

## TRANSCRIPT

### Framework of Interpretation Working Group Call

29 May 2014

- Keith Davidson: Okay, everybody. I think it's three minutes past the hour, so we should probably make a start to the call. Kristina, can we have a list of apologies and those present on the call?
- Kristina Nordström: Yes. Can I just ask who joined?
- Dotty Sparks de Blanc: It's Dotty.
- Kristina Nordström: Hi, Dotty. On the call from the ccNSO we have Martin Boyle, Keith Davidson, Stephen Deerhake, Desiree Miloshevic, Eberhard Lisse, Patricio Poblete, Nigel Roberts, Bill Semich, and Dotty Sparks de Blanc.
- From the GAC, we have Frank March.
- From staff support and special advisors we have Jaap Akkerhuis, Kim Davies, Kristina Nordström, and Bernie Turcotte.
- And we have apologies from Maureen Hilyard, Paulos Nyirenda, and Cheryl Langdon-Orr.
- Keith Davidson: And I think we've got an apology from Chris Disspain for lateness. He's on another call with ICANN, but as soon as it's finished he'll join this call. Any other apologies? Anyone else present on the call whose name wasn't mentioned?
- Kristina Nordström: Somebody just joined.
- Nigel Roberts: No, it's Nigel coming back.
- Kristina Nordström: Okay.
- Keith Davidson: Okay. Hi, everybody. And I'll just put up a very quick agenda in the top right hand corner of Adobe Connect. Our plan originally was to try and get everything wrapped up in the next 24 hours. It seems to me by the emails over the last 24 hours or so that it is probably not possible to nail things shut and get things done in order for the GAC to have plenty of time to get translations done and everything through for London.
- So I'm wondering if our best plan might be to try and work through today by reading through the final report draft and identify the areas of concern. And rather than necessarily trying to develop the text on the fly, just identify those that

we have to work on then, with a view to actually (ph) finishing as a Working Group and agree on a final text while we're in London, and then taking forward the final report through to ICANN LA.

Firstly, just testing the temperature of the room as to whether there's agreement for that as a plan. And then wondering if we could meet again next week, as we originally scheduled next Thursday at 21:00 UTC. And then I think originally I was looking at a shorter meeting in London, but whether we couldn't extend that to a full three hour for London and use that to finally resolve anything that's unresolved.

Is there any objection from anyone to that as a process? I'm seeing some agreement from Stephen on Adobe Connect. Nobody's objecting, so I'll take that as being -- and Eberhard's agreeing, too. I'll take that as the way to move forward.

So, I think if we have a look at the draft final report as it is, and Bernie, do you want to take us through where we're at via the issues that's been raised on the email list over the last 24 hours or so? Bernie over to you.

Bernie Turcotte: All right, and thank you, Sir. Hello, everyone. And here I was thinking that people were losing interest. So thank you, Martin.

The executive summary as a whole, I'm just going to leave as something that's open. I think as Keith has said, we're not trying to settle any text right now; we're just trying to identify things.

The executive summary has got pieces from a few areas. It has raised several questions. It's only a couple of pages, and I think we'll just mark that off as open and then we'll take it from there, if everyone is okay with that. I'm not seeing any objections, so we'll mark off the executive summary as just open for the moment.

The introduction, I'm uncertain if it causes any heartburn to anyone. This was developed by Bart, and basically just walks us through where we started and where we've ended up. So, are there any areas in the introduction that are causing people heartburn and that we should mark off as being for discussion? Bill.

Keith Davidson: Bill, you're on mute.

Bill Semich: I thought we had discussed last time to include the word "guidelines" where you just say policy.

Bernie Turcotte: Yes, we did. There will be some final edit of the old document to catch things like that. But yes, we have agreed to do that everywhere.

Bill Semich: I just don't want to blast by things we discussed; not pointing out that we discussed it.

Bernie Turcotte: Agreed, no problem.

Bill Semich: Thanks.

Bernie Turcotte: Patricio.

Patricio Poblete: I have just a small correction. The part where it says the IANA function contractor, I think that we also -- one remaining (inaudible) . So, could it be IANA operator?

Bernie Turcotte: Yes, I got that in your email. And what I'll ask people, given what we're trying to do today, if it's typos, grammar, or any other little things like that, we'll settle those online. I'm not overly concerned about. What we're trying to identify now are issues of substantive concern. Now Bill, do you still have your hand up, or did you just not take it down? Thank you.

All right. As a general statement, given this is still a 0.8, as you will be used to how we do things here, it's not a final draft. We've still got little things like the IANA contractor and things because we're gluing things together. Those things we will fix, we will catch. I'm not having a big issue with that.

Any other questions on this introduction? All right. So if I'm not noting that this has any substantial issues, there may be some -- just things that need to be done properly in editing, and we will certainly go over to that. And we will certainly go through a series adam (ph) of the report in London in great detail, and we will catch any final things there. And hopefully that will be a minimum session.

All right. Now, we will move on to Section 2. Again, we're just trying to identify the sections; we're not trying to resolve them. If you have an issue with a particular section, we will mark it off, and then that will be something that we will come circle back to. Once we've done that, we're just trying to mark off the areas where we have issues, and therefore lock down the issues -- the areas where we don't have issues.

All right. Section 2, interpretation. Yes?

