we have Cheryl Langdon Orr and Cintra Sooknanan. From staff support and special advisors we have Bart Boswinkel I think, or he's on his way in, and Kristina Nordstrom and Bernie Turcotte. And Jaap is also on his way.

And apologies for lateness from Kim Davies. And other potential apologies from Eberhard Lisse, Paulos Nyirenda, Maureen Hillyard and Ugo Akiri.

Bart Boswinkel: Hello, this is Bart.

Kristina Nordstrom: Hi, Bart.

Keith Davidson: Okay, thanks, Kristina. Were there any -- is there anyone on the call who's name wasn't called, other than further apologies? If not, is everyone happy with the agenda today? Any further agenda items, anything that needs changing? No? Can we move on to the confirmation of the meeting from the 21st of February, that's been circulated for a few days now, the report? Is there anything in that report that causes anybody any concerns? Anything missing from that report? Okay. Shall we move on to the big topic of the day then?

Item 4 on the agenda is the revocation document that was recirculated. Apologies for the lack of time that (inaudible) with this but there's been fairly frantic work on this document and the (inaudible) recent days. Every way of tackling this before seemed to know that Bernie to walk us through it. Can I just ask if there any existing issues on matters of principle at the very highest levels with this document? What I'm trying to gauge is do we have general agreement with the principles of the document or are there people who still hear some fundamental philosophical objections to any aspects of this process?

So does anyone have anything to comment on in that regard? I'll take that as an endorsement that if we can continue to wordsmith the document then we can potentially have a final document. And so I think we'll use this call and next call to try and make sure that we can have a final document heading into the ICANN Beijing meeting.

So notwithstanding the fact that we seem to have agreement at a high level, Bernie, I think we'll try and work our way through the document if we could on our usual basis. So Bernie, over to you.

Bernie Turcotte: Thank you, sir.

Keith Davidson: Ah, you are here.

Bernie Turcotte: I am indeed, although we're having all sorts of audio problems. So I'll apologize right now if the sound is not very good.

Keith Davidson: It's sounding pretty good to me.

Bernie Turcotte: Excellent. So we're working from the marked up document starting at section -- well, it starts at section 5, revocation, which is what has replaced the old term analysis. And we go right into 5:1, Actions by, square bracket, IANA contractor RFC 1591 identifies three formal mechanisms available to the IANA contractor, delegation transfer and revocation. 5:1:1, this analysis does not modify or change

national sovereignty over a delegated manager subject to legal and other considerations beyond the remit of the FOI working group.

Accordingly, other formal mechanisms that are not available to the IANA contractor may be available to the stakeholder community under national law. Full stop. Questions or comments?

Keith Davidson: Just on the Adobe Connect Room, I'm still looking at the meeting night. Is the document up?

Bernie Turcotte: Oh, sorry about that. I'll get that -- I don't think I'm a presenter right now.

Keith Davidson: There you go, you are now a presenter.

Bernie Turcotte: Ah.

Keith Davidson: And while that document's loading I see Martin's raised his hand. So, Martin.

Martin Boyle: Thanks, Keith. Just a little one. With the last document we certainly went back to terminology of IANA contractor, which we then put into square brackets. Before when we'd been referring to this particular job, we've referred to it as the IANA functions contractor. And that comes from the terminology that's in use in the statement of work that is then part of the contract between ICANN and NCI. So just flagging a question why did you move from IANA function contractor back to IANA contractor? And can we just by reinserting functions remove square brackets to the rest of this text? Thanks.

Keith Davidson: Good point, Martin, and yes, I think we can. I think this issue was raised by Eberhard on our last call because I think we had merely IANA there, so it was trying to get greater definition around whether it was IANA, the contractor or for so and so. I think going back to our agreed terminology of by the IANA functions contractor would be fine, I think. However, I see Becky has her hand raised, so and I'm assuming, Martin, you -- I thank you -- So Becky.

Becky Burr: Hi, I just wanted to say what we talked about last week was just the whole -- we're going to have to look at the whole document once we get there and figure out whether it's the IANA functions contractor or IANA or whatever it is. But I think we basically, if I recall we just decided to do that as part of a holistic review of the entire thing.

