

TRANSCRIPT

Framework of Interpretation Working Group Telephone Conference

10 October 2013

Attendees:

ccNSO

Ugo Akiri, .ng
Martin Boyle, .uk
Becky Burr, .us (Vice Chair)
Keith Davidson, .nz (Chair)
Chris Disspain, .au
Stephen Deerhake, .as
Dejan Djukic, .rs
Daniel Kalchev, .bg
Desiree Miloshevic, .gi
Eberhard Lisse, .na
Patricio Poblete, .cl
Nigel Roberts, .gg
Dotty Sparks de Blanc, .vi

Other Liaisons:

Cheryl Langdon Orr, ALAC

Staff Support and Special Advisors:

Jaap Akkerhuis, ICANN / ISO
Kim Davies, IANA
Gabriella Schitteck, ICANN
Bernard Turcotte, ICANN

Cheryl Langdon Orr: That said, let's first of all look at starting with basic roll call and any apologies. Over to you, Gabi..

Gabriella Schitteck: We have not received any apologies, noting that Kristina is on holiday and she might have received some apologies, which I don't know of.

Cheryl Langdon Orr: Of course, fair enough. Moving in, and I'm only guessing because I don't have an agenda in front of me, the next normal point of business would be to ask for any comments on the meeting notes from the 26th of September and I'll open the floor now for anyone to make any amendments or comments on the meeting notes, which are on your screen and were distributed earlier.

Unidentified Participant: Can we just really do the roll call and we know who's on?

Cheryl Langdon Orr: Sure, I can ask Gabi to do the roll call. Gabi?

Chris Disspain: Hello. Hi, this is Chris joining the call.

Gabriella Schitteck: Hello, Chris. Okay. So we have -- now I'm going to read both who is on the room and on the call. So we have Ugo Akiri, Martin Boyle, Becky Burr, Chris Disspain, Stephen Deerhake, Daniel Kalchev, Eberhard Lisse, Patricio Poblete, Dotty Sparks de Blanc, and Cheryl Langdon Orr. And from support staff and special advisors we have Jaap Akkerhuis and Kim Davies, Bernie Turcotte, and myself.

Cheryl Langdon Orr: Thanks for that, Gabby. I also note Patricio is finishing another meeting, but he is in the Adobe Connect room. So I wasn't sure I heard you add him in the roll call. If you did, I apologize. I was desperately looking for the agenda, which I'm still unable to actually find. But never mind, we'll work on the (inaudible) minutes.

Unidentified Participant: There's an agenda?

Cheryl Langdon Orr: There normally is for these meetings, yes. Yes. That's the normal circumstances. Okay. Back to the approval or comments on the meeting notes from the 26th of September. Before we went back to full roll call, I did see at least one green check. That's one way of indicating your pleasure with the notes. But if we don't hear any complaints, we'll all (inaudible) everyone giving it agreement. I also note Nigel is just joining us at the moment too.

Chris Disspain: Cheryl, it's Chris. I'm sorry to interrupt you. I just want to say I'm in a car on my way from the airport. I've just landed. I'll be on the call patchily from the next hour or so. So don't rely on me being able to hear or speak. Thanks.

Cheryl Langdon Orr: Thanks. That's noted and of course having you even patchily is better than not having you at all. And welcome back. Let's just, Jim, in the absence of anyone saying anything otherwise, and I did see at least one green tick earlier, that those meeting notes are fine and no one needs to make any amendments. In which case, I believe we are now moving onto, with, got the rest of -- do you want to pull up the documents for the rest of the revocation? Thank you, Bernie. Like magic. Wow. At least when I'm working blind without an agenda, I can rest assured that Bernie's connection to Adobe seem to be working all right at the moment.

So he's going to move us forward to, I think we're up to section five, are we, at the moment, Bernie?

Bernard Turcotte: Thank you, ma'am. For those that were following the notes and the debate we had about a half dozen points, which were left the last time, to try and get this over with, trying to get some agreement. So overall, the first part, the elements that had two readings and were accepted are now in black in this document. They're no longer highlighted. The other parts in the second half, because the two meetings ago we only got about halfway through the document. So at the last meeting, it was only the second reading of comments up to the middle of the document, if you will, and it was a first reading from the middle to the bottom.

So that's about where we are and so if we take that to section four, we had tried to get some definition of delegation for discussion on the list. Unfortunately, we did not make that. And so I don't know if -- Keith has joined us.

Cheryl Langdon Orr: Keith.

Bernard Turcotte: Are you able to -- ?

Cheryl Langdon Orr: Can you mute please, Keith?

Bernard Turcotte: Keith, we can't hear you if you're speaking. I don't know if you're just going to listen to the call. We've got Cheryl chairing for the next few minutes because Becky was not able to do that comfortably. Are you able to take over the chairing duties, Keith?

