

## TRANSCRIPT

### Framework of Interpretation Working Group Telephone Conference *12 September 2013*

#### Attendees:

##### **ccNSO:**

Becky Burr, .us (Vice Chair)  
Keith Davidson, .nz (Chair)  
Chris Disspain, .au  
Stephen Deerhake, .as  
Daniel Kalchev, .bg  
Eberhard Lisse, .na  
Nigel Roberts, .gg

##### **GAC:**

Frank March

##### **Other Liaisons:**

Cheryl Langdon Orr, ALAC

##### **Staff Support and Special Advisors:**

Bart Boswinkel, ICANN  
Kristina Nordström, ICANN  
Bernard Turcotte, ICANN

#### Apologies:

Jaap Akkerhuis, ISO  
Martin Boyle, .uk  
Kim Davies, ICANN  
Paulos Nyirenda, .mw  
Patricio Poblete, .cl  
Suzanne Radell, GAC  
Dotty Sparks de Blanc, .vi

Kristina Nordstrom: Okay, from the ccNSO, we have Becky Burr, Keith Davison, Chris Disspain, Stephen Deerhake, Daniel Kalchev, Eberhard Lisse. And from the GAC we have Frank March, from Liaisons we have Cheryl Langdon-Orr, from Staff Support and Special Advisors we have Bart Boswinkel, Kristina Nordstrom, and Bernie Turcotte. Apologies from Martin Boyle, Patricio Poblete, Paulo Nyirenda, Jaap Akerhaus, Suzanne Radell, Dotty Sparks de Blanc and possibly Kim Davies. That's all.

Becky Burr: Okay, do we have a quorum?

Eberhard Lisse: We don't need a quorum.

Becky Burr: Okay.

Eberhard Lisse: We have consensus.

Stephen Deerhake: I think you do, actually Becky.

Chris Disspain: Let's not worry. Let's just have the discussion. We'll sort it out.

Becky Burr: Okay. Going to the meeting reports, the first meeting report is the reports from the July 4 meeting. Has everybody— are there any questions or concerns or modifications to those?

Stephen Deerhake: I think we love it.

Becky Burr: Hearing none, I'm going to assume that they're approved here, or they're taken as approved. Alright, we will now move onto the revocation paper. Bernie, is that up? Can we bring that up?

Kristina Nordstrom: Sorry, Becky, can you repeat what document you want?

Becky Burr: The revocation document. Okay. And I am going to turn it over to Bernie to walk us through the document.

Bernie Turcotte: Okay. Thank you. Can people actually hear me now?

Chris Disspain: Yes.

Bernie Turcotte: Okay. I need a few seconds to finish getting myself started out here.

Chris Disspain: It's FOI Working Group time.

Bernie Turcotte: Okay, so I guess we've got my annotated version of the document up. Has everyone seen—?

Chris Disspain: Stephen, we can hear you talking in the background. No idea if you're talking to us but we can hear you.

Stephen Deerhake: I'm sorry. We have Nigel coming on board shortly.

Chris Disspain: That's very exciting news for us all but perhaps you could mute.

Stephen Deerhake: I had an electrical fire here the other day and all my Telco equipment got fried, so I had to go over to my house and bring in a rather primitive apparatus to make this phone call. So I don't have a mute button on it.

Chris Disspain: Well, then shut up.

Stephen Deerhake: Thanks, Keith. I'll consider that.

Chris Disspain: Don't blame Keith. It's me. It's Chris. Sorry Bernie.

Bernie Turcotte: No problem. So are we okay to make it all the way to section 2, Applicable Policy Statements and Guidelines because the other stuff is really scrambled getting us ready for—.

Stephen Deerhake: Are you scrolling for us or us scrolling? There we go. Thank you.

Bernie Turcotte: Oops.

Stephen Deerhake: Now it's the top again.

Kristina Nordstrom: Okay. You have to let me know when you want the document scrollable, because I'm just taking chances here.

Stephen Deerhake: Let him go to where we're talking about and then make it scrollable.

Kristina Nordstrom: Okay.

Stephen Deerhake: Okay. Bingo.

Bernie Turcotte: Applicable Policy Statement, section 2.

Stephen Deerhake: I apologize for the Nigel call.

Bernie Turcotte: No problem. 2.1.1.1. This raises several questions under RSC1591, so we have a slightly different text in revocation 6.0. I think the edit is sort of reasonable. I don't see that they changed dramatically. Everyone okay with this?

Becky Burr: And I think absence of objection, we'll take it as agreed.

Stephen Deerhake: Agreed.

Bernie Turcotte: Okay. So let us sally forward, then. And our next bit of yellow text will be in 2.1.2.1. Again, there's been some editing versus the original point in revocation 6.0, but again, I don't see that as being significant. Everyone okay with this part? 2.1.2.1.

Stephen Deerhake: Consented.

Becky Burr: (Inaudible) consent being no hands and hearing no objections.

Bernie Turcotte: Alright. Maybe we'll be on a roll; we'll do the whole document like that tonight.

Stephen Deerhake: Bernie, given the hour, I'd appreciate that.