Chris Disspain: Hey, this is Chris just letting you know I've joined the call.

Keith Davidson: Hi, Chris. And thanks, Becky. So, yes, I think this -- I don't see this as being much of a showstopper, but we do need to work on getting the wording right in due course. Yes, let's note and move on. So, I think, Bernie.

Bernie Turcotte: Okay, thank you, sir. Moving right along. 5:1:2, The FOI working group. Perfect delegation to mean we're back at. 5:3, the FOI working, RFC 1591 to require the consent of an incumbent manager with any transfer of the ccTLD. 5:1:4, the working group interprets the revocation to refer to the process by which the IANA contract manager rescinds responsibility for management of this ccTLD from an incumbent manager.

5:1:5, unless the ccTLD manager engaged in substantial misbehavior or persistent problems in the operation of the ccTLD, consent to a transfer in (inaudible) in formal efforts to address problems are unavailing, only formal mechanism available to the IANA contractors deal with intractable problems is revocation.

5:1:6, below we first review RFC 1591 section 3 paragraph 5, which deals, should be with revocation for persistent problems with the proper operation of a domain. Next we review RFC 1591 section 3 paragraph 4, which discusses revocation for substantial misbehavior. Comments, questions?

Keith Davidson: And could we make the document scrollable please, Kristina (inaudible)?

Kristina Nordstrom: It should be scrollable I think.

Keith Davidson: Okay.

Kristina Nordstrom: Is it?

Becky Burr: Yes, it is now.

Keith Davidson: Excellent. Okay. Any questions for Bernie? If not --

Patricio Poblete: Patricio here. The 5:1:5. Can you hear me?

Keith Davidson: Yes, Patricio. Go ahead.

Patricio Poblete: About 5:1:5, I don't quite understand the wording. Perhaps there is a word missing or something like that. The consent coming immediately after the persistent problems, I don't quite understand how that word consent connects to the rest of the sentence.

Keith Davidson: Okay. Unless a ccTLD manager engaged in substantial misbehavior or persistent problems in the operation of the ccTLD consents to transfer.

Patricio Poblete: Okay, I think I understand it now. The capital C in consent probably should be lowercase.

Keith Davidson: That's correct, yes. I think you're right. That's sort of indicating the start of a new sentence, so yes. Well spotted, Patricio and we could note to make it a lowercase C in consent.

Any other issues? Okay. Bernie, let's move along.

Bernie Turcotte: Thank you, sir. Moving on to section 5:2, revocation for persistent problems with the proper operation of a domain. 5:2:1, RFC 1591 requires the designated manager to operate the domain, which involves assigning domain names and delegating sub domains and operating name servers with technical competence, including weakening the central IR in the case of top level domain or other higher level domain manager advised of the state of the domain.

5:2:1:2, responding to requests in a timely manner. 5:2:1:3, operating the database with accuracy, robustness and resilience. And 5:2:1:4, maintaining a primary and secondary name server that has IT connectivity to the Internet and can be easily checked for operational status and database accuracy by the IR and IANA.

That's section 5:2:1. Open for questions or comments. It's basically text from section 3.5 of RFC 1591 we discussed at our last meeting that we will adjust 5:2:1:1 to 5:2:1:4, so that they are exact quotes so that we will not have that discussion again. I believe that's what we decided, Becky?

Becky Burr: I believe that's right.

Bernie Turcotte: Okay, let's comment, 5:2:1.

Keith Davidson: Okay, I think that was fairly well accepted by everybody on the last call. And I'm not seeing anyone with hands raised. Any comments? No? Let's move on. Thank you, Bernie.

Bernie Turcotte: 5:2:2, RFC 1591 clearly contemplates revocation in appropriate cases involving persistent problems with the proper operation of the domain as described above. 5:2:1:1, the IANA contractor has not publicly stated the standards by which it will evaluate whether or not a manager is doing a satisfactory job of operating the DNS service for the domain, ccTLD. Or B, there are persistent problems with the proper operation of the domain.

5:2:2:2, the FOI working group interprets RFC 1591 to require the IANA contractor to avoid actions that undermine the stability and security of the DNS and/or the continuing operation of the domain for the benefit of the local community.