Keith Davidson: Just seeing whether my microphone is working. Can you hear me okay?

Bernard Turcotte: Yes, sir.

Keith Davidson: Okay. I'm not -- if (inaudible) is okay, then I'm happy to Chair, but if you're not hearing me okay, I'm happy to relinquish --

Unidentified Participant: You sound find, Keith.

Cheryl Langdon Orr: Over to you, mate.

Keith Davidson: Okay. Carry on then. Thanks, Bernie.

Bernard Turcotte: All right. So just make sure everyone is on the same page. We're on section four, analysis and interpretation. Basically, any changes in the document up to this point were approved and basically that part of the document should be pretty set. There are a few things, which if we decide in section four onwards may have a follow on impact on those previous sections, but we won't know until we finish the rest of the document. So I think that's been noted in the previous section.

So onto section four. As I was saying, we are still lacking a definition for delegation and we -- I don't know if Becky is listening. Becky, have you had time to think about this and maybe have some ideas that we can look at?

Becky Burr: Yes, I am listening. I have thought about it some. The issue is, I guess we need to -- I have been focused on the delegation. They say the delegation takes place and you get entered into the root usually at the same time language in 1591. So although delegation -- I think it would -- Eberhard's point that maybe I had it backwards here. So the question is when we talk about delegation, are we talking about sort of the authority, the transfer of authority, the recognition, which I think is sort of important for the purposes of this document. Or are we talking about actual entry into the route. I think that's where we were on this and so for me, it's the management responsibility, but I think Eberhard disagrees.

Keith Davidson: Okay. We've got Nigel with his hand up for a comment on that. Nigel? Can't hear you, Nigel. Nigel, we can't hear you.

Nigel Roberts: Okay. How's that?

Keith Davidson: Now, we can. Yes, thanks.

Nigel Roberts: Okay. I'm connected via Adobe this time and not by the dial-up. So it's a bit unfamiliar. So the audio quality is okay?

Keith Davidson: It's fine.

Nigel Roberts: Okay. Great. In a way, I disagree with both Becky and Eberhard, and in a way I agree with them. The answer is that delegation can be construed to mean either of those two things in different contexts.

Becky Burr: So actually, I agree with that. I guess the question is what do we mean for this --

Keith Davidson: Nigel, you need to go back onto mute.

Unidentified Participant: Becky, try again.

Becky Burr: So I agree that we could talk about it meaning the responsibility, transfer of responsibility or we could talk about it meaning the introduction or entry into the route. Or I was content to use the term here meaning that the concurring of authority and that's the context that I think is largely what we pay attention to in the section.

Keith Davidson: Chris, is there anything to be gained from working backwards from some of our other work if we talked about what we would mean by delegation in the context of where there's been a revocation and then there's a redelegation? Does that help us by narrowing down what we actually mean?

Becky Burr: Well, I guess the question is here we've defined what the word means for our purposes here. And I think what we're talking about here, the process is correctly described. The only question is whether delegation is the right word. And I think that was what Eberhard was concerned with. But I think it's consistent with the way that we have talked about it before.

Chris Disspain: I have one other question, Keith, when there's a chance.

Keith Davidson: Go for it now, Chris.

Chris Disspain: Thanks. I'm in the car, which is why I can't see what is going on. The only other question I would have, Becky, is whether it makes any difference that the actual placing of the fishtailing into the root is currently a three-way process whereas the nomination of someone as the manager or whatever you want to call it is not. Does that make a difference to how we define it in the context of what we're doing

Becky Burr: Well, so as I interpret what Nigel said, which I agree with. But in different places, we use delegation to mean the decision to confer authority on a particular party. And in other places, it is used to refer to entry of the string into the root. To me, that's the natural way in which the community talks about it. So I am not unduly disturbed by using the same word, where in a situation where we say we interpret delegation in this context to mean the process by which the IANA (ph) operator initially assigns management responsibility or transfers previously assigned responsibility for the management of a CCTLD (ph).

Does that help, Chris?

Chris Disspain: Yes, it does, Becky. Thanks.

Keith Davidson: So does that help you, Bernie, with the way forward? (Inaudible) doesn't.

Bernard Turcotte: Well, it does if everyone is happy with this text. I absolutely have no issue with this. I think what we've got there in 411 now is something close to what Becky originally had. The FOY working group interprets delegation to mean the process by which the IANA operator initially assigns management responsibility or transfers previously assigned responsibility for the management of the CCTLD. And that is what we're talking about in this document. Because if we're talking about revocation, let's be clear, it means that the CCTLD exists. So we're not talking about entering something into the root.

So in my mind, maybe you -- what we need to say is the FOY interprets delegation in the context of revocation to mean the process by which the IANA operators initially assigns management responsibility or blah, blah, blah, because it is quite true as Nigel has pointed out that in other areas, it's used in a different way about just simply putting the CCTLD into the root.

