TRANSCRIPT

Framework of Interpretation Working Group Meeting in Prague

28 June 2012

Attendees:

ccNSO:

Martin Boyle, .uk
Becky Burr, NomCom (Vice Chair)
Keith Davidson, .nz (Chair)
Stephen Deerhake, .as
Daniel Kalchev, .bg
Eberhard Lisse, .na
Paulos Nyirenda, .mw
Patricio Poblete, .cl
Bill Semich, .nu
Frank March, GAC
Cheryl-Langdon Orr, ALAC

Staff Support and Special Advisors:

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

Apologies:

Nigel Roberts, .gg
Suzanne Radell, GAC

Keith Davidson:	Okay. I think I will now call the meeting to order and make sure, firstly, we've got all our electronics operational, so we are recording and we're online with the Adobe Connect room, so welcome, everybody. I'm Keith Davidson the chair of the FOI working group, and we are meeting here in ICANN Prague. It's a three-hour meeting this afternoon, but it's my hope that we can take a 10-minute break in the middle, just since it's not the coolest of rooms and comfortable of rooms. So, we'll aim to take a break.
	And I think in terms of -- no, I don't smoke. And it is an open meeting, so non-working group members may attend. And if we do get through our work in good time, we may allow other attendees to ask questions and so on.
	In terms of agenda bashing, we have received the input from the GAC on significantly interested parties, and I think we should try and cover off some of that today. I note someone speaker is not muted in the Adobe room.
	So, Suzanne will be joining us. Whose is it? Okay, it's definitely a feedback loop from somewhere. So, please mute your Adobe connection speakers.
	Okay, so Suzanne will be joining us later from the GAC, Frank, so I think in terms of an agenda bash, we'll leave the last 30 minutes of the meeting to discuss the GAC's SIP comments, thank you. So, firstly, can we have a list of those present in the room and online, Kristina?
Kristina Nordstrom:	Yes. I would suggest that we just go around and say your names.
Keith Davidson:	Okay.
Kristina Nordstrom:	And I've only received apology from Suzanne Radell. And I just wanted to remind everybody to state your names before you are speaking for the transcript.
Keith Davidson:	Okay. Well, we'll start from Paulos and come around the room.
Paulos Nyirenda:	Paulos Nyirenda, Malawi, .mw ccTLD.
Jaap Akkerhuis:	Jaap Akkerhuis for ISO (inaudible).
Frank March:	Frank March from both Internet zone .nz and the zone representative of the GAC.
Kim Davies:	Kim Davies, former ccTLD manager.
Keith Davidson:	And so your interest in this subject is what? Sorry, can we continue?
Stephen Deerhake:	Stephen Deerhake, .as.

Eberhard Lisse:	Eberhard Lisse, .na.
Bernard Turcotte:	Bernard Turcotte, contractor.
Patricio Poblete:	Patricio Poblete, .cl.
Kristina Nordstrom:	Kristina Nordstrom, ccNSO secretariat.
Daniel Kalchev:	Daniel Kalchev, .bg.
Martin Boyle:	Martin Boyle, .uk.
Keith Davidson:	And online, do we have a list -- I see Daniel Kalchev, Marlene.
Eberhard Lisse:	Nigel said he's at the airport, so he can listen in for 10, 15 minutes.
Keith Davidson:	I see. So, apologies, you had one before, Kristina, that was Suzanne for lateness, because I believe she is coming, and Cheryl Langdon-Orr also apologized to make a lateness and will be here. And I fully anticipate that some people might want to go to the public forum when aspects of the public forum are coming up on that agenda. So, if you do want to vacate the room, just record it on the mic, so that we have a record of you leaving the meeting and coming back.
	And, actually, there is another topic, if we get time at the end to discuss, if ICANN is going to continue with the format of finishing up on a Thursday and having public forums on a Thursday afternoon, that should this working group look to meet at a different time? Because I for one certainly enjoy the public forum, and so we need to think about that, too.
	Okay, any further changes to the agenda? I think it's been out a couple of times on the list, so the last 30 minutes will be GAC SIP comments. If not, we'll consider the agenda approved. We have the meeting notes of the meeting of the 7th of June to verify. Any comments concerning those meeting notes? If not, we'll consider them approved. And so let's move into the substantive topic on the agenda, and that's Revocation, version 2, and Bernie, the floor is yours.
Bernard Turcotte:	Thank you. All right. We'll be getting going in a few minutes. I just need to find -- this is Bernard and will be for the next few minutes, for the scribes. 5.2.3.3.1, blow it up a bit so we can actually get a better view of it. So, going down to -- up to that point, basically, as I stated in the e-mail, I cleaned up the document so we're starting from V2.1, all the old stuff that was essentially accepted past and people are comfortable with is all in there up to this point.
	So, the first change that we have is 5.2.3.3.1.2.1. "A prospective registry manager designated under RFC 1591 must have the following qualities: The proposed manager must demonstrate that he or she, or if a legal person, it, possesses the requisite skills to carry out the duties of a manager, and if designated will be in a position, i.e., will have the means necessary to carry out those duties upon receiving the appointment."
	So, this was wording hammered out between Nigel and Becky, and they came to a meeting of minds on this after our last call. Questions, comments? I'm going to pull up my comments, my file, see what there is. Let me up pull the other document and we'll work from that. For some reason there seems to be some pieces missing.

Keith Davidson:	Martin?
Martin Boyle:	Yes, Martin Boyle. When did version 2.1 get circulated?
Bernard Turcotte:	Over a week ago.
Martin Boyle:	I don't seem to have received a copy of it. Who sent it out?
Bernard Turcotte:	I think it was with the agenda.
Martin Boyle:	So, it would have been sent out by Keith.
Bernard Turcotte:	Yeah.
Martin Boyle:	All right, 16th of June. Okay, found it.
Bernard Turcotte:	So, if you'll be patient with me for yet one more minute, I'll transfer over.
Martin Boyle:	No, 16th of June was 2.0, still, and that's where I got my 2.0 from.
Bernard Turcotte:	Yeah, the 2.0 might not have made it in the text itself. The name of the file should be 2.1.
Martin Boyle:	The name of the file is 2.1, yes, but the version I've got, which I printed off from there, didn't seem to have the same revision markings or content to the version you just put up on the screen. So, that version seems to have changed in between.
Bernard Turcotte:	No, I'm pulling up --
Martin Boyle:	Yeah, but the version you've circulated, is what I'm getting at.
Bernard Turcotte:	All right. What I will tell you is the following, Martin: The thing that is upon the screen right now, I'm not sure what version that is. I'm in the process of putting up on the screen the same version that was distributed, okay? So, for some reason we've got a technical glitch relative to what is currently on the screen. What is currently on the screen is not what you have been distributed. We will fix this in a minute.
Martin Boyle:	Okay. So, the section we've just talked about, we just talked about the text that was on the screen, but that wasn't the text in this document, and therefore we've just been talking about the wrong thing.
Bernard Turcotte:	We're going to start over with the correct version of the document.
Keith Davidson:	Yeah, we're going to untalk what we've talked about.
Martin Boyle:	Okay.
Bernard Turcotte:	How can that be? Tell me it's not so, Frank.
Eberhard Lisse:	Can we please make all the jokes over the microphone so Nigel can also enjoy?
Keith Davidson:	No.