5:2:2:3, the FOI working group notes that technical operation of ccTLDs has greatly evolved from the time of publication of RFC 1591 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 applications. Full stop. Section 5:2:2:4 was redacted from our last meeting. That is section 5:2:2. Questions, comments.

Keith Davidson: I'm noting a tic from Steven. A green tic of consent on Adobe Connect. There are no questions. So shall we move on, 5:3?

Bernie Turcotte: Thank you, sir. 5:3, substantial misbehavior. All right. In addition to operational requirements identified above, RFC 1591 identifies key requirements and necessary responsibilities of designated managers, including the requirement that there be a manager that supervises the domain name and operates the domain name system in that country.

5:3:1:2, the requirement that the manager be on the Internet with IT connectivity to the name servers and email connectivity to the designated manager and his staff.

5:3:1:3, the requirement that there be an admin and technical contact for each domain, including of course ccTLDs, and then an admin contact residing in the country. A point to that, 5:3:1:3:1, the FOI working group interprets this requirement to mean that the manager must confirm that and the IANA contractor must be able to validate that the administrative contact residing in the country or territory associated with the ccTLD. This establishes a clear intention from RFC 1591 that there be local in country or territory associated with the ccTLD presence. The FOI working group recognizes that there may be extenuating circumstances where it is impractical or even impossible for the administrative contact to reside in the country or territory, or where the operator has a contract that eliminates this requirement. Full stop. It's a good chunk, so we'll stop there and see if there are questions or comments, up and including 5:3:1:3:1.

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

Bernie Turcotte: Excellent. 5:3:1:4, the designated manager serves as a trustee for the delegated domain with a duty to serve the nation, in the case of a country code, and the global Internet community. 5:3:1:4:1, as noted in the FOI working group on consent, in RFC 1591 the term trustee is used to describe the manager's duty to serve the community and not to describe the specific legal relationship of the manager to the delegated domain.

Rather, the FOI working group interprets this to require the manager to (1) provide mechanisms to allow for registrants and significantly interested parties to provide input to the manager. And (2), reserving the security and stability of the ccTLD and working with the IANA contract manager to preserve the stability and security of the global DNS Internet. 5:3:1:4, questions, comments.

Keith Davidson: Martin has his hand raised. Martin.

Martin Boyle: Thanks. Just a little question on 5:3:1:4:1. Where the little Roman 1 towards the end of the section, provide mechanisms to allow the registrants and significantly interested parties to provide input to the manager. There's a quotation mark at the end of that and there's no quotation mark that opens. That's a trivial point.

More fundamentally, we don't actually say what the input to the manager should be on. Now, my recollection of 1591 is that it doesn't say either, in which case I think we just have to leave it as open, so I'm just putting my hand up and saying there is a -- well, provided you put some answer on what he has for dinner this evening or obviously it's more serious than that. And so really I guess what these things requesting is that the manager should be making it possible for interest -- significantly interested parties to put in contributions on that, which is significant. And so my question really is do we think that this is explanatory enough?

Keith Davidson: Okay, that's a useful point I think there, Martin. Does anyone else have any comment? Would you propose some alternate spin, Martin? Or are you suggesting a footnote? Or how would you suggest we proceed?

Martin Boyle: Well, the only thing I wondered about was whether -- and a footnote would seem to me possible -- is that either we recognize that it is open but really this is about significant issues, so the things associated with policy or the operation of the ccTLD, if we think that that's self evident, then fine. Otherwise, we could provide inputs to the manager and this is interpreted as relating to significant decisions relating to the operation of the domain.

Keith Davidson: Okay. I think a footnote in that regard probably would go a reasonable way to making sure we aren't inviting trivial or non-related questions. So yes, I think we can work on some wording for that. Thanks, Martin. Any questions or comments? Stephen has his hand raised. Stephen.

Stephen Deerhake: Hi, I just posted in the chat, how about substantive input instead of just input?

Keith Davidson: I think -- yes, good point, but I think Martin's issue is more trying to (inaudible) and say not just -- I mean you take substantive inputs but on side issues rather than core issues. So, I think (inaudible).

Cheryl Langdon Orr: Cheryl (inaudible).

Keith Davidson: Yes, Cheryl.