So I don't know if there are comments on that and maybe I'd like to hear Eberhard, if he's got some thoughts. Because he's always got some good thoughts.

Eberhard Lisse: I'm at the moment not really clear what I asked three weeks ago. Somebody can remind me again. Failing which, I would have to go with what Becky has proposed.

Keith Davidson: Okay. So you're not recounting what your issue is with the (inaudible), Eberhard. But could we agree that it's okay unless you can remember what the objection is and raise it on the list in the next 24 hours.

Eberhard Lisse: I mean I have a little bit of an issue with IANA initially assigns management responsibility because that's not the way it happens, in particular, in my case. But not really something where I'm going to die in a ditch on.

Bernard Turcotte: We can put the standard note in about domains delegated prior to RFC 1591. I don't think there's an issue about that.

Eberhard Lisse: Done.

Cheryl Langdon Orr: That would work. Yes.

Keith Davidson: The only other thing I could think of doing here would be to have delegation with a little one beside it when it means that it's entered into the database, a two when the IANA approves it, and a three when both of those circumstances apply. That seems clumsy and awkward. But if we could get away with putting a footnote to say pre and post RFC 1591 delegations may have been made in different circumstances that probably would be reasonable. Cheryl is indicating some agreement with that, but I have Eberhard and (inaudible). Firstly, (inaudible).

Martin Boyle: The microphone (inaudible) disconnected. Can you hear me now?

Eberhard Lisse: We cannot understand a word of what you're saying.

Martin Boyle: Why, is it distorting?

Eberhard Lisse: Extremely.

Keith Davidson: (Inaudible) and it's very loud.

Martin Boyle: All right. Okay. In that case, I will take the microphone away from my mouth. Does that help?

Keith Davidson: I'm not sure what you did.

Eberhard Lisse: (Inaudible) redial.

Martin Boyle: Okay. I'll go and dial into a telephone line then.

Keith Davidson: Okay. I'll give you a minute or two to connect and two more on the speaking order, Eberhard and Nigel (inaudible). So Eberhard.

Eberhard Lisse: As I said, a footnote will do it for me.

Keith Davidson: A footnote is okay for you. Okay.

Eberhard Lisse: Yes, it will do it for me. Because I want -- we also need to move on, and as I said, I don't want to die in a ditch on this one, but I want to make -- no more talk. Footnote is fine.

Keith Davidson: Excellent. Okay. Martin does have the floor when he comes back, but let's hope we've got agreement on that. So are you back with us, Martin, or are you on the telephone? Okay. I think in the interest of keeping us moving, we move on. But give Martin the right to come back to this when he is connected. So Bernie, if we could, please move on.

Bernard Turcotte: All right. There were some minor edits in 412 for transfer and I don't think there were any significant issues. I think it was really quite minor and unless there are clear objections at this point, I would like to try and write or wrap this up. So I'll read it for those that are on the phone. The FOY working group interprets RFC 1591 to require the consent of an incumbent manager to a transfer. Accordingly, the FOY working group interprets the term transfer to refer to the process by which the IANA operator transfers responsibility from an incumbent manager to a new manager with the consent of both parties.

Over to you, sir.

Keith Davidson: Okay. Any -- I see Becky is giving a tick. Any discussion or any documents? They look fairly straightforward. If there's no discussion, let's consider them as read and move on.

Bernard Turcotte: Thank you, sir. Maybe we should check to see if Martin managed to make it back in.

Martin Boyle: I should now be with you on the telephone. Can you hear me now?

Eberhard Lisse: Much better.

Martin Boyle: Okay. Good old telephony again then. The reason I'd asked for the floor was that I'd managed to lose connection when we were talking about the first, the previous item. So I don't know what the final text was that we were finally agreeing to. So if someone could actually then read the text as it that would be helpful.

Bernard Turcotte: I will do that for you, Martin. The FOY working group interprets delegation to mean the process by which the IANA operator initially assigns management responsibility or transfers previously assigned responsibility to the management of the CCTLD. And we will insert, as per our agreement with Eberhard, a footnote to say this only applies to those domains delegated after the publication of RFC 1591 or the standard phrase we've come to use in these cases, or does not apply to those domains that were delegated prior to RFC 1591. I will use exactly the same thing we've used previously. It just doesn't come to mind right away, as a subtext.

Martin Boyle: Okay. That's helpful. But I seem to remember there being a discussion a while ago about delegation not just being when it was initially assigned, but any subsequent assignation. So in fact, does the word initially need to be deleted?

Eberhard Lisse: It says clearly, initially assigned management responsibility or transfer previously assigned responsibility for the management of CCTLD. That covers what you're just saying. I just wanted to butt in quickly. Bernard, you mustn't put in that it

doesn't apply to previously -- to earlier. You must put it in a way that the situation may have been different before RFC 1591.