Bernard Turcotte:	Sorry, Nigel.
Keith Davidson:	Actually, I don't think we should be quite so flippant, because I do see we've got three, four, maybe five online participants who are obviously picking up this agenda from the ICANN agenda, and it's probably not fair on them as people are interested in our activities to be quite so flippant. So, can I focus us on the business at hand and I'm just trying to buy you some time there, Bernie.
Bernard Turcotte:	Thank you.
Keith Davidson:	Eberhard?
Eberhard Lisse:	I see one of the participants is my business partner, and he was given permission to be flippant for him.
Keith Davidson:	No problems. And welcome to the meeting, Becky.
Becky Burr	Apologies for being late. I was at the ATRT.
Keith Davidson:	I was explaining earlier, while we're waiting for Bernie, that I think people will be coming and going from the session a little bit because of other things that are happening in the public forum. And we have had an agenda bash and we will try and get to the GAC SIP comments at the last 30 minutes of this meeting. Are we ready to rock and roll here, Bernie?
Bernard Turcotte:	Almost. Saving as a .pdf.
Keith Davidson:	And, for the record, Bart Boswinkel has joined the group. Okay, and we're back in business. Over to you, Bernie.
Bernard Turcotte:	Thank you. Now, so apologies for that, and we should be okay now. All right. The note at this point, since the notes don't get carried over: All approved redline changes to V1.3 were accepted to create the base of 2.0. And because of the final and late comments from Nigel and Becky, I ended up with 2.1, which is not reflected in the written text that we have here.
	And the first change marker I have, here we go. 1, yes, 5.2.1.1. Oh, great, network connectivity was lost. Please wait while the meeting tries to reconnect. Okay, here we go.
	Okay, so here's the new text is 5.2.1. "Applicability to delegate a ccTLD," which was the text that was hammered out between Becky and Nigel, the working group members found the language of Section 3 is somewhat ambiguous as to its intended scope. The introductory language and much of the text in the subsections focus on the initial creation of a top level domain, and designation of the TLD manager. For example, the introductory language speaks about applications and requests for a new top level domains and policy concerns that arise when a new top level domain is established.
	The ultimate paragraph of the introduction, in particular, refers to the major concern in selecting a designated manager for a domain. Accordingly, some members have interpreted subsection 4 of Section 3, in particular, the reference to IANA stepping in, in the case of substantial misbehavior, to give IANA the right to object to a prospective

manager notwithstanding the agreement of the significantly interested parties with respect to that selection.

Other members disagree, pointing to the title of Section 3, the administration of delegated domains, as well as the notation in the introduction to concerns raised when it is necessary to change the delegation and establish domain from one party to another under this interpretation. Substantial misbehavior of a designated manager following creation and delegation of the domain constitutes grounds for the IANA to step in.

Weighing both possible interpretations of the majority of working group members, believe that Section 3.4 is to be read in such a way as to imply that RFC 1591: (a) imports an ongoing obligation to the designated manager to operate the ccTLD without substantial misbehavior; (b) creates a reserve power for the IANA contractor that it may step in if such substantial misbehavior were to occur.

Minority took the view that the literal construction of RFC 1591 did not automatically admit such meaning, although this does not exclude the possibility that this was the correct interpretation. The minority also agreed that such obligation and reserve power would be regarded as reasonable, and that it was desirable that a clause of this nature ought to be made explicit in any future revision.

So, those are the changes. Apologies for the typos and grammatical stuff. It will be cleaned up, but it was a little crazy trying to get that out of the door so that you could have it in time. Comments, questions?

Keith Davidson: Eberhard?

Eberhard Lisse: Can you make the documents scrollable so that one can scroll back individual? It's a bit difficult to work with things that you can't see.

Keith Davidson: For some reason, Bernie doesn't even have control of it. Currently at the moment I'm the one that's controlling the scrolling, so I don't know.

[Inaudible discussion]

Keith Davidson: So, Eberhard, you had a -- okay. Any further questions? Is everyone happy with the proposed? Eberhard?

Eberhard Lisse: I'm probably one of the minority, but eventually I would like to see this majority/minority business go away and we should agree on something.

Keith Davidson: Is that an indication that you're agreeing on something?

Eberhard Lisse: Further thought required.

Keith Davidson: So, what's the points of contention here still? I mean, why, Eberhard, if nobody is giving any ground, we're stuck in an impasse. And, you know me, I want unanimous decisions to come from this working group wherever possible. So, is it something that is so important that we want to proceed with --

Eberhard Lisse: I'm not going to die over this, because even if it's not in the RFC, it's easy to behave, so for me that's not a problem. If we can avoid having a minority opinion in the main report, I'm quite willing to go a little bit further than I intended to.

Keith Davidson:	Okay. And, Becky, you spent some time with Nigel on this text as well, so, Nigel -- could you comment on behalf of Nigel without binding Nigel, where he was happy or --
Becky Burr:	This is a joint Nigel and Becky work product, so I have heard no objection to it and I believe this I sort of a work back and forth and traded text and agreed on it. So, I have no reason to believe that it's not his position, and I would be very surprised to hear if it wasn't.
Keith Davidson:	All right, then. So, the only other person I think that might have had an issue with this in the original text was Bill Semich, who isn't here. So, shall we go with the substantive text but with a note that we should, on the next call, hear from Bill. So, it's still not finally resolved, but that we have general -- approaching general consensus? Eberhard?
Eberhard Lisse:	Bill is in the cab, he will be here in a few minutes.
Keith Davidson:	Okay. Well, we might come back to it, then. Okay, any other comments? Bernie, are you in a position to continue?
Bernard Turcotte:	This is Bernard. I'm seated and I may continue. So, the next point is 5.2.2.1. Nigel did not like the construction of this sentence. I understood what he was saying and I've rewritten it without trying to change its intent. And the text now reads: Given the term 'revocation,' as used in Section 3.5 of RFC 1591, it would seem obvious that the use of the term 'step in' in Section 3.4 was not meant to suggest that revocation was the only avenue available.
Keith Davidson:	Okay, and noted for the record, Cheryl Langdon-Orr has joined the meeting. Welcome, Cheryl. Yes, we've already recorded that apology. So, any questions or comments regarding this new wording? People are comfortable? Excellent. We will -- oh, Daniel?
Daniel Kalchev:	Yes, Daniel Kalchev. By reading it, it is probably my English skill anyway, but I was understanding that it means that what the Section 3.4 was meant to suggest that revocation was not the only option available, not mean, because we get to suggest that at the end the revocation is the only option available. At least I read it in this way.
Bernard Turcotte:	Well, I think at this point, under Revocation we're trying to tease out that -- and maybe it needs to be reworked again -- but what we were trying to get to is that revocation (a) is not a one-step process, okay? And I think what we've ended up with by describing how you get to revocation, we're covering those other steps, or at least that's the way I was interpreting it to mean. Does that answer your question in any way?
Daniel Kalchev:	Okay. But I think this wording here now suggests may be interpreted that this Section 3.4 actually says that revocation is the only way. We just remove the "not" here and it will be easier.
Keith Davidson:	Oh, I see, it's a double-negative. So, you're saying it should read: "In Section 3.4 was meant to suggest that revocation was not the only avenue available."
Daniel Kalchev:	Yes, correct.
Keith Davidson:	Excellent. Well done.
Bernard Turcotte:	Your English is very good.

Keith Davidson:	Your English is better than the rest of ours. So, a striking of the double-negative is useful there.
Patricio Poblete:	Patricio Poblete. I was playing in my mind with the same wording, although that way seems a bit like putting too much meaning into the original words. I mean, what's meant, I don't know if when that was written the intention was to imply that there are other avenues besides revocation. We are interpreting it that way, but I wouldn't go as far as saying that that was the reason that paragraph was written. I think the reason was a different one than the interpretation of the original one.
Keith Davidson:	It appears we've got violent agreement here, I think, Daniel. Any further comments? If not, can we move in, please, Bernie?
Bernard Turcotte:	Yes, sir. Let me move down to the next note.
Keith Davidson:	Oh, sorry, Martin?
Martin Boyle:	Yeah, I'm struggling a little bit with this. In the wording itself in RFC 1591, it struck me as being actually quite strong, because it actually says the only cases where the designated manager has substantial misbehaved would the IANA step in. And I'm actually struggling with the concepts that -- I don't disagree with our conclusion. But I actually think we need to bear in mind that there was actually quite a strong statement in there that there was that automatic right, and it wasn't a matter of may; they would do it.