Dotty Sparks de Blanc: This is Dotty, and I'm not on Adobe Connect. And I'm not on a computer; I'm on a cell phone. But there was something that I heard Keith say when he mentioned a document going to the GAC for translation, and he used the word translation. And that's been a concern of mine all along. And I had brought it up before, and it was pretty much poo pooed. But I think if it's going to be translated, that there's some -- that we have to have that in mind when we're looking through it, because there are some things that are really not going to be able to be translated clearly.

Keith Davidson: Thanks for raising that, Dotty. And I think your point's noted that the GAC, in order to get anything through to all GAC members, goes through a translation process. There may be some aspects that are not easily translatable, but that will become their issue rather than ours, but we can certainly help them with the interpretation.

Dotty Sparks de Blanc: Well, it's using words from John Postel's document like mischievous, or whatever that word was that he used, that are not -- it was in the context of something specific that happened at the time. But I mean, it's not going to -- I don't think that's going to be clear, and I think that's going to be very confusing, depending on how it's translated.

Keith Davidson: That's potentially true, but that's -- we don't have any control over that, but GAC has the same procedures, and --

Dotty Sparks de Blanc: Well, we do because we're the authors of it. I mean, nobody else has more control than we do over it. And I was concerned about that part when we first wrote it, and I brought it up and no one else was concerned. But now I think it's going to become problematic when it gets translated into a bunch of different languages.

Keith Davidson: Yes, I think we all share that concern, Dotty, and thanks for raising it.

Dotty Sparks de Blanc: Well, maybe we should have somebody translate just that part because that's the part that can be confusing. And see what it comes out like and what somebody finds.

Keith Davidson: Let's hear from Frank, who has his hand raised. Frank. Frank, if you're speaking to talk, you're still on mute. Frank?

Eberhard Lisse: Maybe I can chip in until he finds the --

Keith Davidson: Okay. Thanks, Eberhard.

Eberhard Lisse: I have absolute (inaudible) doubt that professional translators, especially that deal with GAC, translate things properly. That's how international agreements (inaudible) are being made. No doubt that this is going to be done.

(Inaudible) in case, it's our English version that's the one that counts. It's English version that is the final document that is going to be the search (inaudible) -- absolutely no doubt and no worries whatsoever that the GAC (inaudible) translation services available to translate the documents. That's how they do it all the time, (inaudible) such that we don't deal with it, that we are not aware of it so much.

Dotty Sparks de Blanc: Well, the first ICANN meeting that I went to where there were professional translators, it came across the screen, when they were talking about DNSSEC, as DNS SEX, S-E-X. And it kept repeating as DNS SEX the whole presentation.

Eberhard Lisse: Dotty, we are not talking about -- (inaudible) translation interpretation -- translation in a console (ph). Professionals sitting on a document, this reference material, that's how governments, when they arrive agreements, when the German government makes (inaudible), it's going to be in German and in English, and somebody translates it (inaudible). It's not a concern, really.

Dotty Sparks de Blanc: It is one thing to make an agreement so that people are carefully stating what they mean. It's another thing to take sort of idiomatic phrases out of context of something that someone has written that was not intended to have an international audience and try to translate it.

Nigel Roberts: Dotty, this is Nigel.

Dotty Sparks de Blanc: Anyway -- that's (inaudible), so I've said it.

Keith Davidson: Please, one speaker at once and through the chair. Frank has his hand raised, so I'll turn to Frank.

Frank March: Thanks, Keith. Apologies everyone. All I've got to say was, I'm not aware if 1591 has been translated.

Eberhard Lisse: Sorry, Frank. It's a severe echo.

Keith Davidson: Frank, you'll need to mute your computer.

Frank March: I thought I had. Hang on.

Keith Davidson: That's better, that's better.

Frank March: I haven't done anything.

Keith Davidson: Oh, okay. We were getting a serious echo.

Frank March: Somebody must have muted me. Okay. Look, I'm not sure if 1591 has been translated into multiple languages. If it has, that would solve the problem because you could quote from the translated version. Otherwise, you simply quote the English version without translation. That I think is normal practice. And the working language in the GAC is English, as it is with the whole of ICANN.

And I think this is a -- you have to be aware of the issues Dotty says, but it shouldn't be a show stopper. The 1591, English is the language it's written in. English is the language it needs to be interpreted from. And if necessary, the translators can use a footnote with consultation with the authors -- I'm thinking of Bernie and Keith and Becky and so on -- in order to make sure that this is minimized.

But basically, English is the working language. English is the language of 1591. I don't see it as a problem. You quote it in English.

Keith Davidson: Okay. Thanks, Frank. Look, I think we've got clarity over that. Are you satisfied, Dotty? This is --

Dotty Sparks de Blanc: Well, I think we are going to find out later, you know.

Keith Davidson: Yes, sure.

Becky Burr: Keith, this is Becky. I just wanted to make sure that my presence would be known.

Keith Davidson: Hi, Becky. Thanks for joining. Jaap did you have something to add?

Jaap Akkerhuis: I hear a strong background booming noise or something. I just wanted to point out that the ITS has a document stating that the old RFCs are published in English. And that they are allowed to be translated, but the meaning of the RFCs is the English version only.

Keith Davidson: Thanks for that. And, Jaap, just noting that your speaker seems to be on all the time, so if you're not speaking, would you mind muting? I think that might be the cause of some of the interference.