Keith Davidson: No, we've got the wording that we previously agreed on. We go with the wording that's previously been agreed. I think everyone will be happy. And Martin, I think that answered your question but it's either initially or transfers previously assigned. So I think it covers your circumstances okay. Correct me if I'm wrong. It looks like everyone is happy. So please can we move on, Bernie?

Bernard Turcotte: Thank you, sir. And since Martin just came back, 412 was for transfers and that text reads, the FOY working group interprets RFC 1591 to require the consent of an incumbent manager to a transfer. Accordingly, the FOY working group interprets the term transfer to refer to the process by which the IANA operator transfers responsibility from an incumbent manager to a new manager with the consent of both parties. Over to you sir to close this out, hopefully.

Keith Davidson: Okay. Are there any questions, any comments, any queries at all? It seems to be that everyone is happy with the text. Last opportunity. Okay. We'll deem it accepted and please continue.

Bernard Turcotte: Thank you. So for everyone, since that text has only had minor edits, I think we should consider that one a final reading of 412. 411, that will be a first reading, but if it's the only thing left, (inaudible) it on the list and ask for any final comments so that we can try and get this done in time to get this published or Buenos Aires.

All right. Moving on, I believe our next point was, scrolling down. Okay, so just for our information, 4331 was the September 12 cutoff date. So we've still got track changes from that point on because there was only a first reading, as I noted earlier. So the -- if there is no comment attached to it, it means that it was agreed to at our September 26 meeting. I will read the sections that have track changes just to make sure everyone is okay. If everyone is okay, this will be considered an accepted reading and an acceptance. Are we all okay with that?

Eberhard Lisse: Just let me know what number you're -- what section you're referring to.

Bernard Turcotte: I always tag the section number before I read it. All right. So we will start with 4331. The FOY working group interprets the requirement that the manager be equitable to all groups in the domain as obligating the manager to makes it 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? So really, the biggest change here is we removed designated manager. So we just left manager as was agreed in other texts.

Any questions, comments?

Keith Davidson: I think this is just a verification of what we had agreed. I see a tick from Becky. I'm seeing no (inaudible) from the floor. So we'll consider it accepted and (inaudible).

Bernard Turcotte: Thank you. 4341, the FOY working group interprets RFC 1591 to limit the IANA operator's authority to step into situations where substantial misbehavior by the CCTLD manager, A, poses a risk to the security and stability of the DNS, or B, involves the manager's failure after notice in a reasonable opportunity to cure, to perform the objective requirements, i.e. bracket, i.e., to be on the internet, maintain IP and email connectivity, identify technical contact, and to identify an income tree administer to the contact, close bracket. So really, it's a little bit of rewording to make it more readable. I don't believe there were any comments

last time. This is, would be our final reading unless there are comments. Over to you, sir.

Keith Davidson: Any questions? Any comments. I see a tick from Becky and a tick from Eberhard, and no one is seeking the floor. I think (inaudible) tick and on Bernie.

Bernard Turcotte: Thank you. 4342, the IANA operator and the CCTLD manager should advise each other how they wish to be given notice. Such notice should be at least what is acceptable between parties and international private law. At a minimum, including the use of registered, recorded delivery mail, or the avoidance of doubt, failure or refusal to respond to any notice may not be taken as consent. However, failure or refusal may be relevant -- may be a relevant factor when considering other obligations of the CCTLD manager. Bracket, for example, substantial misbehavior, close bracket. So really, we've changed the name of the IANA operator and we have included substantial misbehavior instead of just misbehavior. Again, there were no comments last time. Over to you, sir.

Keith Davidson: Thanks, Bernie. Any questions or comments?

Eberhard Lisse: Can somebody turn its echo off, please.

Keith Davidson: I think it's Bernie (inaudible). Is that an improvement now?

Eberhard Lisse: Yes.

Keith Davidson: Okay. I see the two comments in the chat room. Kim has gone back saying so under 4.3.3.1 it would be okay to say .de domains are only available to Vodafone customers. So long as -- so long as that rule was partially applied. Pretty sure that's not the intent, Kim, but I see what you're saying and appreciate what you're saying. Should 4.3.3.1 begin by saying that the policies themselves should be (inaudible). And Becky's saying that there's not a good road to travel, but I'm not sure what that's in regard to travel and Daniel is saying Patricio (inaudible) to whom. So (inaudible). And Eberhard is seeking the floor and then Becky. So Eberhard, please.

Eberhard Lisse: The echo is really bad. If somebody is not using a headset and it's really bad. In any case, as long -- the requirement is not that policies make sense. The requirement that the policies are being used by equally applied. The document, the RFC doesn't say that the policies need to be equitable or make sense. It only says that they must be published and they must be uniformly applied, and everybody must be completely the same. In other words, not -- Vodafone in the .de example, not Vodafone, but if .de says you must have a German requirement or you must be speaking German in our correspondence, and if they applied it to everybody, whether it's reasonable or not, or equitable or not, that's acceptable to me. I think we should not go into the policies of individuals in CCTLD.