Bernie Turcotte: Oh, so you're in North America right now, Stephen.

Stephen Deerhake: Yes.

Bernie Turcotte: Okay.

Stephen Deerhake: Becky's on board too, I think.

Becky Burr: Yes, I'm definitely there.

Eberhard Lisse: And I have waken up Nigel, in the meantime.

Bernie Turcotte: Oh, thank you, Eberhard.

Stephen Deerhake: I did as well. Which unfortunately might slow things down.

Bernie Turcotte: Okay, 2.2.2, Issues Considered by the Working Group.

Stephen Deerhake: Wait. We are not there. We're not scrolled, 2.2.2. Okay. Oh, I can scroll it now.

Eberhard Lisse: What number?

Bernie Turcotte: 2.2.2.

Chris Disspain: Triple 2.

Stephen Deerhake: GAC pencils 205.

Chris Disspain: Yes. I'm able to scroll so I guess everyone else can.

Stephen Deerhake: Where are you, Bernie.

Bernie Turcotte: Not everyone else can.

Stephen Deerhake: Bernard, where are you?

Bernie Turcotte: 2.2.2.

Chris Disspain: Issues Considered by the Working Group. Is that right?

Bernie Turcotte: Yes

Stephen Deerhake: Well, wait. 2.2.2, right here. Okay got it.

Bernie Turcotte: Again, reformulating what was originally there I don't think this is a significant change for anyone.

Becky Burr: Okay.

Eberhard Lisse: Could we stop this mumbling or put it on silent, please?

Bernie Turcotte: I don't hear any mumbling, unless it's me. So let's move onto section 3 where we start with the opening paragraph. I have the original text from revocation 6.0. Minor edits. I don't think there's anything anyone wants to worry about there. Any problems with—?

Becky Burr: Any objections? Hearing none, we'll move along.

Bernie Turcotte: 4.0 Analysis and Interpretation. Again some minor edits to make it reasonable in the context of the new document which is, as far as I'm concerned, normal. And I would classify these as minor edits which are normal for rewrites. Any issues with 4.1?

Becky Burr: One question, Bernie. There had been some discussion on the list about the use of the term formal, and I thought that I had circulated another draft that dealt with that.

Bernie Turcotte: Sorry Becky, I guess I must not be awake. I had trouble understanding the question.

Becky Burr: I believe that Nigel had raised a question about the use of the term "Formal".

Unidentified Participant: Oh, yes.

Becky Burr: And I think I circulated a document that essentially took out the term, "formal" because I didn't think it was necessary.

Bernie Turcotte: Okay. That's possible.

Becky Burr: Nigel, are you on? Is Nigel on?

Eberhard Lisse: He's on the Adobe but I haven't heard a thing yet.

Nigel Roberts: Yes, I'm on the call.

Keith Davidson: There you are.

Nigel Roberts: I've been sitting listening quietly.

Bernie Turcotte: Okay. So yes I seem to remember that but is it the document we circulated or is it meaning the unannotated one. We had left "formal" in there, I believe.

Becky Burr: Right. I circulated it after we circulated this document. So the suggestion that I believe Nigel had raised was to take out the term "formal" which I found was not problematic.

Bernie Turcotte: I don't have an issue with that. I don't know if anyone else does.

Becky Burr: Yes. Does anybody have an issue with taking out the term "formal?"

Chris Disspain: No.

Becky Burr: Okay, no, then let's consider that done.

Bernie Turcotte: Okay.

Becky Burr: Okay.

Stephen Deerhake: What the hell does "formal" mean in that context? I don't get it.

Nigel Roberts: That was my point.

Bernie Turcotte: Alright. Moving on, 4.1.1. We have a definition of delegation which we did not have before, I believe.

Becky Burr: That is correct.

Bernie Turcotte: Okay. So I guess we have to get agreement for this because then it relates to the text, the FOI Working Group interprets delegation to mean the process by which the IANA operator initially delegates for transfers previously delegated responsibility for the management of the ccTLD. Over to you, Madame Chair.

Becky Burr: Yes, I would say definition that I inferred based on the previously-agreed definition of revocation. I have Eberhard's hand, and then Nigel.

Stephen Deerhake: We've got, like, major re-numbering issues here but we'll ignore those. Let's discuss the substance.

Becky Burr: Correct. I did remember to make it a little simpler. Eberhard?

Eberhard Lisse: Can you hear me?

Becky Burr: I can.

Eberhard Lisse: Okay, I have always had problems with this interpreting words to mean the same words. To mean delegation means delegation.

Becky Burr: Okay. Nigel, do you have a comment?

Nigel Roberts: Yes. I was going to say something, not exactly similar in the. I was going to say it's a well-known tradition in certain statutory constructional writing to—drafting to do exactly what Eberhard's complaining about.

My complaint, I've got two actually. My complaint is actually using the word "delegate" in its ordinary English sense, because that really implies certain, shall we say, how shall I put it? That the IANA has a certain role which is not agreed or is interpreted differently by different ccTLD managers. So I don't like the use of the word "delegate" at all in any event.