Jaap Akkerhuis: Well, I meet my microphone directly, but I'll do this.

Keith Davidson: Okay, thanks. Excellent. Look, I think we have a way forward, so thanks everybody, and thanks Dotty for raising the issue. And Bernie, can we move on?

Bernie Turcotte: Thank you, Sir. Yes, Sir. Section 2, interpretation.

One, which is a note, RFC 1591 identifies three mechanisms available to IANA, to the IANA operator to assign or modify the management relief for a ccTLD, delegation, transfer, or revocation. Other mechanisms may be available to the stakeholder community under applicable domestic law, however, those mechanisms might not be available for the IANA operator as a practical matter. Are there any issues here? I'm not seeing anything.

Number two. The FOI Working Group interprets delegation, Section 3, to mean the process by which the IANA operator initially assigns management responsibility, or assigns previously assigned responsibility after a revocation or the management of a ccTLD. The "assign" is in yellow because that was requested at the last meeting.

2.1. Note, in the case of a delegation, Section 3.4 of RFC 1591, requires that significantly interested parties should agree that the designated manager is the appropriate party, and that other stakeholders have some voice in selecting the manager. Section 2, any issues? And just -- Bill.

Bill Semich: The fact that you yellowed out the word assign, what was your intention by doing that?

Bernie Turcotte: As I stated, that's a change from the last version that was required, and accepted by everyone who was on the last meeting.

Bill Semich: Oh, I didn't know it was accepted, but okay. I would suggest maybe "additionally" or "subsequently" be attached to that word assign.

Unidentified Participant: We discussed this now so many times.

Bill Semich: All right. Whatever you say.

Keith Davidson: Bill, so you're happy with the rest of this, Bill?

Bill Semich: I'm not unhappy with it. I wouldn't say I'm happy with it. It's just -- with my editor's hat on I would say it's not an easy read, but I'm not going to stick my heels in the ground.

Keith Davidson: Thanks. Eberhard.

e/l: And the point was that it is (inaudible) or assigned to somebody else after it has been revoked. It's a little bit difficult to read, but that's the meaning of it. Anymore to change in the substance here, if you find an easier word that doesn't (inaudible), we can do that, but the substance we should be done with now.

Keith Davidson: I think Bill has indicated that he can live with it, I think, so let's agree to this being final.

Bernie Turcotte: All right, thank you.

Number three. Basically number three, there were no edits. It was just cut and paste from the various parts for transfer. And there was a correction that was asked for in the third bullet, the third sub bullet to that, which says the IANA operator will seek approval from the appropriate party. And Eberhard had correctly pointed out that that was the brackets to say plural was incorrect, so we tried to fix that, and currently, USG/DoC. Now, I seem to remember on the list, there was some discussion about that, and I guess now's the point. So, are we good with this or not?

Keith Davidson: Martin has his hand raised. Martin.

Martin Boyle: Yes. In spite of [factors assurance] about the meaning of the word approval, both here and in the previous bullet, I still have serious concerns about the ambiguity of the word. And in particular, the risk that that will be taken that the ICANN board, for example, could introduce some additional expectations or demands.

Becky's made a reference to the current contract with, between NTIA and ICANN. But from a very, very quick hunting through, while I can see various uses of the word approve or approval, it's not clear to me specifically where the US government is saying that it will make a specific approval, or in certain cases, might actually reject an approval. And it is that particular point that I have serious concerns.

So, I put my hand up here because I've got concerns, serious concerns about both of those bullets. And I think that the wording probably does need to be rethought, because I don't think that either the ICANN board is doing anything other than making sure the due process has been carried out against the terms of the policy. And that's -- the NTIA does nothing other than a very quick check that the information is factually correct. Thanks.

Keith Davidson: Thanks, Martin. And -- oh, is that Becky?

Becky Burr: Yeah, and I'm sorry; I'm not in the Adobe Room right now. I'm in a cab, so I can't raise my hand. I wanted to say I looked at Martin's comment, and I quickly looked at the IANA functions context. The word that is used in that contract is both with respect to -- well, with respect to what the Department of Commerce says now is authorized. But I don't think it is described as approved, but it says it authorizes it.

My point with -- so I made three points. The first is it's clear that the processes are going to change with the transition, and so it might make sense just to drop a note that says our work (ph) started in 2011 and completed, substantially completed before the transition announcement, so we recognize that there will be changes related to that. Just because we've sort of --

Keith Davidson: Oops, we lost you, Becky.

Becky Burr: Can you hear me now?

Keith Davidson: Yes.

Becky Burr: Okay. So here's what the contract, the IANA functions contract says right now. The contract is with ICANN; not with the IANA staff. It's with ICANN. And ICANN is required to review, request, and ensure that they are consistent with the requirements of policies, which is a little vague, but which is 1591, as far as I can tell.

So there is an affirmative obligation in the current contract for ICANN to make up a statement, an evaluation to the Department of Commerce that says it complies with the policy that would be consistent with the policies to (inaudible). And then following that, the Department of Commerce authorizes the change.

So my question is, if the word approve, with respect to what DOC does, particularly since we know they're not going to be doing it in the future, is the difference between authorize and approve that actually worrisome?

And then the other thing is, I at least don't read the board approval. I think the board is just approving that the staff work is consistent with its obligations to comply -- with ICANN's obligations to comply with the policies. So that's why I was suggesting that the approval language doesn't strike me as that problematic or that far from the actual words that are in the contract right now.