Keith Davidson: Okay. And I think Becky is indicating that tick of agreement with what you're saying, Eberhard. Becky wants the floor and then (inaudible).

Becky Burr: Yes, I mean I just want to -- we talked about this a lot and I think we all concurred that Eberhard's interpretation was right and we just needed to stick with that and not get involved in the deciding what a fair policy is.

Keith Davidson: Okay. I see Nigel indicating agreement with that. So Kim, were you seeking the floor but you're not anymore.

Kim Davies: Well, if it's already been settled, I'm not going to reopen the discussion. I did miss the last meeting so my apologies. My only observation is from the discussion that I saw from around the time RFC 1591 was created. It seemed to

me that one of the main concerns at that time was precisely to have a mechanism to stop, for example, saying you needed to use a particular piece of software, or you needed to use a particular network provider in order to have a domain name. So I guess I was playing devil's advocate in asking if that would be okay. Like I said, if the group has gone down that path and think that is, then I have no further comment.

Keith Davidson: Okay. I think we had -- we covered that pretty solidly. So (inaudible) noting that you're not, you're happy to withdraw your objection or --

Kim Davies: Actually, I have no objection. It was a clarification.

Keith Davidson: Okay. Great. Eberhard has the (inaudible). So Eberhard.

Eberhard Lisse: I just wanted to reinforce what Kim is saying. I remember one case very clearly when somebody complained about our policy and John wrote them an email, what's the problem, read the policy. He -- this is applied to everybody adhere by the policy. So the intent of writing RFC 1591 was that there must be some fairness in there. Whether you make a policy that if you must speak a different language or you must do certain things, as long as it's fair to everybody. If you have shares in Vodafone and then you say, okay, I'll only applications for Vodafone users, that's not acceptable. And that's what the intent was. So Kim is quite right in what he said, but I think we should not go too much into the policies. We should say that the policies must be applied equitably, like the documents say.

Keith Davidson: Thanks, Eberhard. Okay. Well, it looks like we're all in violent agreement. So can we move -- I think we finished with the next paragraph two. I'm not sure. So Bernie, take us back to where we were.

Bernard Turcotte: We had just finished 4242 and there were no comments, and we were pulled back up to 4331. That would take us to 4343 where there were really minor edits. I'm not going to read it because it's a long paragraph and instead of working group, we put in FOY WG and instead of prospective registry manager we put in prospective manager. So those are the two changes. I can't see this causing anyone any heartburn unless someone has a problem. Please say so now.

Keith Davidson: I see Eberhard and Nigel giving ticks of agreement. No one is seeking the floor. So I think we can take that as (inaudible) and let's move on.

Bernard Turcotte: So that will be the final reading of 4343. Moving onto 4344, the changes are a little bit bigger so we'll read through them. Application to incumbent managers, although one could read RFC 1591 to limit the IANA operator's authority to the process of selecting a designated manager, on balance the FOY working group interprets 3.4 of RFC 1591 to create, one, an ongoing obligation on the manager to operate the CCTLD without substantial misbehavior, and two, a reserve power for the IANA operator to step in, in the event that the manager does substantially misbehave.

So replacing working group with FOY working group and the operator's authority, which were similar to changes we saw in 4341, but we've gone through it and unless there are major issues, again, I would say that this should be a second reading and put this one to bed. Over to you, sir.

Keith Davidson: Okay. Thanks, Bernie. I see Stephen has his hand raised. So Stephen.

Stephen Deerhake: Didn't mean to have it raised. I'll put it down.

Keith Davidson: So I see Becky and Eberhard, and Nigel, and Stephen all are in agreement. No one is seeking the floor. So I think it's fairly minor, can be considered a (inaudible). And Bernie, let's move on.

Bernard Turcotte: Thank you, sir. So that was the final reading of 4344. That text will now go to all black. 4351, there are some changes. We'll read through that. RFC 1591 identifies three mechanisms available to the IANA operator. Delegation, transfer, and revocation. The FOY working group, as discussed above, interprets RFC 1591 to require the consent of an incumbent manager to any transfer of responsibilities. If a CCTLD manager engaged in substantial misbehaviors is unwilling to consent and the IANA operator's informal efforts to address such misbehavior are unavailing, revocation is the only formal mechanism that remains available to the IANA operator.

Accordingly, the FOY working group interprets RFC 1591 to permit the IANA operator to revoke its CCTLD delegation in appropriate cases where the manager has substantially misbehaved. Over to you, sir.