Cheryl Langdon Orr: Thanks. Well, picking up Martin's own words, why not say regarding operational policy?

Keith Davidson: Okay, yes, I like that. Bernie, do you feel comfortable that you've got enough suggestions there to work with and they might worth something?

Bernie Turcotte: Sure.

Keith Davidson: Okay, thank you. Stephen, I assume you haven't -- thank you. Okay, any other questions or queries? If not, thanks, Bernie.

Bernie Turcotte: Thank you, sir. Section 5:3:2, RFC 1591 requires that the designated manager have the ability to carry out the necessary responsibilities described above in an equitable, just, honest and competent manner. And give IANA the ability to step in, in the event of significant misbehavior.

5:3:2:1, the FOI working group interprets the requirement that the designated manager be equitable to all groups in the domain as obligating the manager to make its registration policies accessible and understandable to prospective applicants. And to apply these policies in an impartial manner, treating similarly situated would be registrants in the same manner. I'll stop it here because the next text is quite changed. Any questions up to here? 5:3:2:1.

Keith Davidson: Any questions? Any observations? I'm noting Kim's joined the call. And thanks, Kim.

Kim Davies: Hi.

Keith Davidson: Okay, no comments. Proceed. Thanks, Bernie.

Bernie Turcotte: 5:3:2:2, the FOI working group notes however that the concept of being equitable to all groups varies, depending upon context. Choices made by the local Internet community, such as whether or not the domain is open or closed, applicable national law, et cetera. In addition, questions regarding justice, honesty and serving the local community are highly contextual. As a result, the IANA contractor may refrain from acting and look to the local Internet community where it lacks the information and context needed to evaluate the more subjective aspects of these requirements informed. That's a big mouthful, so we'll stop it there and see if there are questions or comments.

Keith Davidson: Okay, Martin.

Martin Boyle: Just a little one that the actual terminology also includes the (inaudible) in RFC 1591 and just been dropped from this text. I think it probably (inaudible). And so regarding justice, honesty and competence in serving the local community, might (inaudible) do that job.

Keith Davidson: Right. Martin, you're phone started breaking up a bit, so Bernie's hearing every second word I think.

Martin Boyle: Oh right, okay. Is that better?

Keith Davidson: No, it's worse.

Martin Boyle: That's worse, right Okay. Shall I just dial in again?

Keith Davidson: I think that might be useful, yes. Literally, I mean it was great earlier when you were speaking, but on this occasion I (inaudible) but I could only hear literally half of each word.

Martin Boyle: Well, let's blame the British telecom then.

Keith Davidson: Yes.

Martin Boyle: Okay, I'll dial in again.

Keith Davidson: Thank you. Let's hold off on that point and does anyone else have any issues in relation to 5:3:2:2? No? Can we maybe then get to 5:3:3 while we're waiting for Martin to come back? And then we'll revisit. So Bernie.

Bernie Turcotte: 5:3:3, application in selection of designated -- I think Martin's back if you want to go over to him, Mr. Chair.

Keith Davidson: Yes. Is that correct, Martin?

Martin Boyle: I am indeed, yes. Do I sound better now?

Keith Davidson: Well, no, but the quality of the call --

Martin Boyle: Ouch.

Unidentified Participant: Oh.

Martin Boyle: Okay, that one (inaudible). Ouch.

Keith Davidson: Sorry, so my apologies, Martin. So yes, getting back to 5:3:2:2 and Martin.

Martin Boyle: Yes, my comment was that in this particular text, we miss note the word competence, which appears in RFC 1591. So we've got in position questions regarding justice, honesty and serving the local community are highly contextual. But in fact, RFC 1591 also includes competence in serving the community, so I think it's probably useful to get that word back in.

Keith Davidson: Yes, okay. That's useful and I'm assuming there will be no objection to adding the word competent as it is in 1591. Thank you, Martin. Any other questions or comments regarding 5:3:2:2? Okay, back to 5:3:3. Thanks, Bernie.