Keith Davidson: Okay. I think we're probably getting into drafting mode and detail. I think we recognize Martin's concern. And perhaps this takes -- that we actually highlight both the second and third bullet points here, and agree to debate this further and go around whether the word approval is softer than authorizes and so on. If everyone's happy with that, can we just mark it and move on, or did you want to add something, Martin?

Martin Boyle: Yeah, I thought it would be worthwhile if Becky could indicate the bit of the 60 odd pages worth of the contract she was referring to. Because it would seem to

me to be appropriate to essentially cut and paste the tasks from the contract in here. Because the word she used when she was talking about ICANN's actions were specifically addresses the things that give me most concern. She said that they would review requests and ensure consistent -- it was consistent with the policy. And I think that is the bit that the current phraseology doesn't make clear. If it can be made clear, then I think I would find it easier to accept.

Keith Davidson: Thanks, Martin. So Becky, the request --

Becky Burr: I will do that, yeah.

Keith Davidson: Okay. And let's highlight both the second and third bullet points for further of work, because I don't think we're going to resolve that today. Okay. I think, Bernie, can we move forward?

Bernie Turcotte: Thank you, Sir, yes. I don't think there's any issues with the fourth bullet. The IANA operator should adopt the following criteria when evaluating the consent of an incumbent. I think "consent" we have beaten to death, unless wants to come back to it.

That would complete 3.2. We've got two bullets, and the third -- under the third bullet, the last two sub bullets that have been highlighted as a concern of Martin's. And that's about it. The rest of that text I think is okay for everyone. If not, now's the time to do it or forever hold your piece on the rest of that. Okay.

3.3. Note, the term redelegation and unconsented redelegation are in common use by ICANN, the IANA operator, and the stakeholder community when describing the reassignment of the ccTLD manager. Given there is no reference to the term redelegation in RFC 1591, and that there is no policy basis for an unconsented redelegation, the FOI Working Group recommends that the use of the term "redelegation" be dropped in favor of the term "transfer."

3.4. Note that in the case of transfer, Section 3.6 RFC 1591, requires that stakeholder input should be considered and taken into account by IANA.

So, 3.3 is this thing we created to sort of handle the bridge between unconsented redelegation and revocation. And I see that Eberhard has a question.

Eberhard Lisse: IANA -- instead of IANA operator, I actually wanted to say a small thing. Though I dislike major changes, edit (inaudible) the deadline, and we can delve into Martin's concerns, which I share to some extent, (inaudible). What I really don't like is that we discuss substantial (inaudible).

Bernie Turcotte: Eberhard, we're not really hearing you very well. You seem to be dropping every second or third word.

Eberhard Lisse: Okay. IANA operator and the rest (inaudible) on the check.

Bernie Turcotte: Okay.

Keith Davidson: I'm not sure I understood the point, but you clearly did, Bernie.

Bernie Turcotte: All right.

Keith Davidson: Martin has his hand raised now, so Martin.

Martin Boyle: Yes, I just picked up this from 3.3. I slack (ph) that I had a mighty concern that Eberhard says he thought he shared that what you do in that text is make reference to unconsented redelegation. That you're going to change

redelegation to be in favor of the term transfer. But in fact, transfer is a consented delegation -- consented redelegation, and therefore what you've not done is come up with the fact that the unconsented redelegation would be a revocation and a delegation. So I think that just needs to be added.

Bernie Turcotte: I will therefore mark 3.3.

Martin Boyle: Yeah.

Bernie Turcotte: Okay.

Keith Davidson: 3.3 will need some further work. And I think that inherently means 3.4 also. And I see Bill Semich is agreeing with Martin's comment. Okay, thank you. Shall we proceed forward?

Bernie Turcotte: Yes, Sir. Number four. The FOI interprets the word revocation, Section 3.5 RFC 1591, to refer to the process by which the IANA operator rescinds responsibility for management of the ccTLD from an incumbent manager. Now, basically all of Section 4 is just straight cut and paste from the revocation document we approved. Is there anyone that has any particular points relative to any subsections in here?

Keith Davidson: Nobody's taking the floor so it looks like people are happy.

Bernie Turcotte: All right. Section 5. The FOI interprets significantly interested parties to include, but not be limited to -- and here we've got the standard text, but Martin was not on last week, so I'll go through the change that seemed to be comfortable for everyone.

As you go to the bottom of that number 5 paragraph, Martin, to be considered a significantly interested party, any party other than the manager or the government. We have added from the original text, the manager, since it seemed quite implicit that it was there. And upon re-reading, I think everyone agreed that we should add it there, but that was us last week. So, I will highlight that for you in case you want to have an issue with that. Otherwise it's the same text that was approved.

Keith Davidson: Is everyone comfortable with number 5 as it stands? Nobody's speaking to dispute it, so let's consider it approved.

Bernie Turcotte: Okay. 5.1. The FOI interprets the requirement for approval from significantly interested parties to require the IANA operator to obtain, evaluate, and document input from significantly interested parties for delegations and transfers.

Last week we went through this, again for Martin, because of the way the other documents were structured, there was a significant amount of edit here to jam it back into a form that would be consistent with this whole document. It seemed to be okay with people last week. But 5.1, 5.2, and 5.3 are not cut and paste, and I'll be glad to have you go through it and see if there are any major issues. I think we've really tried to preserve the original meanings. So anything in 5.1, 5.2, 5.3?