The other thing that is a minor thing, I mean, yet again seeing all these speech marks around words. It causes me a problem because you normally, in ordinary English, not legal English, in ordinary English you normally put speech marks around words when it means something different from its normal meaning. So if we're using a word that we were going to use, let's just not put quotation marks around it, please.

Becky Burr: Okay. I have put quotation marks around them in the first instance only to indicate they are defined terms.

Nigel Roberts: We do that by italicizing normally.

Chris Disspain: Could I please, and it's Chris, could I please make a plea that I really, I'm more than fascinated and very happy to have conversations about the use of italics and parenthesis and certain quotation marks, but really—

Stephen Deerhake: Don't forget the semi-colon.

Chris Disspain: We can take that offline and it's format. And format we can deal with later. I'd really much rather we dealt with substance if nobody minds.

Nigel Roberts: Yes, Chris, I disagree totally with what you've just said for a change. The quotation marks in ordinary English, as I said—not legal English, but ordinary English—normally means that you're using a word in a slightly unexpected sense that you're not meaning. And this is all about interpretation and meaning. And I made the point and that's all I need to do is make the point. But actually I think you're wrong.

Chris Disspain: Well, I've been wrong before, Nigel. I remember it was April 1957.

Becky Burr: Well I—does anybody have a problem with changing original references to terms that are now in quotes to italics.

Chris Disspain: That's fine.

Becky Burr: If not, we'll consider that done. Okay. Nigel, is your hand still up?

Nigel Roberts: No. I did the usual thing of leaving it up. Down it comes.

Becky Burr: Okay. So the substantive issue is the word—use of the word delegate. Does somebody—does anybody have an alternative that they'd like to suggest.

Nigel Roberts: If we can find one.

Chris Disspain: Becky, can you just tell me which paragraph are we actually looking at?

Becky Burr: Paragraph 5. It's the highlighted 5.1.1. 4.1.2, it's the substitute.

Stephen Deerhake: 4.1.2 has a typo in it.

Chris Disspain: 4.1.2 here we go. So 5.1.1 the FOIWG interprets delegation to mean. Okay. Where does the word delegation come from?

Unidentified Participant: Bernie, why—

Becky Burr: I believe it comes from 1591.

Chris Disspain: Well, if it's in 1591, we need to use it, don't we? So delegation, transfer and revocation in 1591, and we've made a great thing about giving revocation a meaning and saying that it's been ignored up until now, and it's critically important, and here is a process that means you need to revoke before you can re-delegate. It seems to me that having done all of that, we shouldn't now abandon the word delegation given that's an equally important part of 1591.

Becky Burr: Right. The objection as I take it is to the use of the word delegate in definition. So we say delegation means the process by which the IANA operator initially delegates or transfers previously-delegated responsibilities. To me, you'd think that term made sense because it does have an ordinary meaning. Eberhard, you appear to have your hand up now.

Eberhard Lisse: Yes. I'm still not happy about using the same word to interpret what the same word means.

Becky Burr: Right. So the question is—

Eberhard Lisse: And the ordinary meaning doesn't really say anything. What does delegation actually mean?

Becky Burr: Nigel, do you have your hand up?

Nigel Roberts: I do. Well, I should do. I pushed the button.

Becky Burr: Okay.

Nigel Roberts: You can sort of ignore what I said on the last comment. You probably would anyway, because it didn't really have anything, but I think Eberhard's point which I don't disagree with is that this is that this is a self-preferential definition, and you only resort to those when you really can't find any other way of defining something. Chris is right. I mean, delegation is used in 1591. So we deal with it in the same way we deal with words like revocation, but we've got to define it, because saying delegation is delegation, it's totally accurate.

Chris Disspain: Isn't it the putting of the data into the database or something, and the actual putting of the name servers into the root. Isn't that it?

Becky Burr: No, 1591 says there's—usually there's a delegation and the entry into the root takes place at the same time.

Chris Disspain: So it's a decision to that, and is it a decision to put the stuff into the root and publish the details in the IANA database.

Becky Burr: I think it could be the designation of somebody to be responsible.

Nigel Roberts: Can I just finish my point, coming back to Chris? The problem with delegation as a word is that it has two distinct meanings within our work depending on context. The technical terms of our delegation refers entirely to inserting NS records in the zone file. There is no other external meaning than that. The ordinary plain word delegation means the giving of authority by a superior being which is mildly problematic for some people, but as Chris rightly says, it is—

Chris Disspain: Have I disappeared or has Nigel?

Becky Burr: I think Nigel has.

Chris Disspain: Well, I obviously haven't because I can hear you, Becky.

Bernie Turcotte: It's a higher power thing.

Chris Disspain: Yes, exactly. The moment he said a higher power, the NSA switched him off.

Stephen Deerhake: My government knows no bounds.

Chris Disspain: Indeed. I wonder whether, Bernie, do we actually need to solve this right this second on this call, or are we better to bounce some words around on the list?

Bernie Turcotte: I would strongly recommend we move this to the list.

Becky Burr: Okay.

Stephen Deerhake: Let's move on.

Bernie Turcotte: Yes. Let's do that.

Becky Burr: Moving right along, back to you, Bernie.