Bernie Turcotte: Thank you, sir. 5:3:3, application into license of designated managers. The working group interprets RFC 1591 to require the IANA contractor in the manager selection process to ensure that the proposed manager professes the necessary technical, administrative and operational skills. Judged by the standard of the ordinarily competent TLD managers. This requires the prospective registry manager to demonstrate that he or she or it, a legal person, if one possesses the requisite skills to carry out the duties of a manager, (inaudible) and (2) if designated will have the means necessary to carry out those duties, including the ongoing responsibilities discussed above. Upon receiving the appointment executory preparedness test. Full stop. Again, this is quite a mouthful so we'll take questions on this.

Keith Davidson: Are there any questions? I think previously we have had consensus over this too. I don't see any hands raised. So, please continue, Bernie. I see Stephen -- just for the record, Stephen's indicating a green tic of agreement. So, please move on.

Bernie Turcotte: Excellent. 5:3:4, application to designated managers. Although one could read RFC 1591 to limit the authority of the IANA contractor to check in during the process of selecting a designated manager, on balance, the working group interprets section 3.4 of RFC 1591 to create (1) an ongoing obligation on the designated manager to operate the ccTLD without substantial misbehavior. And (2), a reserve power for the IANA contractor to step in in the event that the designated manager does substantially misbehave. Questions, comments.

Keith Davidson: Okay, any questions? I'm not seeing any hands going up. Oh we just, here we are. Martin.

Martin Boyle: Just a very trivial one. I think of the penultimate line is a word too many. So it's in the event the designated manager does substantially misbehave.

Keith Davidson: Oh, yes. You can't have the of and the that together. So, drop an of would seem logical. Any problems anyone? Agreeing with Becky. Yes, good catch. Thanks, Martin. If there's no other comments, let's move on. Thanks, Bernie.

Bernie Turcotte: 5:3:4:1:1, RFC 1591 identifies three formal mechanisms available to the IANA contractor, delegation, transfer and revocation. The FOI working group, as discussed above, interprets RFC 1591 to require the consent of an incumbent manager to any transfer of the ccTLD. If one assumes that a ccTLD manager substantially misbehaves, is unlikely to provide such consent and the IANA contractor's informal efforts to address such misbehavior are unavailing, the only formal mechanism that remains available to the IANA contractor is revocation. Accordingly, the working group interprets RFC 1591 to permit IANA to revoke the ccTLD delegation in appropriate cases where the designated manager has substantially misbehaved. Questions, comments.

Keith Davidson: Okay, Martin. Thanks.

Martin Boyle: Another desperately trivial one I'm afraid. The source of that where we're talking if one assumes that the ccTLD manager substantially misbehaves I think you (inaudible) of that in a mutual (inaudible). So those should read if one assumes that a ccTLD manager which or that substantially misbehaves is unlikely to provide such concern.

Bernie Turcotte: I like the (inaudible). Thank you, Martin.

Martin Boyle: Yes.

Keith Davidson: Thanks, Martin. Well, you're on fire today. Thanks, Martin.

Martin Boyle: I've taken on Nigel's role for him.

Keith Davidson: Oh dear.

Unidentified Participant: Oops.

Keith Davidson: Thank you. Any other comments, questions, queries? No, so there's nothing appearing. So thanks, Bernie.

Bernie Turcotte: 5:3:4:1:2, given that the primary responsibility of the IANA contractor is to preserve DNS Internet stability and security, the FOI working group interprets revocation under RFC 1591 as a last resort option to be exercised in situations where a delegated manager has substantially misbehaved in a way that poses a threat to the stability and security of the DNS Internet or where the manager fails to cure violations of the objective requirements described above as per noted. Example, no email availability. Questions, comments, 5:3:4:1:2.

Keith Davidson: Are there any questions? If not, I see Becky's typing, but it's on the previous I think. Becky's indicating a preference for that to which.

Becky Burr: You can ignore me. I was just saying.

Keith Davidson: I think that we could have a vote on that. Okay, there are no questions. So Bernie, can we move along please?