And so my suspicion is, or my interpretation of that is that you might give somebody the right to correct the substantial misbehavior, but if you didn't, they would step in. And I think the wording that is coming in here sort of seems to assume that you're still leaving it as an option that might actually not really be an option, that there would have to be some action taken. And that's the slight concern I've got in the way the wording is being made. |
| Keith Davidson: | Are you volunteering to finesse the text, perhaps, Martin? While you're contemplating that, I'll note for the record, Bill Semich's arrival. And, Bill, we've just dealt with 5.2, the first part of revocation text, and I think we have agreement from Becky and Nigel on the text, and Eberhard subsequently agreed with that. So, rather than looking on the screen, you'll need to find a paper copy, probably, Bill. And can you satisfy yourself, because I think you were the only other one for that previous section, and come back and we'll reopen comments. Eberhard? |
| Eberhard Lisse: | The problem with the substantial misbehavior, as far as I see it, it's not that IANA may step in, it's when, under what conditions substantial misbehavior takes place. There are two ways of interpreting this: during and before. If you misbehave during and before the delegation process, or if he is misbehaving after delegation; that is the problem.

Once we have decided what that means, nobody has a problem with stepping in. The problem is we don't know if there is disagreement on whether we can say that substantial misbehavior during operations consider grounds for stepping in or whether it is substantial misbehavior in the past during the selection process. I personally don't really mind much because it's easy to behave. |

Keith Davidson:	It's also quite easy to misbehave. But, well, is what comes up in 5.2.2.4, not satisfying you fully in that regard, Eberhard?
Bernard Turcotte:	We're in 5.2.2.1 now.
Keith Davidson:	Yes, but this is what -- this is the explanatory note of stepping in and what substantial misbehavior might be constituted as. Okay, Patricia has suggested the wording in Section 3.4 should be interpreted as including other options beside revocation. Is that as strong as our original intent? I thought our original intent was sort of suggesting that revocation was the last of options. Is that --
Bernard Turcotte:	That was my understanding.
Keith Davidson:	Sorry? Shall we take it back and have another bash between Becky and Bernie, perhaps? Okay. Okay, Bernie, shall we continue?
Bernard Turcotte:	Yes, sir. Bernard here. My next note is on point 5.2.3.2.1.
Keith Davidson:	Actually, before we leave that in its entirety, have you had a chance to catch up with text, Bill? No problem. Have you had a chance to read it and do you want to indicate your comfort or discomfort? 5.2. --
Eberhard Lisse:	Bill, please use the microphone.
Keith Davidson:	Yeah, 5.2.1.1 in its entirety.
Eberhard Lisse:	Please use the microphone.
Bill Semich:	I've read it through and, to be honest, I find it confusing. And I guess I would ask -- I'm sorry I was late and you probably already answered this -- what the purpose of this section is, since all it does is explain that we haven't reached consensus.
Keith Davidson:	What we're seeking to do is achieve consensus so we can say -- we can go forward with an agreed text. Bernie?
Bernard Turcotte:	On 5.2.1.1? I mean, the core objective of 5.2.1 is as stated in the -- oops, sorry. Let's go back up there since we're going back to that. Is the applicability of substantial misbehavior to delegated domain? So, that has been the question: Does substantial misbehavior apply to delegated domains? There are some people that continue to argue that it is only applicable during the assignation of a manager to a ccTLD. So, the text that was hammered out between Nigel and Becky essentially says that although there is a dissenting minority, that overall it seems reasonable that it does apply. That's the Coles Note version. Now, I've simply taken the text that was provided by Becky and Nigel and inserted it here.
Bill Semich:	And that would be (a), (b) and (c) -- or (a) and (b)?
Bernard Turcotte:	That would be all of 5.2.1.1.
Keith Davidson:	Yeah, Eberhard?

Eberhard Lisse:	I think it is possible to get to a consensus here so that we don't have to have a minority vote here. I don't have a real big problem -- I don't think it applies to delegated domains, but I don't have a problem if it does. And so in the final report, we don't have to mention this, because it is easy to do avoid substantial misbehavior, so it's not a problem.
Keith Davidson:	Yeah, so the point we got to was that Nigel and Becky had agreed the text, so therefore Nigel doesn't have a minority view anymore. Eberhard has said that he doesn't -- he's not going to die in a ditch if we say that we have a common view. And, Bill, I think you were the only other dissenting voice on this topic. So, --
Bill Semich:	So, the question is, are we -- as part of this discussion, we will exclude all of this introductory, back-and-forth hoo-ha and just have an (a) and (b), or whatever. Is that what the proposal is?
Keith Davidson:	Yeah.
Bill Semich:	Okay. I'm good with that.
Keith Davidson:	So you're comfortable. Daniel?
Daniel Kalchev:	Okay. I just wanted to add something that may help a bit here. So, we have two stages that weaken ccTLD maybe or (inaudible). Anyway, the stage when it is being assigned to somebody, I mean, delegated, and the stage when it is already delegated. And considering that as we discussed the ultimate power, IANA has available to apply as to re-delegate the domain, and this is the essence of stepping in.

Then it should not be applicable in the situation when the domain is not yet delegated, because you cannot re-delegate something which is not delegated. So, we have here a clear indication that this should apply to both cases or, rather, it should apply only to the case of the delegated TLD. |
Keith Davidson:	Okay, thank you. Eberhard?
Eberhard Lisse:	Actually, the argument is wrong, because the paper said that -- RFC says IANA may step in. It doesn't say what to do. So, if there are two people who are warring about it and then IANA says, sorry, you can't apply, it doesn't matter really. We don't need to spend more time on it because it's a non-issue. This is not an important issue. Whether it's only for during delegation or after, as long as it is easy to behave and it's very difficult to misbehave, we don't have a problem.
Keith Davidson:	Well, I think we're now noting that Bill, Eberhard and Nigel are in agreement that there is consensus around the meaning, so Bill?
Bill Semich:	Well, it actually is a simultaneous kind of requirement for agreement, because 5.2.1 and 5.2.2 are closely related. If stepping in merely means revocation, then, of course, you're not going to get my consensus on 5.2.1.
Keith Davidson:	Of course. Okay, so I think we have a way forward. Let's work on the text and bring it back to the next meeting on the basis of agreed, no minority positions, okay? Thank you all for that. And can we return now to --

Bernard Turcotte:	Well, actually, I'm not going to return. I'm going to try something here, if you will allow me this. So, if we're removing a lot of the preamble to this section, essentially the final report -- I'm not suggesting this, I'm just asking. This is what I seem to get from the room -- would read: "The working group members believe that Section 3.4 is to be read in such a way as to imply that RFC 1591(a) imports ongoing obligation to the designated matters, to operate the ccTLD without substantial misbehavior; (b) and creates reserve power for the IANA contractor that it makes that if substantial misbehavior were to occur." So, that would actually be the totality of the text. And, as Bill has pointed out, as long as 2.2 points out that -- yeah.
Becky Burr:	Can I just drop here on the fly? I think if we said "reserve power to step in if there is substantial behaviors," might solve Martin's problem.
Bernard Turcotte:	Okay. So, what I'm taking away is, okay, close enough, and I'll finish hammering it out with Becky, and the next version you'll see that. Is that okay with everyone?
Keith Davidson:	We have a way forward. Thank you. So, next item is 5.2.3.2.1, I think, Bernie.
Bernard Turcotte:	Heading there, heading there.
Keith Davidson:	We need a DNS resolver for these numbers. We could apply some names, perhaps.
Bernard Turcotte:	5.2.3.2.1. Minor change. It was very poor writing or poorer than usual. The manger, in brackets -- pardon me?
Eberhard Lisse:	It is scrollable.
[Inaudible conversation]	
Bernard Turcotte:	That's what I have on my screen, and I'm presenter, so --. All right. So, we're okay, the screen is scrollable for everyone? So, I will read the change. It was, originally it read: "A designated manager for a domain is that it be able to carry out the necessary responsibilities," and now it reads, in brackets: "The manager be able to carry out the necessary responsibilities and have the ability to do an equitable, just, honest and competent job." So, basically, it was just positioning the manager properly for cut-and-paste text. So, minor, change. I don't know if there are questions, thoughts, comments? Okay.
Keith Davidson:	I think there was a thumbs up from Bill, for the record. Any other comments? Thumbs up from Cheryl. Okay.
Bernard Turcotte:	Eberhard's happy, too.
Keith Davidson:	Excellent. Everybody is happy. Please continue.
Bernard Turcotte:	5.2.3.1 is exactly the same change, so I gather that will be exactly as acceptable to everyone. And under that it starts changing. There we've got some new text, and I will pull up my notes so I'm talking about the right thing.