Eberhard Lisse: Can I just quickly—I don't want to make a big deal out of this but I fully agree we can move it off the list. My point is that in some instances, it's not IANA handing it to somebody. It's just the other way around. I don't want to get into that. I just



want to avoid that we have to get into that and, like in revocation, we can define it in a neutral way and then everyone will be accepting it. It's not that I want to have the drama, I just want to—

Stephen Deerhake: Well, what works for you?

Eberhard Lisse: In a normal way.

Chris Disspain: I understand, Eberhard. What you're saying makes sense. I'm sure we can find a way of dealing with it.

Eberhard Lisse: Yes.

Bernie Turcotte: So ma'am it sounds like we'll be moving this to the list so we can actually have a discussion and Eberhard has come up with some great suggestions recently. So Eberhard, if you come up with another one of those, circulate it to the list because we are going to need to get this definition nailed down one way or another.

Becky Burr: Right.

Eberhard Lisse: Sure. But Daniel also commented and Cheryl commented, and so we'll get some discussion going.

Bernie Turcotte: Excellent idea. Alright. So shall we proceed, ma'am?

Becky Burr: Yes, please do.

Bernie Turcotte: Alright. This would be section 4.1.2 from the original document. Everything in yellow, just to be clear since there was a comment about renumbering, everything in yellow has been added to the document and has the original numbering from the document where it was brought in from. So that's why you can consider it a numbering issue, but it clearly identifies which document it came from, and it clearly identifies which section in that document it came from. So that's why the numbering may actually look a little crazy. But if you take it in the context that all the yellow stuff was added as annotation to the document and provides you a reference to the document from which it was pulled to be brought into here, then everything will be okay.

So section 4.1.2 from the document, we are considering, which means it's not yellow. We have—

Becky Burr: I think—

Bernie Turcotte: Pardon me?

Becky Burr: Yes. I think to me that we're going to have the same issue with the use of the term "transfer defined out the process by which the IANA operators can search with probability."

Bernie Turcotte: Yes. And you know, maybe we should just run ahead of that one and move that one to the list also.

Becky Burr: Yes. I agree. Eberhard, is your hand up again?

Eberhard Lisse: Not voluntarily. But I personally also think that I can live with IANA making a transfer. So a transfer is a little bit different from initial delegation. But we'll get this off. It's not a big, big deal.

Becky Burr: Okay. Nigel? Nigel? We're not hearing you, Nigel.

Stephen Deerhake: Nigel.

Eberhard Lisse: Just put his hand down.

Becky Burr: Okay. He's put his hand down, I guess. Okay. Let's move on, Bernie.

Bernie Turcotte: Yes, ma'am. Section 4.1.3 not in yellow, again, there is some slightly new text here. The working group interprets the term revocation to refer to the process by which the IANA operator rescinds responsibility for management of a ccTLD from an incumbent manager.

Becky Burr: I think that's exactly the same.

Bernie Turcotte: Yes. I think I may have actually gotten carried away with cut and paste there, so on the title of the text.

Becky Burr: Okay. Any (inaudible).

Bernie Turcotte: Sorry about that, folks. It was late when I was doing that. Alright. So any issues with that one which is exactly the same?

Becky Burr: Nigel's hand is up.

Nigel Roberts: Yes, this is part—Chris will probably say this is minor, but again, it's all about subtlety here. This applies to all the three ones we've just, including the current one. I'm a bit uncomfortable with starting the expression with, "the working group interprets RSC1591 to require the consent. The working group interprets the term et cetera, et cetera, revocation." It's again, it should be stronger than that. It should be saying, "the meaning of terms that the working group agreed was," because if you just say interprets to mean, again, it's suggesting that it's giving a slightly strained construction. I'm sure we can work on this off-list but I thought (inaudible).

Bernie Turcotte: Yes, but Nigel, just to be, if I can, ma'am?

Becky Burr: Yes, Bernie.

Bernie Turcotte: I seem to remember us having some very long discussions with you on this regarding what we can actually do and I think the whole notion of, "the working group interprets the term," was the result of some of those discussions we had and sort of allowed everyone to move on and say, okay, this is—we're an interpretation working group. What we can do when we've got something is interpret, and sometimes we actually know things without interpreting them which was another case we had. But I'm happy to take it on the list. But I simply want to note we already had those discussions, and we came to that understanding when things were not clearly defined in RSC1591. Our standard thing if there was consensus was to actually use the phrase, "The working group interprets blah, blah, blah." Over to you.

Nigel Roberts: I think we can probably find a slightly better phrasing but we'll definitely take this one off the call.

Becky Burr: Okay. I think Bernie is right that this was—the format was adopted in response to some of those concerns. Eberhard, you have a comment?

Eberhard Lisse: Yes. We have, throughout the text used the phrase, "The working group interprets" as I see to mean to require to work, and I think we should leave it.

And I think it is really starting to become a (inaudible) and procrastination what we are doing at the moment. I would rather prefer to move on, that we get something substantive done. I'm really starting to get upset about italics and quotation marks and words that we have agreed on, if now unagreed again. I thought we had gone past that.