Bernie Turcotte: Thank you. 5:3:4:1:3, the FOI working group notes however that IANA will rarely be in a good position to evaluate the extent to which a designated manager is carrying out the necessary responsibilities of the ccTLD operator in a manner that is equitable, just, honest or except insofar as it compromises the stability of and security of the DNS Internet in a competent manner. Accordingly, the FOI

working group interprets RFC 1591 to mean that revocation would not be an appropriate exercise of its right to step in, unless the designated manager has substantially misbehaved in a manner that poses a risk to the stability or security of the DNS Internet and/or the designated manager has refused to correct repeated problems with email connectivity, presence on the Internet and/or maintenance. Accordingly, under RFC 1591, to would be -- strike the to I guess -- would be appropriate for -- it would be appropriate for the IANA contractor to look to the local community when the actions of the delegated manager do not pose a stability, security threat. Questions, comments, 5:3:4:1:3.

Keith Davidson: Okay, noting I'll try and get into the format and on this occasion. And the first red line text where it says has substantially misbehaved in a "manjer" that -- manner.

Bernie Turcotte: Manner.

Keith Davidson: Manner that -- so it's just a typo there. Any other questions or comments? Kim has his hand raised. So, Kim.

Kim Davies: Yes, just a question. When you say look to the local community, is that implied to be reactive in that IANA would do anything unless the community submitted a re-delegation request or would it mean refer complaint to someone in the community? It's not entirely clear to me what's intended there.

Keith Davidson: Yes, good point, Kim. Becky I think might, yes, would clarify. I think you were the author of this particular piece of text, Becky. Or am I incorrectly accusing you? Becky? You might be on mute. Or maybe you just don't want to comment.

Becky Burr: I am on mute. I'm sorry.

Keith Davidson: Ah, there you are.

Becky Burr: I was shouting away. Which specific piece of text are you pointing me to?

Keith Davidson: This is 5:3:4:1:3 where it's about the way in which IANA would look to the local community. Does it mean that IANA will --?

Becky Burr: I meant defer essentially.

Keith Davidson: Defer to. Okay, could we get some tighter wording around that to enable Kim to be, or to enable IANA to be more directed as to what its actions would be?

Becky Burr: Well, I am okay with defer, if we think -- I mean I would actually be -- I would say defer or that it is the role of the local community. I think we like -- I like defer if everybody else is okay with that.

Keith Davidson: Okay.

Kim Davies: So my concern is not so much the word look or defer. I guess in my (inaudible) mind there's not a huge distinction between the two. It was more about what is the mechanism involved in guiding the local community on the issue. (Inaudible) - - sorry (inaudible).

Becky Burr: This is an interesting --

Kim Davies: I was going to say historically the local Internet community is ill defined and doesn't engage directly with IANA in any formalized way. So, just getting a better understanding of how that works mechanically.

Becky Burr: I think that mechanically it means frankly that this is the local community problem, not IANA's. And that you actually need to do nothing, that's why maybe defer is better.

Kim Davies: Okay.

Keith Davidson: Okay, I see. Martin's indicating a tic and then I'm not hearing any objections. So and yes, I guess this might be one of the issues that re-raises its head when we get to sort of drawing up the matrix of interpretations for IANA. So, well. So Kim, thanks for raising it. And I think that gives us a little more clarity and we'll probably need some more work on that when it comes to actual implementation. If there's no other questions, can we move along? Thanks, Bernie.

Bernie Turcotte: Thank you, sir. 5:3:5, defining substantial misbehavior. 5:3:5:1, misbehavior. The working group interprets misbehavior in this context to refer to conduct involving the failure of a designated manager to (1) carry out the necessary responsibilities of that role or (2) carry out those responsibilities in a manner required by RFC 1591. I'll take questions now given the next one's a big one. But we didn't have comment the last time we went through this.

Keith Davidson: There doesn't appear to be any comments. Stephen's indicating a green tic, so I think Stephen -- no, I think we can move on. Thanks, Bernie.

Bernie Turcotte: 5:3:5:2, substantial misbehavior. The working group interprets this to involve misbehavior as defined above. That is either egregious or persistent and would appear to include performing the necessary responsibilities of a designated manager in a manner that imposes serious harm or has a substantial adverse effect on the local or global Internet community by posing a threat to the stability and security of the DNS Internet. In this context, serious harm and substantial adverse effect should be evaluated in the context of the IANA contractor's continued focus on DNS security and stability as described in the previous section. Questions, comments.

Keith Davidson: Martin.