	Okay, so 5.2.3.3.11 is based on the exchange between Becky and Nigel 7 June meeting. So, we will go through it in excruciating detail, as usual:
	"Applicability to designated managers post-RFC 1591 on balance is sensible that there be an ongoing responsibility of the manager to carry out the necessary responsibilities and do an equitable, just, honest and competent job."
	So, based on the things we did in 5.2.1, and the obligations that are listed, we get to 5.2.3.3.11. Questions, comments?
Eberhard Lisse:	Should post-RFC 1591 not better read post-delegation, to make it absolutely clear what we're talking about?
Patricio Poblete:	Yes, that was also going to be my question. What exactly does the post-RFC 1591 mean, managers that got the delegation after RFC 1591 was published?
Bernard Turcotte:	Yes, that was our intent was, I believe.
Keith Davidson:	Can we say that?
Patricio Poblete:	And in that case, does it imply anything for managers that were designated before that date?
Bernard Turcotte:	It doesn't imply anything either way. The point is, our position in the past -- sorry. Patricio's question was, does this -- should this be edited so that it's clear that we're talking about it applying to managers that were delegated after RFC 1591 came into effect? I agreed with Patricio, this is exactly the intent we have here, and if it's not clear we'll work on the text.
	The second question was, does that mean it does not apply to managers that were delegated prior to 1591? And I believe it's been the essential position of this group that we don't take a position on that either way.
Keith Davidson:	Thank you. Please continue, Bernie.
Bernard Turcotte:	Thank you, sir. And my connection got dropped again, so, sorry for the problem.
Patricio Poblete:	Can we not arrange for him that ICANN buys him an Apple?
Keith Davidson:	I didn't realize ICANN were orchardists.
Eberhard Lisse:	They've got a budget now.
Bernard Turcotte:	Yeah, but this is not a gTLD. Anyway, 5.2.3.3.1.2. Meeting the competence requirement. There appears to be two limbs to this criterion, both of which must be satisfied, which the IANA contractor must apply when designating a registry manager, new or replacement. And I'm just going to carry on, because they're so intertwined.
	5.2.3.3.1.2.1 "A prospective registry manager designated under RFC 1591 must have the following qualities: The proposed manager must demonstrate that he or she, or if a legal person, it, possess the requisite skills to carry out the duties of a manager, and, if designated, will be in a position, i.e., will have the means necessary to carry out those duties upon receiving the appointment." Questions, comments to 5.2.3.3.1.2.1?

Keith Davidson:	I'm seeing thumbs up from Nigel, from Stephen, from Eberhard, from Cheryl. So, no dissent. Let's proceed.
Bernard Turcotte:	Thank you, sir. 5.2.3.3.1.2.2. "The first requirement is a test of skill and the second is one of executory preparedness. The proposed manager must possess the necessary technical, administrative and operational skills. This is to be judged by the standard of the ordinary competent TLD manager."
Keith Davidson:	Daniel, then Eberhard, then was that Martin, also?
Daniel Kalchev:	Okay, I have a few questions here. The first question is it says there are two limbs and then we have two points. So, whether it is (inaudible). And my second question is that we seem to repeat the requirement to possess the requisite skills and so on so many times. I mean, on every possible item. So, my question is actually are those items optional? I mean, we choose one of them or they have to be fulfilled at the same time? If the latter, we don't need to repeat this over.
Bernard Turcotte:	Okay, thanks. Eberhard.
Eberhard Lisse:	Semi-colon, and if designated. So, both have to apply. I also think we should in 5.2.3.3.1.2.3, change administrative operational skill into administrative operational skills.
Bernard Turcotte:	Okay, and so that was your own point, too. You had your hand raised earlier. Yeah, okay, thank you. So, we're happy. Martin?
Martin Boyle:	I'm feeling a little bit confused about the inclusion of this, because this is all about and is being written down as delegation, and we're writing a document which is the other end, having given to it's being taken away. And therefore I would expect some conclusion that says if you have used these, you've assessed whether somebody has got the skills to take on the delegation, this section would actually then assume and the conclusion would be that you are actually holding the delegation to exercise those skills. Otherwise, I can't see the point in having this paragraph in here, because it's the wrong end of the process.
Eberhard Lisse:	I don't understand what you're trying to say.
Martin Boyle:	What I'm trying to say is that as it's written here, it's talking about delegation and looking at the delegated -- the manager who is being -- the person who is being proposed to be the delegated manager has got the requisite skills and will be in a position to carry out the job. We're talking about revocation and so we're looking at a section, analysis of the requirements, and I would say that my interpretation is that this an ongoing requirement once the delegation is being put in place. And that statement is not actually in this clause at all, and I think it should be. Thank you.
Keith Davidson:	Okay, thanks, Martin. Bill and then Eberhard.
Bill Semich:	In reference to Martin's comments, Bernie, maybe you could look back at the delegation document and see if we have language like this, where we perhaps should insert this section and just refer to it in here. Martin's point I think I share is that this description is actually a requirement for delegation. And that in revocation we're requiring people to meet those requirements in the operation of the TLD, and I'm not sure we've set these

	same requirements in our delegation document. Is that where you're coming from, Martin?
Martin Boyle:	No, I hadn't even gotten that far, because my memory, if something that happened even last week it's always a bit hazy, and this was some time ago. But my point is that having, for whatever reason, in RFC 1591, in quoting a particular requirement for delegation, that obligation has to remain, has to be assumed to remain on the person who is now delegated manager.
Keith Davidson:	Okay, thanks.
Bill Semich:	I would just want to be sure that the two documents have the same language so there isn't conflicting language.
Martin Boyle:	Yeah, I have no problem with that at all, Bill. That seems sensible.
Keith Davidson:	Yes, I have Eberhard.
Eberhard Lisse:	If I understand this correctly, this is a revocation document and the issue is now why are we talking about prospective measures in a revocation document. Because it's, per se, prospective manager doesn't belong in revocation. But, however, in order, because we have to define what the ongoing requirements, we have to define it somewhere, either here or in the -- it would be better to do it in the other -- in the delegation document. I don't remember how we (inaudible) that.
Keith Davidson:	Me, neither.
Bernard Turcotte:	I'll go through and provide you some references, but obviously when we hit on this, I think Becky and Nigel were trying to put some meat around that bone so that we have a reference around the competent job aspect of it. And I believe that it's being covered -- part of what Martin is talking about is applicability is in 5.2.3.3.1.1. Applicability to designated managers post RFC to be fixed as per Patricio's comments. On balance it is sensible that here be an ongoing responsibility for the manager to carry out the necessary responsibilities and do an equitable, just, honest and competent job. And, really, I think 5.2.3.3.1.2 was just trying to address the competent part of that in that there was that ongoing requirement.
Keith Davidson:	Eberhard, and then was Martin indicating?
Eberhard Lisse:	That's not really the problem. We finished the delegation document, isn't it?
Bernard Turcotte:	We didn't do delegation. We did re-delegation, and the only thing we did in re-delegation was define how approval should be given.
Eberhard Lisse:	Okay. So, now, this prospective part of what we're talking now should go actually in the delegation document. No, prospective registry pertains to delegation. Normalization would require that we don't define this in two documents, we define this in one document. Because it's delegation, it should be -- the same thing.