Keith Davidson: Martin has his hand raised, so Martin.

Martin Boyle: Yes, thanks, Bernie, for that clarification. I did end up with a certain feeling of concern in 5.1, because what we're saying is that the IANA operator has to obtain, evaluate, and document input from significantly interested parties for delegations and transfers. Whereas actually, isn't the IANA operator going to be dependent on the case that is put to him, rather than him going out and trying to extract that information?

It just seemed to me to be a bit round the wrong way. That we know, because you've just written it down for the paragraph 5, and we have a whole section on it of what we consider to be the significantly interested parties. And I wonder actually whether that the ownness is on the demander to show that they have done that consultation, rather than for IANA to go out and doing it. Thanks.

Keith Davidson: So, if I'm reading that correctly, you're saying to delete the word, where it says IANA operator to obtain, evaluate, and document, to drop the word "obtain" and to do the evaluation and documenting.

Martin Boyle: I think that would do it for me, Keith, yeah.

Keith Davidson: Okay. Eberhard, is this related to the same point?

Eberhard Lisse: Yes. Obtain as they must basically publish (inaudible) redelegation and significantly interested parties, Martin, I invited input. But I can (inaudible) moving this.

Keith Davidson: Okay. Well, perhaps we have a way forward. Bill Semich. Bill.

Bill Semich: I remember some time ago we discussed this issue as it related to a redelegation during which there was absolutely no effort to communicate with significantly interested parties as this event was happening, transfer or delegation change. And I'm feeling a little nervous about just removing any requirement that IANA promote, publicize, communicate its desire to have input from significantly interested parties.

And I think by removing the word obtain, and not putting something else in there, that puts it on IANA to at least communicate this process. We're basically going back to that situation in Africa where no one in the local community knew anything about what was going on.

Keith Davidson: Okay. Look, I think there's sufficient dissent or lack of agreement, so let's just highlight 5.1 as needing some further work. Martin, you've re-raised your hand, so Martin.

Martin Boyle: Yes, thanks, Keith. Sorry just to lead in on there, but I think Bill makes a very important point. And so perhaps, yes, if we removed the ownness on the IANA operator to do the obtaining, but add something in about publishing or advertising or some other way communicating that this process is going on, that I think would be quite a useful way forward. Thanks.

Keith Davidson: Okay. Thanks for that, Martin. Eberhard has his hand raised, so Eberhard.

Eberhard Lisse: Bill's point relates to transparency. The process to be transparent. And if we can write it, that's a good idea.

Keith Davidson: Okay, noted. I think good points from everybody. So I think, Bernie, we probably have enough to do some text threshing (ph) on this as well. So this market off is still being agreed, and move on.

Bernie Turcotte: Thank you, Sir. So that would complete 5, and we've marked off 5.1.

Section 6. The FOI defines stakeholders and next of the administration of the ccTLDs to encompass significantly interested parties, interested parties, and other parties. Again, this is another one where there has been surgery to sort of jam everything back in together. The statement in 6 itself is a cut and paste from

the terminology document, so we'll start with that point. Okay, I'm not seeing anything.

6.1, the FOI interprets the requirement for interested parties to have some voice, Section 3.4 RFC 1591, to require the IANA operator to obtain, evaluate, and document. So this is a role of 5.1. And if we're discussing 5.1, I think we'll probably just automatically mark 6.1, unless there's disagreement.

Keith Davidson: Nobody's seeking to raise an issue, so I think we can consider this agreed. Yes, let's consider it agreed, then. Thank you. Bernie, can we proceed?

Bernie Turcotte: Thank you. I was speaking to a blocked mike.

6.1 is marked, the rest of 6 is considered okay.

7. The FOI interprets the requirement that there be an admin technical contact. Okay, that's all -- all of 7 is straight cut and paste. Are there any arguments there? Not seeing any, all right.

Number 8. The FOI interprets the requirement that the manager serves as a trustee for the delegated domain. Again, straight cut and paste on this one; no editing. Number 8, going once, going twice. Done.

Eberhard Lisse: Wait, wait, wait.

Bernie Turcotte: Okay, waiting.

Keith Davidson: Eberhard.

Eberhard Lisse: What about -- didn't we agree on that we allow this trends (ph) and significantly interested parties input with regards to upper (ph) (inaudible). I don't recall that. Hello?

Keith Davidson: Bernie.

Bernie Turcotte: Sorry, I was on mute. There's a concern. I don't remember there being any edits here, Eberhard, but I will simply mark it and we can confirm that one way or another at our next meeting. So 8 is marked. Shall we move on?

Keith Davidson: Yes please, Bernie.

Bernie Turcotte: Number 9. The FOI interprets the requirement that the manager be equitable to all groups in the domain as obligating the manager to make registration policies accessible and understandable, blah blah blah. Again, as far as I know, this is straight cut and paste. Any questions? Going once, going twice. Done. Okay.

Number 10. Almost there folks. The FOI Working Group interprets RFC 1591 to require the IANA operator in the manager selection process be satisfied, blah blah blah blah. This is also straight cut and paste. Are there any issues here? Going once, going twice, going three times. Sold to the man in the checkered shirt.