Becky Burr: Okay. I appreciate that sentiment. Let's put the discussion format on hold and we can start to get off-list but I do agree, Eberhard, that that is a format we had consciously adopted. So I hope we can avoid change for the sake of change.

Bernie Turcotte: Thank you, ma'am. Moving onto section 4.1.4 not highlighted. Where the IANA's operators and formal efforts to address a substantial misbehavior "by ccTLD manager or persistent problems within the operation of a ccTLD are unavailing, unless a manager consents to a transfer, revocation is the only formal mechanism available to the IANA operator to deal with intractable problems." So right below that we have from analysis V10, section 5.1.4 and it basically has just been cleaned up. I don't see any substantial changes there that should cause anyone any heartburn. Over to you, Becky.

Becky Burr: I believe that that is language that we had on the list in advance, I believe, to modify. I'm just going to go back to my—okay, so—

Bernie Turcotte: Yes, the—

Becky Burr: I think the language that I had proposed was, "(inaudible) the IANA operator's informal efforts to stop substantial misbehavior by a ccTLD manager, or (inaudible)."

Bernie Turcotte: I don't know if it's just me, but you're breaking up very badly.

Eberhard Lisse: I was saying the same thing. I could not understand anything you said. Maybe you must dial in again.

Becky Burr: Yes. Is this better?

Bernie Turcotte: Yes. Much better.

Becky Burr: Okay. So I will get the language I had circulated to address some of the questions that Nigel and Eberhard raised on the list before was, "Where the IANA operators' informal efforts to stop substantial misbehavior by a ccTLD manager will rectify persistent problems in the operation of a ccTLD are unavailing unless the manager consents to transfer revocation as the only formal mechanism, et cetera."

Eberhard Lisse: Now it's a bit of a problem that we have not the latest version on here.

Bernie Turcotte: Yes. The annotated document (inaudible) version that was circulated to everyone as the document for this meeting. So I didn't want to change anything. So maybe what we can do since we've got some new text since because there was some issues is we can—since we've got to go back to the list on several things, anyways, and we have some significant editing here which should address the issues, maybe we can just move that back to the list then.

Becky Burr: Right. We'll just note that issue of that phrasing was a proposal for that and we'll take it off the revised document.

Bernie Turcotte: Right. And it will go up to the next meeting.

Becky Burr: Okay.

Bernie Turcotte: There are additional contributions (inaudible) now and then. So that would take us in the next section if that's okay, ma'am.

Becky Burr: Yes.

Eberhard Lisse: Can I just say something? Can we make maybe a deadline for comments so that gives Bernie enough time to put them all in so that when we put a document on next time, that it's all in so that we don't—that he doesn't have to rush the night before because there's comments coming in.

Becky Burr: An excellent idea.

Chris Disspain: Eberhard, plus one.

Bernie Turcotte: Well, I would say that if you don't want me to rush, my end of business Wednesday, which is basically one week from now, so seven days from now, would be reasonable because then we can package everything else and try and send it out the Friday.

Becky Burr: Okay.

Eberhard Lisse: And it's Friday, the week before the call.

Bernie Turcotte: Yes. So basically—

Eberhard Lisse: That's enough time for everybody to look at the final revision but what I was meaning more was if there is minor edits are something, what's the deadline for the last edits, for you to be made without rushing so that you can put it on the Thursday call.

Bernie Turcotte: So for this one, I would say one week before the call we're supposed to send out the document but we usually send them out on the Friday. So end of business on Wednesday would be ideal.

Eberhard Lisse: Okay. Alright. Let's do that.

Bernie Turcotte: Thank you, sir. Alright. Moving on, if that's okay, ma'am.

Becky Burr: Yes, please.

Bernie Turcotte: Okay, not highlighted 4.1.5, below we first considered 5.3 of RSC1591 dealing with revocation for persistent problems, then we shall consider 4 of section 3, Dealing with Substantial Misbehavior. So this has been adjusted but I don't believe think changes the meaning in anyway. Over to you, ma'am.

Becky Burr: Yes, any concerns with that adjustment? Hearing none, let's move along.

Bernie Turcotte: Right. Section 4.2 Revocation for Persistent Problems with Proper Operation of the Domain. So identical, so we won't stop for that.

4.2.1, not highlighted. RSC1591 requires the designated managers operate the domain, blah, blah, blah, blah, and we've got the original text there, is essentially identical again. I use the word essentially identical even if I find it identical because sometimes I miss commas, or there have been some minor reformatting issues with numbering and I don't want anyone to get upset over them. So unless there are any issues—

Becky Burr: No. I see no hands. Let's move along.

Bernie Turcotte: Alright. Excellent. Sailing along. Which takes us to the bulleted points which also are essentially identical unless someone has some issues.

Becky Burr: I see no hands.

Bernie Turcotte: I see no hands either. Moving on. 4.2.2 not highlighted. The same provision of RSC1591 clearly contemplates revocation in appropriate cases involving persistent problems with the proper operation of a domain, and from analysis 10 we have essentially the same thing with some minor edits. Any issues with that?

Becky Burr: No hands. Moving forward, Bernie.