I have no problem with the language, but it should be in the delegation document. And then we say for revocation it's this delegation requirement, which is defined in that document, has to be ongoing. So, it should be easy to take that part out and put it in the delegation document. |

Keith Davidson:	Okay, Bernie and then Martin. Bernie, for a response.
Bernard Turcotte:	We haven't listed delegation as a topic for interpretation because it didn't come up as an issue. However, this being said, if the group feels that it makes sense given that we're going through the language anyways, we can certainly fairly easily produce one, I would think. But just to note, it's not listed as one of our work projects currently.
Keith Davidson:	Okay, Martin, then Becky, or did you want to -- did you have a specific point of clarification?
Becky Burr:	Just a specific point. I think this confusion is because it sort of reflects what I thought was ambiguous language in 1591, and I think we maybe can just insert a paragraph to deal with it and address all of these problems, which are exactly right, I believe.
Keith Davidson:	Okay, thank you. Martin, sorry to keep shuffling you down the order.
Martin Boyle:	That's all right. I certainly would have no problem ensuring adherence between our different texts. That seems to me to be absolutely fundamental. And I also take your point, Bernie, because obviously my brain and my memory power is not even long enough the five minutes or so since we read that top paragraph to remember what it said. I see what you mean, there being an ongoing responsibility on, but I still think that in the 5.2.3.3.1.2 and that which follows, we should perhaps be turning it into the active current voice.
	In other words, making it clear that we believe there is an obligation placed at the selection of the manager stays with the manager, and that they carry on doing that rather than just saying, okay, we've got the contract and now we don't need to worry about it anymore. So, perhaps what we just need to do is go through 3.1.2, 3.1.2.1, 2.1.1, 2.1.2, etc., and actually say -- make it clear that this is not just a once and for all, but a continuing requirement.
Keith Davidson:	Bernie?
Bernard Turcotte:	I take your point and I'll be glad to work with Becky and Nigel, given I'm just a cut-and-paster guy. So noted and we'll see what we can do to adjust the text.
Keith Davidson:	And I think it would also potentially be quite useful to have Nigel involved in this discussion, so perhaps we hold through the discussion and allow some work to continue and on the next call we might have some progress. Patricio?
Patricio Poblete:	I guess my memory is pretty poor, completely lost that cycle whether we were doing delegation or not, so I went to the charter of this working group. And the objective, number one, says that the objective of the working group is to develop and propose a framework of interpretation for the delegation and re-delegation of ccTLDs. So, it is stated there very clearly. I don't know when we lost sight of that.
Keith Davidson:	Bernie?
Bernard Turcotte:	I don't think we lost sight of it, but when we broke it down into modules, we didn't include delegation for a very specific reason, because it didn't come up as a major problem under the DRD. Now, as we go through it, if we feel that it makes sense to

	include a section on delegation, I don't have a problem. But what we were trying to address when we broke down the work initially was the major areas of problems.
Patricio Poblete:	Patricio again. Yeah, I understand that, but still, even that there were two explicit goals, perhaps we should have said -- we've heard there were no issues with delegation, we should have said delegation, there are no issues with this and go on, but not just forget about that one goal.
Keith Davidson:	Yes, Bill?
Bill Semich:	Actually, I was going to ask whether we had something in the definitions that would address 5.3.3.-whatever. But ripping off Patricio's comments, I do think we should put delegation in the calendar and we have something that [brings] down delegation in the document.
	[Audio interference from here to the end of this document.]
Keith Davidson:	You're right on some further color in terms of it may be appropriate to merely cover it in the definitions as well, but let's try and see if we can agree that concept of ticks. Now, where it finally flows to can be a matter of format.
Bill Semich:	Right. But I am putting on the table, I think, maybe someone from IANA could comment on that, but if we don't specifically lay out what our expectations are in the delegation process as opposed to the revocation, we're kind of leaving it up in the air.
Keith Davidson:	Reasonable point. I mean, but this may be as much as need to do in terms of those estimates, but let's just put a note beside this that this whole piece and say does this belong here or does it need to be under delegation? And that might serve to remind us that we need to examine the aspects of (inaudible) for delegation, and is this all we need to do in terms of color and depth, or is there something else? I think we're getting some go forward. And so I'd still like to resolve the text and then where we put it we can solve later. Martin?
Martin Boyle:	My purpose was not that it doesn't belong here; I actually do think it actually does belong here because it is, I think, quite clearly an obligation on the manager and therefore does need to be in the text here. But it needs to be clear in the text here that there is an ongoing obligation. And when you look at the delegation text, it has to be this is the way it will be being judged.
	So, the text might be slightly different, but I agree that the [term] of the text needs to be the same obligation. So, a cut-and-paste is inevitable there, but I actually do strongly think it needs to be here rather than just removed here and stuck into delegation.
Keith Davidson:	Okay. What I think we're all saying from the same page. Bernie?
Bernard Turcotte:	That's what I took away from the comments is that it's not going away from here, but that we need a delegation document on top of this one.
Keith Davidson:	Okay, I misinterpreted what you said, sorry. Okay, that's slightly different to what I was indicating, but I'm still quite happy, and if we have duplicated or essentially the same text in two places as a result of that, then so be it. Anyway, I think we're happy. So, we're happy? Is that a thumbs up for you?

Patricio Poblete:	I am happy, but I just wanted to second Eberhard's comment about normalization, that we make an effort of only -- don't have duplicate text anywhere, just wherever it belongs and a link to it.
Keith Davidson:	Yeah, good points. Thank you. I think we have a way forward. No further questions, comments? Shall we look back at the text itself? Then carry on, Bernie.
Bernard Turcotte:	Thank you, sir. Going down, 5.2.3.3.1.3. Necessary responsibilities. And I will dig up my notes, if you give me a second. Okay, so these were questions that were carried over from version 1.3. They're exactly the same as was in 1.3, or slight variations therefor, but just a reminder or placeholder, what does this encompass? What do we want to do with this?
Keith Davidson:	Okay, any ideas? Any comments? Any suggestions? If not, we'll leave it as a placeholder and get back to at a later stage.
Bernard Turcotte:	Thank you, sir. 5.2.3.3.1.4. "Do an equitable, just, honest and competent job." We've tackled competent to a certain extent in previous text. Equitable, just, honest, here's a proposal already covered in 5.2.3.1.6, Section 3.3 of RFC 1591: "Designated manager must be equitable to all groups in the domain that request domain names," question mark.
	So, again, we never really beat this up to any degree. We're just starting to get into the meat of this text, and I'm just referencing that the equitable part of that element is referred to in Section 3.3, and is that enough? It's a question I'm open to taking comments, suggestions, etc. If not, then what I will do now that we're starting to get into some of the other text, I'll propose some text to go around that and we can [beat that].
Keith Davidson:	Okay. Any comments? Stephen?
Stephen Deerhake:	That approach works for me.
Keith Davidson:	Okay. Any dissent, I guess? If not, we'll agree it as an approach. Thank you. Bernie?
Bernard Turcotte:	Okay. On to some more fun stuff, 5.2.3.3.2. This is new text based on agreed discussion. So, basically, from our last call we've got, "Operates a domain name system in that country." Based on documented practice and working group member conversations with Jon Postel regarding this point, it is clear that the intent was, and should be interpreted as, operates the country ccTLD.
Keith Davidson:	I would say the country's or territory's ccTLD.
Bernard Turcotte:	I was only using country because of the above part. Of course, we know that when we write these things we, as opposed to a reference, that we use country or territory.
Keith Davidson:	I wonder, since it's been quoted in quotes with operates the ccTLD mightn't be the correct term. Because I think that removes any indication that the country and the ccTLD are one and the same thing. Very fine point, I know. Eberhard?
Eberhard Lisse:	But I don't want to understand as is that the named service and the operation, the actual hardware must be in country.