Number 11. The FOI Working Group interprets RFC 1591 to require the IANA operator to avoid actions that undermine the stability and security of the DNS and/or continuing operation of the domain, Section 3 RFC 1591. That is a cut and paste from the revocation document. Any issues here? Going once, going twice. Done.

All right. So, we have our areas of issue, and these will be marked up and sent over the list, and we can start hacking away at those and making sure if there are any issues. That would conclude Section 2, interpretations. Any questions on Section 2 before we leave it? All right.

Eberhard Lisse: I'm into chat. I have got issues with this debate on the call. Not necessarily to get --.

Bernie Turcotte: I didn't hear you, Eberhard. You have issues with what?

Eberhard Lisse: I have issues with what I posted in the chat on input. We can debate this at any time.

Keith Davidson: Okay. Well, we'll look back to the originating text, Eberhard, and note your concern as well. So we'll look for it. Thank you. Bernie, can we move to Section 3?

Bernie Turcotte: Thank you, Sir. The context note at the beginning of it was originally drafted by Becky. The original point was more around the second bulleted point, which we've all talked to. Given that the executive summary as a whole is open, I'm actually going to mark this whole area of the context as being open. And I don't necessarily want to go through wording, word-by-word arguments here on this one, if that's okay with everyone.

Keith Davidson: I think that's okay, Bernie.

Bernie Turcotte: All right. On the recommendations themselves, number one, regarding consent significantly interested parties and unconsented redelegations, the IANA operator would adopt and implement the interpretations of RFC 1591 provided by the Framework Interpretation Working Group as presented in this document. I think that's fairly neutral, but let's see if anyone has any issues with that. Okay.

Keith Davidson: Everyone's happy?

Bernie Turcotte: Number two. We were trying to work around not being overly directive. Just as a bit of history, in case Martin isn't caught up, last week we had included sections A (ph) in this subpart 2, which Bart had suggested, and came from the IDN policy document that was just completed a few months ago.

Upon reading, Chris and several people, other persons felt it was a little too strong language that was fine for a PDP related document, but for a document like this that is simply an interpretation, I guess my distillation of the comments is that people felt it was significant overkill.

So, we tried to water this down to sort of meet those requirements. I'm not sure we've done an acceptable job to everyone. But the idea was just to sort of maintain the general concepts that we had here. The stuff in yellow is brand new text, and we can go through it.

Our first bullet now reads, as part of the strategy for adopting these recommendations, the IANA operators who establish with the ccNSO what support it requires from the ccNSO to facilitate a timely and effective transition to these interpretations and all its relevant processes and procedures.

We were just trying to, without being directive, sort of say if this gets approved, the ccNSO is looking forward to timely and effective transition, and is willing to participate with IANA, but -- you get the idea. So, comments.

Nigel Roberts: Nigel.

Keith Davidson: Nigel.

Nigel Roberts: Well, I've said what I thought about this on the list. I can see the intern (ph), and I think the wording that has been proposed is mildly unhelpful for the reasons stated on the list, and maybe we can find some way forward.

Bernie Turcotte: Okay, fine. We can mark it. I don't have an issue. I'm just trying to explain how we ended up with this.

Keith Davidson: Okay, noted. Thanks, Nigel.

Bernie Turcotte: Second bullet. The IANA operator should continue to publish a public report on each ccTLD delegation transfer and revocation. A (inaudible) report should be published in a timely fashion; clearly identify the parties involved; describes the decision making process and the facts relevant to its decision, including information that addresses all relevant aspects of the Framework of Interpretation recommendations. Any issues on the second bullet?

Keith Davidson: Bill has his hand raised. Bill.

Bill Semich: Well, this sort of tangentially approaches, but sort of glances -- sort of doesn't quite get to the issue of transparency as it relates to the process as it's underway. I know there's the issue of communicating with significantly interested parties, and we're going to address that. But there's also the question of when I - - rare (ph) occasion is taking place, we should be requiring that this information should be made public. Yes? No? And not just come out at the completion of the process after the decision is made.

My concern, we've raised the concerns of privacy, and if the revocation is underway, business operations may be damaged or whatever by the process. But on the other hand, I have always been under the impression that this is supposed to be an open process and nothing happening sort of in camera. So I just raise that as an issue. I'd be curious to know what others think. But I'm a little concerned that we aren't requiring any information be made available until it's completed in this language.

Keith Davidson: Okay. Thanks, Bill. Eberhard has his hand raised. And Martin is indicating agreement, I think, with Bill's text. I have Bill's consent. But anyway, Eberhard.

Eberhard Lisse: The question is whether I would have (inaudible) in the (inaudible) process. Really not on. That's the point I think Bill is making. The ccNSO -- ccTLD manager knows because he's (inaudible). So he knows immediately. But the question is whether it stays (inaudible), it should be publicized. And I think it should so that (inaudible). Some of us in the ccNSO might be (inaudible), and might be willing to give input. So this thing should not basically come up on its own on the agenda at the ICANN board for the first time, other than (inaudible) knowing about it.

Keith Davidson: Okay, thanks. Bernie, do you have a comment?

Bernie Turcotte: Yes, Sir. I'm not against Bill's point. And we can talk about that. As far as I'm concerned, Bill's point in part is more about 6.1 and 5.1 that we talked above about IANA getting input. And to get input, it has to make people aware of what's going on.