Bernie Turcotte: Ma'am, 4.2.3 the IANA operator has not publicly stated the standards by which it will apply the requirements that are in RSC1591 3.5 to evaluate whether or not A, a manager is doing a satisfactory job of operating the DNS server, or the domain, the ccTLD, or B, there are persistent problems with the proper operation of a domain. So I noted some significant edits here from the original text which read, "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 server, ccTLD, blah, blah, blah." So it's been repackaged to make is more reasonable, and although there are major edits, I do not see any significant change in the meaning.

Becky Burr: Yes, that was a readability, as is on my part. Any concerns? Seeing none we'll move on.

Bernie Turcotte: Okay, 4.2.3.1 not highlighted. The FOI Working group interprets RSC1591 to require the IANA operator to avoid actions that undermine the stability and security of the DNS and/or continuing operations of the domain. Essentially identical except for the IANA name issue. Over to you, ma'am.

Becky Burr: Right. Now on this one, like others we've changed the bracketed IANA contractor to IANA operator in accordance with Eberhard's previous suggestion. Any concerns, comments? Seeing none, let's move forward. Oh, I see Nigel's hand. Nigel?

Nigel Roberts: It's a bit slow to respond both to put me off mute and raise my hand. I know that Eberhard thinks very carefully about these things, but I really don't like "IANA operator" when it's a term that does not exist in RSC1591. I'm very happy as we discussed on the past to use the term that's in 1591 and have a definition somewhere which says this currently means IANA operator which it happens to currently be ICANN. But when we say IANA operator in our work when that just doesn't exist in RSC1591.

Becky Burr: We have it interpreted—that in the document, right? In the introduction we say we use the term IANA operator—trying to figure out where it is.

Nigel Roberts: I mean, I'd rather say the IANA in the substance of the document and say in the definition section this is a terms in RSC1591 which we interpret as the IANA operator, rather than use a term that's not in 1591 and saying interpreted to mean the term that is in 1591.

Eberhard Lisse: Why are we revisiting something where we had consensus on?

Nigel Roberts: Well, we didn't have consensus on it. That's why it's in square brackets.

Becky Burr: No. Actually—

Eberhard Lisse: It's in square brackets because we need to change it to one, meaning whatever we used to call it throughout all our documents that we used the same term. I personally like the term contractor but that's beside the point. I think we had agreed on IANA operator. I can live with it and I remember to understand that you could live with it too. And I'm really starting a little bit getting annoyed that we revisiting things that we thought we had sorted.

Nigel Roberts: Well, I'm sorry that you're getting annoyed but this is work that we're doing, and I don't remember having consensus with operator. I remember it being deferred. But maybe I'm getting forgetful in my old age.

Becky Burr: I think that there was a suggestion that was circulated on the list prior to the last discussion.

Bernie Turcotte: Yes. That's correct. I don't think we had the entire group actually formally accept this through our standard structure but it was generally agree by quite a few people that this was acceptable.

Nigel Roberts: Well, I'm prepared to be outvoted on the matter.

Becky Burr: Okay. Then again, let's outvote you.

Bernie Turcotte: Are there—maybe let's just check while we've got everyone focused on this, are there any other questions or comments on this?

Becky Burr: Any other questions or comments? I see none. Go ahead.

Bernie Turcotte: Alright. So moving on 4.2.3.2, the FOI Working Group notes that technical operation of the TLDs has greatly evolved from the time of (inaudible) of RSC1591, along with the use of the Internet, and although still a specialized field, this is standard knowledge for a networking specialist, and is supported by a large volume of easily-acceptable documentation and applications. So basically identical to what we had in analysis V10 and some other versions of documents. We have dropped section 5.2.2.3 that was in analysis V10 because it was redundant. And I don't think this should cause anyone any heartache.

Becky Burr: Nigel, your hand appears to be still up. Do you have a new comment? Okay. Let's move forward, yes.

Bernie Turcotte: Okay, 4.2.4 in addition to the operational requirements identified above, RSC1591 through 1, identifies key requirements and necessary responsibilities of designated managers including. So "of identifies" of course is a grammatical mistake but we included it the way it is. And it's minor edits and I don't see that as causing anyone any heartache.

Becky Burr: Okay. I see no hands. Let's go.

Bernie Turcotte: Alright. In the bulleted points the requirements in the case of top-level domains that are country codes, that there be a manager that supervises the domain name and operates the domain name system in that country. And so the original text that we had in V10 requiring that there be a manager that supervises the domain names and offers a domain name system in that country.

Becky Burr: This was just implementing the note.

Bernie Turcotte: Yes. That is correct.

Becky Burr: Okay. I don't see any comments.

Bernie Turcotte: Okay.

Becky Burr: Okay.

Bernie Turcotte: Next bullet point. The requirement that the manager be on the Internet with IT connectivity and ensures email connectivity to the designated manager and its staff, and the requirement that there be an admin technical contact. Onto the next two bullet points and they are essentially identical to what was in analysis V10. Any questions on that?

Becky Burr: I see none.