Keith Davidson: Okay. I think we've talked about this wording quite a lot over time too. I see Becky and Eberhard are agreeing, and Stephen, and no one is seeking the floor. So the last opportunity for anyone who wishes to speak. I think now we can consider this (inaudible) and move on.

Bernard Turcotte: 4351, that was the final reading. Thank you, sir. 4352, very minor edits. The last resort versus a last resort and delegated manager replaced by just manager. So I don't think this should cause anyone any heartburn. It did not last time. Over to you, sir.

Keith Davidson: A tick from Stephen, a tick from Eberhard, a tick from Becky and again no one is seeking the floor. So I think this little tidy up may be considered (inaudible) and let's move on.

Bernard Turcotte: Thank you, sir. So we had our first -- oh, we had Patricio with his hand up.

Keith Davidson: Patricio? No, and it's gone down.

Bernard Turcotte: Boy, that was quick. I just saw it and then it flashed away. 4353. Okay. So edits to be discussed on the list. I'll read the current text. The FOY working group notes, however, that the IANA operator will rarely be in a good position to evaluate the extent to which a manager is carrying out the necessarily responsibilities of the CCTLD operator in a manner that is equitable, just, honest, or except insofar as it compromises the stability and the security of the DNS, a competent manner. Accordingly, the FOY working group interprets RFC 1591 to mean that the IANA operator should not stop in regarding issues of equity, justice, honesty, or except insofar as it compromises the stability and security of the DNS, competency, and that such issues would be better resolved locally.

So those changes in that final sentence were brought to us by Nigel who was trying to make it more readable. I don't think there were any significant issues with it. It was published. I don't think there were any major comments. There was some support for this. I see Becky has a tick for it. I'll throw it over to you, sir.

Keith Davidson: And also Nigel and Stephen are indicating ticks as well. And Eberhard wishes to speak. So Eberhard.

Eberhard Lisse: No, I don't want to speak. I just want to read this again slow -- just hang on. Let me just read it again. I have a bit of a problem with the last half, or except insofar as it compromises the stability and security of the DNS, competency, and that

such issues would be better resolved locally. It doesn't really make sense here. The language, the drafting language is confusing me, not the content.

Keith Davidson: Okay. Maybe Martin has a clarification for that. He's seeking the floor. So Martin.

Martin Boyle: No, not really a clarification. When this was raised in the last call, I expressed a certain degree of doubt and having read it in between and now having read it here again, I think I'm with Eberhard on this. I don't actually think that the phraseology is easier to read in its new form, and uses words that are not used in RFC 1591. So personally, I would prefer going back to the text that was in black, rather than the text that's been added in blue or subtracted in blue.

Keith Davidson: Okay. I think Martin (inaudible). Oh, Eberhard (inaudible).

Eberhard Lisse: No, what my problem is, is the last line, it says competency and in this -- I don't understand the -- I think in (inaudible), Bernie should just try to rewrite it again. I really don't understand it means, or except insofar as it compromises the stability and security of the DNS competency and that such issues would be better resolved locally. This is not a (inaudible) -- I don't understand that really.

Bernard Turcotte: If I may, sir.

Keith Davidson: Certainly.

Bernard Turcotte: There were only two postings of support for this change and I think Martin is against it. This text in the original form without the blue changes was accepted in the previous documents. I would think therefore that although, maybe some people don't see it as being -- there could be some changes to make it more readable, term insurance was accepted and understandable to everyone in its pervious format and I might suggest that we take it back to its original format, where it would read, accordingly the FOY working group interprets RFC 1591 to mean that the IANA operator should not step in regarding issues of the manager being equitable, just, honest, or except insofar as it compromises the stability and security of the DNS, a competent manner, in that such issues would be better resolved locally.

Over to you, sir.

Eberhard Lisse: It still doesn't make linguistic sense. The manager being -- regarding issues of the manager being competent. Okay. I don't have a problem either way, but I think this is better to understand what you just said, the previous version.

Keith Davidson: I'm not quite sure when you said this is a better way to go, the previous version, I'm not quite sure what that means, Eberhard.

Eberhard Lisse: The previous version was the one without the tracking changes in blue.

Keith Davidson: Okay. And you'd rather have the black text than the blue text?

Eberhard Lisse: I don't mind, but if you use the new version, the tracked version, then the word competency in the last line doesn't really make sense linguistically.

Keith Davidson: Okay. I see Patricio and Nigel are seeking the floor. So let's go to them. Firstly, Patricio.

Eberhard Lisse: I've changed my mind. I can live with it either way.

Patricio Poblete: Can you hear me?

Keith Davidson: Patricio, you.

Patricio Poblete: Can you hear me? Yes. Would it be better if we move the competency part to before the except insofar, before the dash there?

Eberhard Lisse: No, but the point is here, competency is not a requirement as long as it doesn't affect the visibility.