Keith Davidson:	Yeah.
Eberhard Lisse:	That it cannot be construed to say.
Keith Davidson:	Well, that was sort of my reason was to remove that connotation. So, unless I hear any objection, I'd like to use the cheers prerogative to suggest some text and [audio difficulty].
Patricio Poblete:	Well, I actually agree with this latest addition, let's say. Because I see a problem with the current wording that says the country's ccTLD, that implies that there is ownership relation between the country and ccTLD. And we know that this is, first, not always the case, because those country codes are not only for countries, but also for territories, and the relationships are [semi-complex], especially when you add things like the EU, which is not a country at all. So, I think it is just better to leave it as a ccTLD.
Keith Davidson:	So, I think it's removing ambiguity and doubt. I'm not seeing anyone dissenting, excellent. Excellent. Martin and then Patricio.
Martin Boyle:	Yeah, I don't think I'm going to be dissenting [audio difficulty] final wording [audio difficulty]. It's just I'm feeling considerable unease at taking the document, then refers to [audio difficulty] members of this group and Jon Postel, and putting them down as being justification for the interpretation. Documented practice, I feel more comfortable with, because somebody can go and look at that. I could also accept on an understanding because there are exceptions and the thing wouldn't work otherwise, so it is impossible to run a ccTLD from some of the countries and territories. However, it's just this statement about working group member conversations with Jon Postel that is giving me serious cause for concern.
Keith Davidson:	I think you're giving rise to a very small unease I hear to making that a slightly greater unease. And, yeah, Becky, I think this was one of your proposed text. Is there a chance of a reword here to get the intent without sort of referencing --
Becky Burr:	(Inaudible).
Bernard Turcotte:	No, these were not Becky's words, these are what I came up with based on what Becky was saying. Let's be clear here.
Keith Davidson:	Thank you.
Becky Burr:	Whenever I try to channel Jon Postel, I try to be very clear about it.
Keith Davidson:	Yeah, okay. Eberhard?
Eberhard Lisse:	I just want to reiterate what Daniel was saying. It clearly must not be written in the possessive context.
Keith Davidson:	Yes, agreed. And Patricio?
Patricio Poblete:	I think our job is not just to do our [geology] in and try to read Jon Postel's mind, but also to bring this up-to-date to current practice and foreseeable practice. And I say this because there is no one-to-one relationship anymore between ccTLDs and (inaudible) territories. With IDN there may be several ccTLDs for the same country and perhaps

	managed by different entities. So, I propose that we should [audio difficulty] the country's ccTLD or even the ccTLD I have to say operate the delegate of ccTLD.
Keith Davidson:	Okay, that's a useful suggestion. I think, Bernie, the text needs a good beating up and do you feel sufficiently informed that you can pull something together from this?
Bernard Turcotte:	Yes, sir.
Keith Davidson:	Excellent. Okay. Is there anything else on this particular clause before we go on, because I'm going to propose very shortly that we take a 10-minute break. So, just not going ahead. Bill?
Bill Semich:	Bernie, just to add to the mix of text, I always like to use a phrase such as "associated with the particular country, territory or region of the ccTLD."
Keith Davidson:	Nice words. Okay, anything else on this particular clause? If not, I propose that we take 10 minutes to stretch our legs and reconvene at 2:40 p.m. UTC time. Is everyone comfortable with that, back at the table? We're not going to lose by to the public forum in the interim? Thank you. Can we hold the recording and come back to it in 10 minutes? Thank you.
[Break]	
Keith Davidson:	Okay. Thank you, everybody. We're back in session. If we can come back to the topic of revocation. I think we'll spend another 30 minutes or so, if necessary, on this topic. So, Bernie, we were up to 5.2.3.3.3, and that sounds like a lucky number to me, so, Bernie, please continue.
Bernard Turcotte:	Thank you, sir. 5.2.3.3.3. E-mail connectivity to the management staff, the manager, the IANA contractors. The only correction here, must be able to contact the manager via e-mail. I don't think there is any argument there. There hasn't been in the past, at any rate.
	More interesting is 5.2.3.3.4. "There must be an administrative contact and a technical contact for each domain. For [topical] domains that are country codes, at least the AC must reside in the country involved." So, new text, let me pull up my notes.
	All right. So, there was a lot of discussion on that point last time, and we've come up with, "The manager must confirm that, and the IANA contractor must be able to validate, that the administrative contact resides in the country or territory associated with the ccTLD. This establishes a clear intention from RFC 1591 that there be local in country or territory associated with the ccTLD presence."
Keith Davidson:	Frank?
Frank March:	Yeah, thank you. Frank March, (inaudible). IQ, is there anybody a resident in Antarctica?
Keith Davidson:	No. I mean, yes, there are people resident, but not all year-round.
Frank March:	Well, residence I would have thought would imply a permanent residence. There is also territories, of course, like Toucan, where I don't know there's an administrative contact

actually on the island. I think this -- obviously the intention is in 99.99% of cases, but there are rare exceptions that perhaps need to be pulled out a little bit.

Keith Davidson: Sure. Kim?

Kim Davies: So, in interpreting it to date, we've taken the term "country" to heart, and if it's a territory depending on another country, then it's been satisfactory that it's simply in the country. So, for an Australian dependency, that could be mainland Australia, for example.

Keith Davidson: Okay. So, perhaps there's a dual kind of role here. If it's a country it's this, and a territory that. Eberhard?

Eberhard Lisse: I think we can solve this, because Antarctica is the only one territory that is organized by treaty, and the administrative manager lives in one of the treaty states, if I'm not mistaken. It's University of Auckland, if I'm not mistaken. So, I think we should just not go there.

Keith Davidson: Becky?

Becky Burr: So, now I am going to channel Jon Postel, so I'll do it directly. The issue here, and I think it's important, because otherwise we are going to get ourselves wrapped around a pole on a whole lot of other things, is a jurisdiction issue. And so I don't know if we don't have to go there, but I think unless we stick with a -- there has to be someone subject to the jurisdiction of the country, we'll get ourselves into a mess very quickly, because then IANA will be asked to sort of carry out the laws of the country, which is what we don't want.

Keith Davidson: Can we perhaps consider whether or not we should rephrase this more as a best practice, like normally the manager will, etc. I don't know. Okay, not liking it? I have Martin and then Daniel. Martin?

Martin Boyle: I would find that very, very difficult to accept. I like the jurisdiction approach, because if you life in jurisdiction, which the requirement that you live in the country, you are under the local law. If you are not in country, then I think there is, for me, some sort of implication that -- some sort of expectation that there is a way that the local Internet community can do something with you, about you. And so it does seem to me that we have to find some way of embodying the concept of why would you need an administrative contact locally? This isn't actually the manager, this isn't a liaison officer, this isn't a marketing man or anything like that. It is the administrative contact and the person who could be brought up in front of a court of law for failing to meet some of the obligations that are on you as a cc manager. And I think we need to capture that somehow, however unpalatable that might be.

Keith Davidson: Okay. I've got a speaking order of David, then, Stephen, then Bill -- sorry, Daniel. I can't read my own writing.

Daniel Kalchev: Okay, what I wanted to say, actually, was said most of it already, but they show with -- it's of course nicer to say the administrative contact should be subject to the jurisdiction. But this is very variable from country-to-country, and in some cases you may be subject to the country's laws, even if you don't reside in that country.

	In other cases, you may be, in theory, subject to those laws, but if you happen to reside at the moment in some other country, this cannot be enforced in any way. So, this is very complicated and, indeed, we need to take into account the current IANA practice, because I think they have had to deal with situations like that. But we also have to take in account that for some territories it is impossible for somebody to reside there. So, it's indeed very difficult.
Keith Davidson:	Okay. Stephen, I think was next, then Bill, then Patricio, then Frank, then Becky, were you indicating? So, Stephen?
Stephen Deerhake:	Is it sufficient that the jurisdiction is at the country level is what I understood what Kim said a few moments back, the interpretation is that country trumps territory.
Keith Davidson:	I think again that's probably going to jurisdiction. Not the country trumps territory, but the jurisdiction that is responsible for. And I think the example was Australia, with its dependences, like Christmas Island and so on, that mainly in Australia is the governing country for those territories. But notwithstanding that.
Stephen Deerhake:	But I'm thinking both of .as situation and .pr situation and .vi situation, but I'm also thinking of the French territories, because those are all run out of ethnic.
Keith Davidson:	Yes, very good points, Stephen, and I think this is an issue where we may be currently concentrating on a one-size-fits-all solution and we need to be more flexible in that. I'll go back to our speaking order. I've got Bill, then Patricio, then Frank, then Daniel, then Martin. So, Bill?
Bill Semich:	It's Bill Semich. I think we're making an error that we have made a few times in the past and have worked our way around, but there is a distinct difference between the manager and the administrative contact. And it's my opinion and my belief that jurisdiction over the manager is not jurisdiction -- I mean, administrative contact is not jurisdiction over the manager. It's been my understanding and my belief that the local requirement was more aimed at local availability, local communications, local input and not jurisdictional. And it's surprising to me to see us start using this word in a way in which a local law could apply to an employee of a manager who is located elsewhere.
Keith Davidson:	Well put Bill, and I think, also, in our discussions about the admin and technical contacts, we've downplayed the relevance of those roles as being the sponsoring organization that the admin and technical contact is all being 33-1/3 percent each of the delegation. So, we need to reflect on that a little bit.
Bill Semich:	Just a little comment on my own channeling of Jon, and that is having served as a manager, or designated manager, for the .us third level domains that he set up, his expectation was that you would be in communication with the government but you didn't have to be in that town or community in order to manage that local TLD.
Keith Davidson:	So, this one is going to get more complex, I think, as we go on. Patricio?
Patricio Poblete:	I have two different comments. One is a question for Kim. I recall that the IANA report that was mentioned of the number of ccTLDs now have roll accounts and job titles as contacts rather than individuals. And how would then that be interpreted? A roll account cannot be (inaudible) perhaps. It won't be easy to see where it resides.