Bernie Turcotte: Okay. Moving on 4.2.5 not highlighted. The FOI Working Group interprets this requirement to mean, as a general rule, that the manager must confirm that, and the IANA must be able to validate that the administrative contact resides in the country or territory associated with the ccTLD. This establishes a clear intention from RSC1591 that there be local (in the country or territory associated with the ccTLD). So from analysis V10 we have minor edits and we have the point that from 5.3.1 in analysis V10 was a longer statement and that was no broken up into two parts. So as far as I could tell, the 4.2.5 that we're looking at right now is essentially just cleaned up and arranged to be broken up into two parts. Any issues?

Becky Burr: Publish the intent. Any comments, questions? Okay. Eberhard, yes.

Eberhard Lisse: I dug up the IANA operator thing and pasted it. I suggested the term of this after being tasked to do so already in late July and we have been using it ever since. I took that to mean consensus. Not that I'm dying in a ditch about the actual name. We can still work on what name we use but I just wanted to make the point that we have discussed this. Bernie sent me a message that I owed him language. I provided, we have been using it ever since. And I really don't like now that we start revisiting it again saying no, we didn't consent, blah, blah. Let's take this off the list again.

Becky Burr: Okay. We'll do that. Nigel, do you have your hand up?

Nigel Roberts: I do. I've just lost access to Adobe Connect for some reason. I don't know why, but I'll make it as swift as I can. Are we at the 4.2.something which has the word contract in it yet? Or am I ahead of myself?

Becky Burr: We are not—

Bernie Turcotte: Over to you, Becky.

Becky Burr: I guess the second part of this is in other cases a manager may have a contract that eliminates this requirement.

Nigel Roberts: That's what I want to comment on at the appropriate time.

Bernie Turcotte: That's the next section.

Becky Burr: I think that's where we are. Yes, the next section.

Nigel Roberts: Okay, then it looks like I'm on. RSC1591 does not refer to contract anywhere and I don't know where this contract thing comes from. I really don't like it all because as I've always tried to say, we're trying to interpret the existing documents we've got, and not just say well, here's extenuating circumstances if you have a contract. That's real policy making.

Becky Burr: Look, all we're doing here, and the point is this was to recognize that in the ordinary case there's this requirement but there are places where it may not, for one reason or another, be practical or enforceable by IANA.

Nigel Roberts: No. Entirely agreed, but I don't see what the references to contracts add to the rest of the (inaudible). I agree with the whole point. I think I even contributed to some or all of it at the time, but I don't see what the contracting adds here and I think I find it confusing. And I think it's got potential for mixed interpretation down the road.

Becky Burr: Eberhard, your hand is up.

Eberhard Lisse: I also find myself in agreement. I don't know where this is coming from, and especially who would that contract be with? There is no reason—there is nothing in any document that we say with whom must you have a contract to say you don't have to abide but I think we should just remove it.

Becky Burr: Okay, are there any—

Eberhard Lisse: If it is impractical, let me just finish, if it is impractical or impossible for the admin contact to write in the contract country of the territory, it is a rare instance where this happens. Antarctica, for example, is the obvious thing. So I don't think it's major issues. It doesn't contribute. It's confusing, like, I agree with Nigel, I think we should remove that contract there.

Becky Burr: Okay the proposal is on the table to remove that sentence. Any comments or objections to doing that? Okay, I am not seeing any objections to removing that sentence so we'll do that.

Bernie Turcotte: Well, actually, it's not the sentence. It's just the part on—

Becky Burr: It is the last sentence in that. Okay.

Bernie Turcotte: Alright. Shall we move on?

Becky Burr: Yes.

Eberhard Lisse: Just to be clear. We strike, comma, already operator has a contract that eliminates this requirement. But leave the rest in place.

Becky Burr: Right, the current language now is a separate sentence that says, "In other cases a manager may have a contract." But yes, we strike that part and leave everything else. Okay?

Eberhard Lisse: Yes.

Becky Burr: Alright.

Bernie Turcotte: Not highlighted 4.2.5.1.2. The requirement for an in-country administrative contact did not appear before 1994 when it was first introduced by RSC1591. Therefore, this requirement may not be expected of country code top-level domains established or last re-delegated before publication of that RSC. So there have been, and I note, as significant edits.

Becky Burr: Right. Although that's actually not true. The language is the same. I just moved, "the ccTLDs that represent territories without permanent population will by definition not be able to (inaudible)." I just moved that up into previous discussion.



Bernie Turcotte: Yes. That is correct. You beat me to it.

Becky Burr: Okay. I don't see any comments or hands. Let's move forward.

Bernie Turcotte: Alright. And 4.2.6 not highlighted. Designated manager server as a trustee for the delegated domain. It is the duty to serve the nation blah, blah, blah. This is a straight quote. I did not bother to repaste it. I can't imagine anyone would have a problem as it comes (inaudible).

Becky Burr: Right.

Bernie Turcotte: 4.2.6.1 as noted in the FOI Working Group report on consent in RSC1591, the term Trustee is used to describe a manager's duty et cetera. This is a well-known phrase which dates back to our discussions on consent, and as noted as being the same from analysis V10. Are there—

Becky Burr: Correct. I don't see anybody wishing to speak to this one. Move along.