Patricio Poblete: Exactly. But if you move it to before the except, would mean exactly that.

Eberhard Lisse: Yes, that makes sense.

Bernard Turcotte: Sir, if I may.

Keith Davidson: Yes, makes sense.

Bernard Turcotte: Just to Patricio's point, I think what we were trying to do, or what Becky was trying to do, and she may comment on this, was that we were trying to have the accept only apply to competency. And if you move competency after honesty, it may look like it's applying to all of the other points. Over to you, sir.

Keith Davidson: Okay. Then I sense there seems to be more consensus about returning to the original text rather than the amended text. It's just (inaudible) for a moment and Nigel --

Nigel Roberts: Keith, I've been waiting for a while.

Keith Davidson: Of course, Nigel.

Nigel Roberts: Okay. I'm very -- can you hear me?

Keith Davidson: Yes.

Eberhard Lisse: Now, we can't.

Nigel Roberts: Hello?

Eberhard Lisse: Yes, we can hear you.

Keith Davidson: Yes, Nigel. You're coming in loud and clear.

Nigel Roberts: Okay. I've been struggling to press -- leaning on *7 for the past minute or two. Okay. There are two issues and I'm in very confused by Martin and Eberhard agreeing when they were saying completely different things, from what I understand. The confusion I think that has arisen that Patricio has put his finger right on, the confusion is about the parenthetical parts, the except clause. The original proposal from the last meeting, I mean with respect, Martin, we are using the exact same words as in RFC 1591, but we're using the noun form. What you're doing is the original was very ponderous. It was saying in issues of being competent, being competent is competency. And using Strunk and White (ph) principles, omit needless words, but trying in this new version to make the English more elegant and more understandable then to put in long sentences such as in issues of being competent, which is newspeak, in my opinion.

I'm sorry if trying to do this has confused people, but that was the aim and there was no change to the substance of the intent of what's going on here. The parenthetical part, perhaps you can do by way of a footnote, and again, reduce

the English construction to being a nice simple start at the beginning, finish at the end sentence. That's the point here.

- Keith Davidson: Okay. Thanks, Nigel. I don't think anyone has got -- I think Eberhard has removed his objection and says that he can live with the (inaudible) either way. So really, it's a question do we revert to the black type or do we accept the blue type.
- Nigel Roberts: Well, I think we could move on from it because, Keith, I think we should move on from it either way because it was simply an attempt to improve the readability and the stylistic nature of it. It was not anything that we should be spending time debating as -- for a semantic meaning.
- Keith Davidson: Yes, okay. Well, look, I'll put it to the group now that we accept the text as amended in the blue and then (inaudible) any debate or discussion to reject that. I'm seeing a tick from Eberhard and a neutral feeling from Becky, and Nigel still has his hand up, but I'm going to put it down for him because I think he just forgot. And no one is (inaudible) the floor. So going once, going twice. Okay, we'll accept the text in the blue. So please continue, Bernie.
- Bernard Turcotte: Thank you, sir. So we'll -- just to be clear, we'll post that edited text on the list for any final comments 4353 and if there's nothing substantial, we'll consider it done.
- Moving on, 4361, minor edits and 4362, again, minor edits, replacing working group with FOY working group and designated manager with manager in both those clauses. So I'd like to do both of those at the same time, if that's okay. I just can't see this being discussed. It's agreed to tweaks from last time. There were no comments. Over to you, sir.
- Keith Davidson: Okay. I see ticks from Stephen, Nigel, and Eberhard. Nobody is seeking the floor. They're pretty light administrative readability edits. So I think we can accept it and move on.
- Bernard Turcotte: Thank you, sir. Adobe sort of reset itself on me. So I'm flying a little blind. Are you hearing me?
- Keith Davidson: Hearing you fine.
- Bernard Turcotte: Okay. I may have to rejoin the meeting. Sorry guys, this is going to take a minute, unfortunately. My Adobe screen is completely blank. So I'm going to kick out and come back in. Sorry.
- Keith Davidson: Okay. Thanks, Bernie. We'll give you a minute. Eberhard has his hand raised. So --
- Eberhard Lisse: 4362, again, is editorial and we can -- I can live with this. I think we should approve this.
- Keith Davidson: Yes. Well, in fact we just approved that 4361 and 4362 in the one mouthful. We did them together, Eberhard. So just as well you're agreeing because we've gone past that point.
- Bernard Turcotte: All right, folks, I think I'm back and I have a document. So I'm ready to get back into this.
- Keith Davidson: Please proceed.
- Bernard Turcotte: Thank you, sir. So I believe that was 4361, 4362, final reading, final text. Going once, going twice, done. Thank you. 437, process for revocation in cases of

substantial misbehavior. 4371 was sent to the list. We'll read what we've got there. 4371, the FOY working group interprets the intent of RFC 1591 to provide revocation as the last resort option for the IANA operator. The IANA operator should use all means at its disposal to assist the manager to change conduct considered to be substantial misbehavior by the manager. Revocation should only be considered if the IANA operator reasonably demonstrates that the manager is unable or unwilling in an appropriate timeframe to, and then there are the bullet points, which we'll -- I don't think there are any issues with the bullet points.