Martin Boyle: Thanks, Keith. Just a little question. By posing as threat to the stability and security of the DNS/Internet, in this particular case bearing in mind you're referring in the previous section to local issues being left to the local community to decide, would it be appropriate here to say by posing a threat to the global stability and security of the DNS/Internet?

Keith Davidson: Would it be -- in fact would it be either global or local?

Martin Boyle: Well, except if it's just local, then that's a local issue for them to sort out using their local procedures where it is otherwise IANA is back in the position of having to try and judge whether something that's happening locally is in fact a threat to that local stability whereas it can actually see the position on the global stage.

Keith Davidson: Okay, yes, I see your point. So the proposal is to amend by posing a threat to the stability and security of the global DNS Internet. Is that right?

Martin Boyle: Well, I suggested perhaps the global stability and security.

Keith Davidson: Ah, okay. Yes, either or. Okay, I'm happy with that unless I hear any objections?

Becky Burr: So if it's a threat to the stability and security of the local DNS that (inaudible).

Keith Davidson: No, by posing a global threat to the stability and security of the DNS Internet.

Becky Burr: Okay.

Keith Davidson: You're happy with that, Becky?

Becky Burr: I guess I can be unhappy.

Keith Davidson: Okay, I'm not taking any objections. Let's move along. Thanks, Martin. Let's move along. Thanks, Bernie.

Bernie Turcotte: Thank you, sir. Thank you, Becky for getting happy. Process for revocation. 5:3:6, process for revocation in cases of substantial misbehavior. 5:3:6:1, the FOI working group also believes it is consistent with the intent of RFC 1591 to state that revocation should be the last resort option for the IANA contractor. The IANA contractor should use all means at his disposal to assist the manager to resolve any issues considered to be significant misbehavior by the manager. Revocation should only be considered if the IANA contractor reasonably demonstrates that the manager is unable or unwilling in an appropriate timeframe (A) to resolve specified material failures to carryout his responsibilities under RFC 1591. And/or (B) to carryout those responsibilities in the manner required by RFC 1591. In each case where the behavior in question poses a threat to the security and stability of the DNS/Internet. Questions, comments, 5:3:6:1.

Keith Davidson: Martin.

Martin Boyle: I wonder whether we need another global in there, so actually global security and stability in the last sentence in red.

Keith Davidson: Any objection to adding the word global to the final sentence? No problems? Thank you. Well, Nigel, I yet again thank Martin. I think let's move forward please, Bernie.

Bernie Turcotte: Yes, sir. 5:3:6:2, if the substantial misbehavior undermines the stability and/or security of the Internet, and/or a willful refusal to cure a breach of one of the objective aspects of the necessary responsibilities of the delegation is revoked. The IANA contractor should use all means at his disposal to ensure the ccTLD will continue to resolve names and that a suitable replacement is identified by significantly interested parties in a manner previously described on an expedited basis. Questions, comments, 5:3:6:2.

Keith Davidson: I'm not seeing any questions. I think that was reasonably well accepted on the last couple of calls. I think we can move on, Bernie.

Bernie Turcotte: 5:3:6:3, the FOI working group believes that it is consistent with RFC 1591 to allow a manager the right to appeal a notice of revocation by the IANA contractor to an independent body. 5:3:6:3:1, section 4 of RFC 1591 states the Internet DNS names review board, IDNB, a committee established by the IANA, will act as the review panel for cases in which the parties cannot reach agreement amongst themselves. The IDNB's decisions will be binding. 5:3:6:3:2, the text clearly establishes the intent of allowing the right to appeal decisions. Section 5:3:6:3, comments.

Keith Davidson: Are there any questions, comments? I'm not seeing any, so I think the intent of this was fairly well established on the last call. Okay, thank you. Shall we move along? Thanks, Bernie.

Bernie Turcotte: All right. Last section. We're almost there, folks. Process to revoke a delegation, 5:3:7:1. As discussed above, revocation should only be considered if the IANA contractor reasonably demonstrates that there are persistent problems with the operation of the domain as defined in section 5:2 above. Or the manager has

engaged in substantial misbehavior as defined in section 5:3 above, which persists, despite the efforts of the IANA contractor using all means at his disposal to resolve such conduct.

5:3:7:2, if the substantial misbehavior undermines the stability and/or security of the DNS Internet or a willful refusal to cure one of the objective key requirements and necessary responsibilities of designated managers, revocation may be appropriate.