This particular bullet in Section 2, regarding the adoption and implementation, you will remember in our remit that one of the key points was that we were getting highly variable information in IANA reports for a number of years,

depending on the cases, et cetera. So, the only thing we're trying to do here is address that point, which is the IANA operator should continue to publish a public report.

I would propose that unless people have a problem with this specific point, that we carry over the concerns that were brought up by Bill -- which are very good; I don't have an issue with that -- and see if they're correctly addressed in 5 and 6. And we'll put a special note to that effect. But I think what we're trying to do relative to the IANA reports, we're trying to drag too much into that, and that's my point on that. I don't know if people could live with that.

Keith Davidson: I think you're right. They're very valid points, Bernie. This was about the non-publishing; IANA choosing, or the ICANN board choosing not to publish reports, or publishing only very limited information about redelegation. I think we should read this in the spirit that this text has offered, and that is that we want to see a report every time.

But if there's something missing other than that, let's address that as a separate point rather than trying to rejig this, which I think is very clear as to what -- and team to round what it's doing. I see Eberhard's agreement there.

Okay, can we move on anyway. And let's revisit Bill's concerns, as Bernie suggests, in the other sections. So thanks, Bernie.

Bernie Turcotte: Thank you Sir, and thank you everyone for that.

The last point I think rose some concerns. I'll read it and we'll take it because that's the last one on our list. Should the IANA operator choose not to comply with the Working Group's interpretation of RFC 1591 (inaudible) redelegation, transfer or revocation, their report should also include the operator's explanation as to why it has failed to do so.

Here, this language actually appeared pretty much as is in our consent document, which was the first one we did which was about three years ago, believe it or not. And so we added the -- whoa, whoa, whoa. People are taking liberties here with the document. So there was a question that came up, when we published the last version of this, and it stopped at the operators and we sort of rejigged it a bit.

The notion here, again, is around IANA reports for actions. And we've seen in the past that in our analysis of the IANA reports, and IANA sometimes has simply side stepped the whole issue. It's been very obvious in the correspondence, or anything else that we can dig up, that the criteria for meeting the requirements of the said action are not there, and IANA simply says, we're doing it.

So our way around that is we had crafted this to say, well, if you're actually going to go ahead and do it, it's sort of an even stronger point to the previous one to say, you can't simply ignore the rules in an IANA report. If you're not meeting the requirement, you have to explain why. Maybe there are very good reasons. I think that's the sort of the approach we were taking. But the point is, as part of our work, what we're saying -- and going back to Bill's stuff -- if you're not going to actually accept the rules in a specific case, if there are good reasons, you need to tell the world. So, over to you, Sir, if this acceptable as is or not.

Keith Davidson: I see Bill has his hand raised, so Bill.

Bill Semich: I don't have any concern with the intent of this section, but I'm a little confused by the choice of language, particularly the Working Group's interpretation of RFC 1591. I would prefer that we actually refer to this document, which is the Working

Group's Report and Recommendations, or however we're going to personify this report in the final version, and rather than it being our interpretation of RFC 1591.

And in terms of the language itself, I'd feel more comfortable if we should say, if the IANA operator does not, rather than should and choose. We don't know if they chose to do it or they just mistakenly did it. But any rate, those are my comments on those.

Keith Davidson: Okay, fair enough. Other -- I think rather than taking comments on the fly, perhaps, particularly in your instance, Bill, with your editor's hat on, perhaps you might consider offering different text onto the mail list, and we can have a look and consider it there?

Eberhard has his hand raised, so Eberhard.

Eberhard Lisse: My point is the same as Bill. (Inaudible) document, which could be read as making it easy on IANA operator to (inaudible) the rules. So we should -- this is a recommendation; it's not an instruction. So we should wordsmith it a little bit stronger.

Keith Davidson: Thanks, Eberhard. And Martin has his hand raised, too, so Martin.

Martin Boyle: Thanks, Keith. I actually have quite considerable concerns with the current wording. And that is very much associated with the role of IANA to implement decisions against the existing policy. And I think this wording seems to open it up to the fact that, well, if you just couldn't be bothered, it just produces a report. And looking forward, I think that actually could get some quite serious concerns about the accountability of the way that the IANA is being operated.

I recognize the comments that Becky made in response to me flagging this on the list. We make use of accountability processes once they exist. I think we need to start thinking in here about the fact that this cannot and should not just be a unilateral decision, unless there are very, very clear reasons. And I'd like to have some idea of what those clear reasons might be before we go forward with this particular form of wording, or we look for something else. Thanks.

Keith Davidson: Well I think we're resolved to changing the wording, and I think that there is a satisfaction with the current wording. I think, Bernie, you probably have enough there to start doing some fishing (ph) on the text, maybe with some inputs from Becky. Is there anything else, Bernie?

Bernie Turcotte: No, Sir. I think we did well, and we've marked off the text for areas of concern. My job over the next few days -- well, probably a future meeting, Thursday 5 June. So if that's agreeable with everyone, I'll try to get a package together for Monday morning my time that will detail the decisions we've come to today, have full references to original approved text. Maybe some suggestions based on the email correspondence so far; maybe some to come. So that would be my commitment to the group, if we are good for meeting next week.

Keith Davidson: Okay. I think just noting, too, that Becky has posted in the chat room, quotes from the IANA contract relating to the authorization and approval. So, people who were concerned about that might want to look at the link in that text. But that will be useful to you too, Bernie, in the redrafting work coming up.