So I believe the core of the issue was the change conduct point, which several people were having concerns about. Over to you, sir.

Keith Davidson: I think that what (inaudible) seems to be a pretty good compromise and Becky is indicating a tick of agreement. Eberhard is doing likewise. Nobody is seeking the floor. So I think we can assume that that text is now read and we can move on.

Bernard Turcotte: Thank you, sir. So this would be really a first full reading. We'll repost this to the list for a last 24-48 hours special consideration by anyone because we're really trying to get this with a bow on it, so we can publish it, so it's on time for everyone to look at it, including our friends in the GAC, and we all know that that means. So I appreciate everyone's efforts here and we'll go over that procedure and when we've completed the document tonight.

Next one is 4372, if the IANA operator revokes a delegation, it should attempt in collaboration with a significantly interested parties to ensure the CCTLD will continue to resolve names until a suitable replacement is delegated management responsibility for the CCTLD by the IANA operator. Now, this caused all sorts of concerns. That was my suggested text because we were concerned about the fact that continue to resolve names part was only saying until suitable replacement is found, and they may not be ready to take it over.

So we were going around this a few times. I think Eberhard had probably some of the best comments on this saying we don't need to go with the blue text. Maybe we just need to talk about we'll continue to resolve names until the replacement is ready to take over, or something like that. Over to you, sir.

Keith Davidson: Okay So any discussion on this paragraph? There doesn't appear to be anyone seeking the floor. Nigel is giving it a tick so I think we can deem that -- Eberhard is also giving a tick. So I think we can deem that to be acceptable and we can move on.

Bernard Turcotte: So I'm gathering that that, the ticking, as it were, would be for the Eberhard suggestion I just read off. Is that correct, sir?

Keith Davidson: I'm certainly assuming so.

Bernard Turcotte: Okay. I'm assuming so too. Eberhard has (inaudible).

Eberhard Lisse: I assume the same.

Keith Davidson: Verified. Thank you.

Bernard Turcotte: Good. So we're all assuming and it looks good, and that will go to the list also, for final, final comments. But this looks good.

Moving on, 4374. And this is our last paragraph, folks. 4374, as discussed above, revocation should only be considered if the IAN operator reasonably

demonstrates that there are persistent problems with the operation of the domain, as defined in 4.2 above, or the manager has engaged in substantial misbehavior, as defined in 4.36 above. That persists despite the efforts of the IANA operator using all means at its disposal to fix the problems or modify the behavior. I think the edits were causing some concern for some people and that's why we put it on the list. I'm not sure we had -- if I remember correctly, we didn't have any comments. Over to you, sir.

Keith Davidson: Well, Eberhard is indicating a tick. Daniel is indicating a tick. Becky is also. No one is seeking the floor. So just giving everyone a moment. I think everyone -- we can deem that everybody is happy with that and move on. Or, well, move to the end.

Bernard Turcotte: That is correct. So to be clear, the stuff that was in second reading today and that has been agreed is final text. The stuff that had some changes that mostly the stuff that was -- went to the list, which we have agreed to today, will be edited by me and reposted by Monday to the list in a similar fashion that we did last time for final comments, final, final comments and only serious, substantial comments, at which point the chair will look over the comments and make a decision. Over to you, sir.

Keith Davidson: Okay. And this is recognizing that the timing of our next call would be during the IGS Bali Week, which will possibly exclude a reasonable number from participation. So I think we're getting there and I think with some reasonable commitment to the comments, we could easily resolve this in the coming days. Eberhard is seeking the floor. So Eberhard.

Eberhard Lisse: Bernard, I assume you will now resolve all the agreed text into black so that the next document we will only have the final changes that are not approved yet. Is that correct?

Bernard Turcotte: That is correct.

Keith Davidson: Okay. Well, I think we've done pretty well and with just a bit more due diligence I think we'll have things sorted by the end of next week. So please commit to working online if you have any issues, please (inaudible) very minor or minor ticks that we can live with, perhaps don't raise it. Just raise any issues of substance. And with that, is there anything else on our agenda tonight, today? If not, then I think we will keep the diary note for a meeting week after next, but we'll look to cancel that. I'll optimistically look forward to cancelling that because we have agreement on the list in the next few days.

So with that, unless anyone else has anything else to raise, I'd like to thank you all for the (inaudible) last two meetings and I think we've just about now (inaudible). So thank you all for your perseverance and your contribution, and we'll see you online soon. Thank you all.