Bernie Turcotte: Okay. 4.2.7 RSC1591 requires that the designated manager has the ability to carry out the necessary responsibilities described above in an equitable, just, honest and competent manner. Major edits because of split. We need to go to section 4.2.8 to see the other part. So the original text from analysis V10, section 5.3.2 was RSC1591 requires that the designated manager has the ability to carry out the necessary responsibilities described above in an equitable and just, honest and competent manner. And then that second part, "and gives the IANA contractors." So section we're looking at right now 4.2.7 is essentially the same as the first part of 5.3.2. So I don't think there should be a big issue.

Becky Burr: Right. This is reorganization. Yes. Comments, questions?

Nigel Roberts: Can I be let back into the Adobe, please?

Bernie Turcotte: Pardon me, Nigel?

Nigel Roberts: Yes. Can I be let back into the Adobe, please?

Becky Burr: Is somebody preventing you from joining?

Eberhard Lisse: No, all the hosts have left, and that means nobody can really—there is not presenters, actually, so Kristina is actually supposed to let him in but she's not listed as being present.

Keith Davidson: Kristina is not on the call anymore. She had to go to the doctor, the physician.

Eberhard Lisse: Yes. Somebody must promote and serve to host then.

Keith Davidson: Kristina has to do it because she's the host. Because Bernie was host presenter as well. But because Kristina opened the call, it degraded the whole call so Nigel can't be put in the call any more in the Adobe room.

Becky Burr: Well, that was clever.

Bernie Turcotte: Yes. We'll have to put that in our procedures not to do that anymore. But I will read things for you, Nigel, and make sure that you catch up with everyone.

Nigel Roberts: How much more have we got to do because I actually find it impossible to follow when it's read aloud?

Bernie Turcotte: Okay. Well, do you have access to the documents that were sent out? So can you bring out the annotated?

Nigel Roberts: No, I don't have access to it. Everything—I'm using the Adobe room to focus on what you're focusing on at the time. I'm using the iPad unfortunately I don't have access to that without going up to the office which could take me as long as the rest of the call to get there, I guess.

Bernie Turcotte: Sorry to hear that. Ma'am, how do you want to deal with this?

Becky Burr: Well, we will have—and we're going to recirculate this document again. I don't think that there are.

Nigel Roberts: I'm prepared to limp on.

Becky Burr: Yes, let's limp along and see if we can do this.

Nigel Roberts: But I'm now blind.

Becky Burr: Okay, we will bear that in mind.

Chris Disspain: Less limping, Nigel, and more staggering.

Bernie Turcotte: In italics, yes. Eb has a comment, I believe.

Becky Burr: Eberhard.

Eberhard Lisse: Since we have very few, I propose we come to an end because we had the same issues in, where was it, in China, technical issues. I don't think we should do that. We should not carry on when we have technical issues.

Nigel Roberts: I'm prepared to be outvoted on that point, Eb.

Chris Disspain: Well, how much longer do we have the call—is the call set for, Bernie?

Bernie Turcotte: We have 53 minutes left.

Chris Disspain: It's going to be pretty had to do anything substantive, isn't it, if some of us can't actually see what we're doing.

Bernie Turcotte: There is that. And the other interesting note is that if you run through the annotated document, I'm going through it now to refresh my memory, I believe we've hit all the really interesting points. Most of the other annotations essentially say, essentially identical.

Becky Burr: Okay. So how about we've agree on a couple of changes. What we should do is take the second version that I circulated after the comments were in, make a few more changes to reflect our discussion from tonight, circulate the document quickly, and hope to get comments and discussion on the list so that we can get a final document that reflects everybody's perspective circulated next Wednesday, for next Thursday. So close of business next Wednesday, comments. Is everybody okay with that?

Eberhard Lisse: I am.

Becky Burr: Okay. I think that we will take that as the plan. And then, Bernie, you and I can get together on the final document to be circulated tomorrow just to reflect the discussion so far.

Bernie Turcotte: Excellent. We will—well, let's just say we will circulate it by Friday our time just to make sure we've got enough time to get our ducks in a row. But yes, in the next 48 hours, we'll have a new version of this out to the list so people can comment on it, read it over the weekend, get comments in by end of business our time on Wednesday. Is that okay for everyone?

Becky Burr: Okay. I'm going to take silence as consensus.

Bernie Turcotte: Thank you, everyone.

Becky Burr: Thanks, everyone. Sorry about the mix-up, Nigel.

Nigel Roberts: Don't worry.

Becky Burr: We'll make sure it doesn't happen again. Okay. Cheryl, do you have your hand up? She looks like she has her hand up.

Eberhard Lisse: We can't hear you.

Bernie Turcotte: She's agreed to it.

Cheryl Langdon-Orr: I had to come off mute. I was typing in and I think that's what got onto the hand up. I just wondered if you would be so kind as to put in a UTC time to the list for close of comments. I know we should all know exactly what close of business in Bernie's world is but, forgive me. A suggestion. Thank you.

Becky Burr: Okay. Alright, thanks everybody. Good night, everybody. Good night, Stephen.

Stephen Deerhake: Bye bye.

Becky Burr: And Bernie. Bye.