Okay. I think with that, we had said that we could have a second meeting in 12 hours' time from this call. I think we've got sufficient input and feedback to give us more focused idea of where the problems in this report are and the work that we have ahead of us.

I'm suggesting that -- and I'll confirm this to the list, if the group on this call agrees -- I'm suggesting that we don't have a call in 12 hours' time; that we do have our originally scheduled call on next Thursday at this same time, 21:00 UTC. And then if we still have unresolved issues, that we really seek to put them to bed while we're in ICANN London on the 26th of June.

And then -- I'm just recognizing that we're hitting into the European, Northern Hemisphere summer time, June/July, and my concerns are that we'll hit a stalemate if we don't get this resolved by London. If we all of the same mind, and think that we can work within those parameters, let's commit to getting final text agreed in London, and then we can proceed to the GAC with the final text immediately after ICANN London.

Nigel Roberts: It's Nigel. Sorry about that. I'm, as usual, finding Adobe Connect not working. Can I just encourage you, and the whole Working Group, that during ICANN London, or whatever, that we try and engage with the GAC, more than just here's a final draft report; go suck on it. Can we sort of try and engage with them to the best efforts that's reasonably possible so that -- we know, as we're all part of this Working Group, that we come out with the best result. Something along those lines is where I'm coming from right now.

Keith Davidson: I think that's a very valid point. Thanks, Nigel. I think we have achieved a great deal more clarity with the GAC in recent weeks. And Frank I think has been very helpful in -- or since the last ICANN meeting in actually getting some GAC attention on this.

But I think once we have the final report, it probably would be a useful idea for each member of the Working Group who knows who their GAC people are, to approach them and ask them if they have any concerns, and would they like them addressed by the Working Group along the way and so on. Getting the GAC familiar with the text and comfortable with it is probably quite an important point in the final (inaudible). But yes. And I think also, on top of that, we are looking for how to have a comfortable session with the GAC in London on this as well.

Nigel Roberts: Keith, can I just point out there was absolutely no criticism or complaint involved in what I was saying. In fact, quite the opposite. But let's face it; we know that the GAC have plenty of distractions from things that are out with what we're doing. They're distracted pretty much with a lot of stuff to do with new TLDs pretty much, and amongst other things. And it's just a question of how do we best engage with them to attract their attention to finish the joint work that we started together?

Keith Davidson: Yes, sure. I'm quite supportive of that. Okay, I see Martin and Eberhard have their hands raised, so Martin.

Martin Boyle: Yes, thanks Keith. I'd actually like to support what Nigel just said. And in particular, I've actually flagged that I see this work as being a particularly important part of that sort of whole process towards the transfer from NTIA. We have to get the policy framework right, because otherwise we've got nothing to work from. So it becomes more and more urgent. And I think the GAC is also seeing the transfer, the IANA function, as being a politically very important thing.

So, I think we do have quite a useful card to play with them as being here as an important step. We might well engage them into sort of the good and useful conversation. Thanks.

Keith Davidson: Thank you. Thank you, Martin. And actually, interestingly, I note that I've got one person has their hand raised, Eberhard, but I also see that Bernie has his

hand -- is the presenter, and so there might be a little bug in the Adobe Connect system that the presenter's hand is being raised, isn't put into the list with participants. But in any case, Eberhard first, and then Bernie. So Eberhard.

Eberhard Lisse: I mean, you all know I am not on speaking terms with the Namibian GAC representative (inaudible) until they come to their senses. But I propose that (inaudible) talks to at least one or two GAC members. If not their own, I can get hold of (inaudible) very well and that I can speak to even in my own language so that I (inaudible) and can you be engaged.

There are also, of the more reasonable countries represented at the GAC, and that's also helpful. But we can still try to engage individually now, perhaps.

Keith Davidson: Okay. Thanks, Eberhard. But let's not put the cart before the horse. Let's get the agreed report done first. That point is well noted, and yes, we should be working on friendly GAC members. Bernie.

Bernie Turcotte: Thank you, Sir. Well, if we want to get the GAC interested, maybe we can amend the title of this document to just mention new gTLDs.

Keith Davidson: Yes, good idea. Because of course a new delegation would be a new gTLD. Okay, I think we should probably wrap up this call now. And I'm detecting from the comments that there was happiness with the idea that the next meeting be the 5th of June at 21:00 UTC. And that we are looking to extend the London meeting to three hours, but currently it's two hours, on Thursday the 26th of June, 9:00 AM to 11:00 AM in London time.

And I think with that, we have -- I did flag the pieces that we have, specifically in (inaudible), and we've identified the areas that we have strong agreement on. We will now visit the text that we don't have agreement on and work on those and try and get something to the list by Monday, I think.

And noting that the call next week, if we are going to get into drafting and a debate on text, then it really needs to be two hours. So please make sure you've got that marked in your diary, and I'll post that to the list in the next few minutes anyway.

So with that, unless there's any other business from anyone, I think we can say our business is concluded. I don't see anyone seeking the floor. I see Cheryl Langdon-Orr's joined the room and asking to note her apologies for the London meeting. And I guess she wants also to hear apologies for the very late joining of this call because she was on another call earlier.

Unless there's anything else from anyone, thank you for your participation, and we'll talk to you in seven days' time. Thank you.

Bernie Turcotte: Goodbye.