	And my second point is that I would assume that all this text will also go someplace else, right, because it doesn't really belong in the revocation discussion.
Keith Davidson:	Okay, noted. Kim, did you want to respond?
Kim Davies:	Sure. I mean, I think you've identified an issue. I mean, broadly, whenever we have a roll account we try to know who is behind that roll account wherever possible. That said, I just double-checked, it's still the case. There is a specific European ccTLD, which I won't name, that has a roll account listed as the admin contact, and I know the person that is that roll or that registry lives in another country. So, it's not entirely academic, it actually happens.
Unidentified Participant:	(Inaudible)
Kim Davies:	Well, you simply list the job title rather than the name of the person. And I would just say that the (inaudible) observation is that usually these aspects we don't evaluate until there is a delegation or a re-delegation and some kind of contest or review. If it's simply the status quo and it's running as usual, we wouldn't intervene in such a situation.
Keith Davidson:	That brings up an interesting point, whether IANA should be periodically checking and so on.
Kim Davies:	I'll leave that for you to comment on.
Keith Davidson:	I'm not going to take that argument. Frank?
Frank March:	Thanks, Keith. In raising this, it happen to occur to me just the depth and complexity that goes in this. I just knew of a few cases where it didn't fit this. It's obviously something that does require quite a lot of further thinking about it, and I think the point was fairly made that maybe it doesn't belong in the revocation thing, it's a deeper issue than that. So, it probably needs to be shelved and thought about some more. And I think there is somewhere between jurisdictional issues and something else that requires here, because you can think of all sorts of individual cases.

For example, Pitcairn Islands theoretically is British, but when there was prosecution for rape on Pitcairn, it took place in New Zealand and in New Zealand court. Similarly with Antarctica. It's not clear with a treaty territory such as that just where jurisdiction actually would lie. Certainly we wouldn't want to say it lay in, for example, in the UN.

So, there are lots of different examples. They are quite minor, but I don't think they can just be left on the table waiting for something to arise. I think we do need to have a defined position at some point, but clearly not now. |
Keith Davidson:	Thanks, Frank. Bernie, did you want to specifically answer that?
Bernard Turcotte:	Well, no, I just want to make the point that this is one of the criteria that is expected of the manager and therefore could enter into consideration to see if someone is significantly misbehaving. So, we are going to have to get through this.
Keith Davidson:	Yes, okay. Daniel?
Daniel Kalchev:	Okay, I think this is getting to complex in this context, and I think we should probably spend some more time to research the issue in the sense of making some list of

exceptions that exist to see how those fit in the model. Because the model assumes that in the way every cc is a country, which we know is not the case. And it also assumes that every cc has jurisdiction, which is again a bit complicated. Like, for example, the EU, which is the jurisdiction there, and where must the EU manager actually reside in the administrative context?

So, these are just some examples, and I think we should really spend some more time probably on a separate topic to clarify what means to be residing in some territory or subject to some jurisdiction. And I still think that we -- it's probably about time to make a decision how we will structure this report, because it appears that we will have many segments that will look exactly the same in different parts of the report for the delegation, for the revocation, whatever. And we don't want those texts to have any difference or different interpretation. So, we must have the same interpretation of the same term and we need to find some solution to that. And I think this is becoming more and more of a problem as the text goes.

Keith Davidson: Noted. Thank you. Martin, then Eberhard. Martin?

Martin Boyle: Thanks. I've got a number of points. Firstly, about the administrative contact. I have got a very vague recollection of an earlier document that we worked our way through, which was full of definitions where we struggled with the roles of admin and technical contacts, and I can't remember what we did with it. I have it vague in my mind that we crossed a line through them and said these weren't actually particularly relevant.

And certainly when I look at, is it 3.1 of RFC 1591, it is -- well, it's the only reference I can easily find by flicking through to an administrative contact. And it just says it must be an administrative contact, giving no clues as to the role, and then as we have indicated here, that they must reside in country.

Can I pick up a couple of points to be made about specific examples, because I fear that we might end up actually just getting bogged down in specific examples without any good outcome.

Somebody mentioned ethnic in the French territories. Well, actually, from being the nature of country that it is, these are territories, overseas territories, overseas departments. They are run from Paris, they are under French law.

The European Union, the delegation is to the European Commission, which is based in Brussels, therefore it's under -- any [contractive] issues for its manager are under Brussels law, and that is very clearly indicated in the reference.

The reason I come up with these examples is that we risk getting bogged down in the detail that we shouldn't be getting bogged down in. And so I then picked up the *GAC Principles and Guidelines for Delegation and Administration of Country Code Top Level Domains*, and I will quote clause 1.2, which far-seeing GAC very nearly put a square box around so you can find it nice and easily, even though it is only the second paragraph in the document.

And that says, "Most of ccTLD policy issues are local in nature and should therefore be addressed by the local Internet community according to national law." And I think my interpretation there is back again to that understanding that there has to be a link into the local jurisdiction because -- and I think this issue is going to come out when we start

talking about significantly interested parties again and the GAC advice as to properly understanding the framework in which we work.

In other words, that I am firmly of the view that we do need to cover it here because the jurisdictional issue is actually going to be very, very important for any action that you are taking. Sorry to be a bit long.

Keith Davidson: Certainly that's a view. Eberhard and then Becky? Eberhard?

Eberhard Lisse: I was also going to say something about jurisdiction. Why do we need this? We need to be able -- the local government needs to be able to access the local manager of the ccTLD associated with that country or territory. If you did for Antarctica, I think it's perfectly acceptable that one of the treaty states does that. If you are in the European Union, it is perfectly acceptable that the manager is in -- it actually must be in one of the European states, not necessarily Brussels. Because under European law, you cannot have it in one state. If, for example, somebody bids in Germany and gets it, then it would have to move, but it wouldn't mean anything jurisdictionally as far as the European (inaudible). It doesn't matter, we don't have to go there.

We should basically make sure that there is an administrative contact that can be reached and that is subject to jurisdiction of the ccTLD with which he is associated, or his country or territory organization is associated.

Keith Davidson: Okay, I have Becky, then Daniel. Oh, okay. Daniel?

Daniel Kalchev: I just wanted to make a quick remark to what just Eberhard said. It makes sense, but we need to find out how to match it with the language in the document. Because the document says -- I mean, what we are interpreting says that the administrative contact must be a resident in the country.

And just one more thing, and since you raised European Union, it has a strange future that every citizen from a country that is a member of the European Union is supposed to be able to move freely in the European Union. So, they may choose to reside or work or whatever anywhere, and this is their, how to say, right.

So, this makes things quite complicated if we are to interpret things in the very narrow way of they must reside in the country because they have the legal option not to reside there.

Keith Davidson: Okay. I think I've got Eberhard, then Bill, then Bernie. But before we --

Eberhard Lisse: Just one second. Let the record that I pointed my finger at Bernie.

Keith Davidson: Okay. I think what we need is a clear precedent here, so I think we should ask precedent here, so I think we should ask [Dominique] to move to Scotland and see what happens as a result. Sorry, I did have a speaking order. Bill, then Bernie?