5:3:7:3, 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 that the suitable replacement is identified by significantly interested parties in the manner previously described on an expedited basis.

5:3:7:4, the FOI working group believes that it is consistent with RFC 1591 to allow a manager the right to appeal a notice of revocation by the IANA contractor to an independent body. And that's it. Questions, comments.

- Keith Davidson: Just noting Patricio has indicated there's a typo in 5:3:7:1, the missing T in delegation. Anyway, we'll note that and catch up on that. Any other questions? Martin.
- Martin Boyle: Just a little question. Here we're talking about the process to revoke a delegation. We have two sections that talk about how or why IANA might be moving in -- revoke a delegation under 5:3. So I'm assuming that (technical difficulty) does actually refer both to paragraphs or sections 5:2 and 5:3. And if I'm right there, wouldn't it be more logical for this to be section 5:4?
- Keith Davidson: Yes, good point. So a renumbering probably is in order to make it a conclusion respect.
- Becky Burr: Actually I have to look at that. I think, Martin, that you may be right. For a while there were two different ones, but it may be that it makes sense to pull it out, because it may go to both of them.
- Keith Davidson: Okay, can we --
- Becky Burr: And I think it's really general.
- Keith Davidson: Okay. I'm not seeing anyone else raising any issues, unless Becky, can we leave that one, Becky and Martin, to have a look at -- the two of you have a look at and come up with --
- Becky Burr: Yes.
- Keith Davidson: -- something that satisfies everybody?
- Becky Burr: Yes.
- Keith Davidson: Thanks, all. And oh, okay. Martin's saying that he'll trust Becky. So Becky, can we leave that to you to have a look at?
- Becky Burr: Yes, sir.
- Keith Davidson: Thank you. Okay, any other questions or comments? Back to you Bernie, for anything in conclusion.
- Bernie Turcotte: Excuse me, sir?

Keith Davidson: Anything else regarding this document?

Bernie Turcotte: Not for the moment. Obviously although Martin's been kind enough to Nigelize it to some extent for us, obviously if Nigel and Eberhard are there next time, we'll have some other substantial comments.

Keith Davidson: Okay, can I suggest that as a way forward we try and get something to the list as -- very early next week to give maximum time? And I'll encourage people, particularly Nigel and Eberhard, since they weren't on this call, to respond on list before the next call in the hope that we can have a really clean reading of a virtually final text next call. Stephen has his hand raised. Stephen.

Stephen Deerhake: Quick point. Nigel's traveling today, that's why he's not on the call. He will be reviewing transcripts and everything and I'll be discussing this with him as well.

Keith Davidson: Okay, thanks, Stephen. Yes, I have no doubt there's been opportunity for review, but I think my desire is to not dip into the next call and be worrying about the numbering of paragraphs and so on. So, let's try and get as much moving on the list on the way through.

Stephen is your hand still up or are you just --? No, hand has gone down. Thank you. Okay, so I think that concludes the substance of this meeting. I think the next meeting I'd like to spend some time if we can get through the revocation document pretty quickly, then I'd like to spend some time on looking at our future plans and where we go after Beijing so we can have a bit more construct around that when we get to ICANN Beijing. So, with that, I'll start setting the agenda. We'll start working on the text. And we'll be meeting again on the 21st of March at 0300 UTC. Unless anyone else has any other business.

Cheryl Langdon Orr: (Inaudible) Cheryl.

Keith Davidson: Yes, Cheryl.

Cheryl Langdon Orr: Yes, on the 21st I'm most likely to be an apology for that meeting, but I'll work with Kristina if I do need a dial-out to my mobile.

Keith Davidson: Okay, thank you for the pre warning. Yes, and not the friendliest time of meetings for many. Martin has his hand raised. Martin.

Martin Boyle: Yes, I will pretty certainly be an apology for that call as well.

Keith Davidson: Okay, I think we've got value from you on this call, so I'll assume that we'll satisfy all the remaining bits of text in the interim. But I'm sure you'll raise on the list if there any issues. Thank you. Okay, if not, if there's nothing else, thank you all for your participation and we will see you on the next call. Thank you.