Bill Semich: Hi, it's Bill. Just as an aside, before I make my point, there is a top level domain for France's external territories, which has never been delegated .fx, which would take care of all of these territories. I don't know why it's never been delegated, although I could guess. That's just an aside.

	On the matter of the paragraphs before us, I had thought that 5.2.3.3.4.2 addresses these confusing issues about where the administrative contact must live or not, and I'm perfectly happy with this language in the document that Bernie has put forward.
Keith Davidson:	Maybe they need to be brought together in a single paragraph may add to it. Bernie, did you --
Bernard Turcotte:	Well, as far as I'm concerned, I think there has been great input. This is the kind of stuff that, for me, provides a lot of feedback. And at this point, and we can carry on if people have more opinions, but I think I've got enough to come up with some new text which we can then beat the hell out of at our next meeting.
Keith Davidson:	Well, as a reasonable way forward, does anybody have anything additional that we haven't -- we are starting to get a little singular. Martin does.
Martin Boyle:	Yeah, thanks. It's just an immediate response to Bill, that I actually would have a problem just sticking with the two paragraphs that are there at the moment, because I do think this jurisdiction issue does need to be nailed. So, sorry about that, I'm just going to have to be awkward about it, I guess.
Keith Davidson:	My proposal, then, for away forward might be that Martin and Bernie work together on -- I think the two of you would have a fairly good feel for the discussion so far. Sorry, Stephen, you did have your hand raised. Was it a new point or is it a little bit --
Stephen Deerhake:	No, I just wanted to say that -- echo Bill's sentiments that I'm, for the record, happy with what I'm looking at here in these two paragraphs.
Keith Davidson:	Okay. Patricio?
Patricio Poblete:	Yes, I'm a bit uneasy with the introduction of the jurisdiction word, since it is not present in the RFC. And if we were to introduce jurisdiction, I would rather think of it applying to the manager rather than to one employee of the manager.
Keith Davidson:	Good point. Okay. Martin and Bernie, do you feel you have sufficient input, that you may be able to synthesize this into something useful? Martin?
Martin Boyle:	I'm not sure necessarily that we have, because it came out to me that there is a distinct rift in views, and that I think that if it means anything, having a person based in jurisdiction actually is because, you know, in a territory actually does mean that, but why do you want the person there? You want them there because there is a jurisdictional issue, and I think that needs to be brought into play. But we've heard three voices around the table of people indicating that they don't mind about jurisdictional issue.

Now, the other point I have, and I actually made specific principles, but, of course, all the text that we're working on here is about RFC 1591, I'm quite happy to sort of cobble together something that puts an input from the GAC Principles.

But my question would be whether we're going to try and embody some of the ideas from the GAC Principles later in the document, or whether in fact it is actually appropriate to put it in here. I happen to think it is appropriate to put it in here, but I might look towards our colleague from the GAC to say where he thinks he might prefer to see it. |

Keith Davidson:	Okay. Becky?
Becky Burr:	Can I make a suggestion? This is really an important issue and it has huge implications for sort of where IANA sits and what IANA is expected to do. And it seems to me we might want to just take this off the table, gather some facts, put some alternative positions on the table and think through it very carefully. I just -- I mean, I understand Patricio's concerned about the word "jurisdiction." I totally understand everything that everybody is saying here. It sort of makes me hyperventilate from the, if we don't get it right, we'll be in trouble.
Keith Davidson:	I think let's move on, please. Points taken, points noted, and we'll come back in due course and revisit, noting that we're a long way from any form of resolution on this.
Bill Semich:	So, clarifying question. So, are Bernie and Martin going to work on this offline, or is it --
Keith Davidson:	No, I think the chair, vice-chair are going to have a discussion afterwards and see what our plan should be and we'll come back to the group when we've got a way forward. So, it will be the topic of a call or two yet. So, we'll take it onboard to find an action plan. Okay, moving along, I'd like it just spend 10 more minutes on this document, if we can, and then move off the topic of revocation altogether. So, Bernie, do you want to progress us through any more?
Bernard Turcotte:	Yes, sir. I think there is yet more text to be looked at. Defining substantial misbehavior, 5.2.4.
Keith Davidson:	Martin?
Martin Boyle:	There is a comment against 5.2.3.3.5. We are considering that to be part of the text that is going to be subject to chair, vice-chair looking for compromise and way forward? 5.2.3.3.5, your comment said, "Here's a section should be marked for review in Prague." I think it was supposed to be this section.
Bernard Turcotte:	Yes.
Martin Boyle:	Should be marked. Well, we're in Prague.
Bernard Turcotte:	Yes, this was quite a healthy debate and I don't think if we're trying to limit it to 10 minutes we're actually going to get to this one. So, that's why I actually didn't take this one on right now.
Martin Boyle:	Fine, so long as we don't just forget it.
Bernard Turcotte:	That's why it's noted. Okay. Moving on. Defining substantial misbehavior, 5.2.4. "Substantial misbehavior, significant incompetence or unwillingness by the incumbent manager to correct important issues with respect to the requirements of RFC 1591 for managers of ccTLDs". This is the result of our general agreement on what it was trying to say from our last meeting, and now you get a chance to read it as words and see if it still works. But basically at our last meeting, this is where the notes told us we came out.
Keith Davidson:	So, any questions or comments? Stephen?

Stephen Deerhake:	This works for me.
Keith Davidson:	Any dissent? I think we have consensus, so please continue.
Keith Davidson:	Okay. 5.2.4 did not change, and I don't think there are any new comments on that. Then we move on to process for revocation 5.2.5. I will pull up the notes, if you'll give me a second. No notes. There have been a few minor edits, I believe, so we'll go through the text. 5.2.5.1, under Process for Revocation. Yes, sir?
Eberhard Lisse:	Can we make the document scrollable again?
Keith Davidson:	No, because there are participants in the room who don't have computers, I want the whiteboard to continue scrolling. And the only way that can be done is by locking the scroll. I'm so sorry, you'll have to --
Eberhard Lisse:	I can't really work like that. I need to read it on my screen. It's not really helpful for the process.
Keith Davidson:	Well, then, I guess the priority for this group is the working group members are satisfied, so can we allow everyone to scroll?
Bernard Turcotte:	All right. So, what we've done in 5.2.5.1 is import the changes from the previous section that define substantial misbehavior so that the language synchs up and the terms are the same. So, it now reads, "The FOI working group also believes it is consistent with the intent of RFC 1591 to state that revocation should be a last resort option for the IANA contractor. The IANA contractor should use all means at his disposal to assist the manager to resolve any -- now important versus substantial -- issues with the requirements of RFC 1591 that are applicable to managers. Revocation should only be considered if the IANA contractor can reasonably demonstrate that the manager is significantly --" oh, okay, I have to adjust that, sorry -- " -- or unwilling to resolve the clearly identified and documented issues in an appropriate time frame. If the delegation is revoked, the IANA contractor should use all means at his disposal to ensure the ccTLD will continue to resolve names, and that the published process to identify a suitable replacement is undertaken and expedited."
Keith Davidson:	Okay, comments, questions, feelings? Stephen's got a thumb up, Bill has a thumb up, Daniel wants to make a point, and Cheryl had a thumb up.
Daniel Kalchev:	I will be very short, and it's a little bit off topic, I mean. We continue to use the IANA contractor term, but in the text this is very distracting. Why should not we use IANA only? It is apparent that somebody is performing the task. I know that we have gone through this again --
Bernard Turcotte:	And again.
Daniel Kalchev:	But if you have not been in that discussions, reading this text makes it very heavy.
Keith Davidson:	I appreciate that, but I think we've been through this iteration a number of times and it's the confusion of the IANA database, the IANA function, the IANA contractor, so this is for the papers of title clarity and for the purpose of consistency we've got to keep repeating it. So, sorry, but I think we visited there on a number of occasions. Okay, I detected a number of thumbs up all the way through there, so I think we can accept. Martin, just in time.

Martin Boyle:	Yeah, I just wanted whether somebody could remind me how we got to committing the IANA contractor to use all the means at their disposal to assist the manager to resolve any important issues? It's not an unreasonable expectation that the IANA contract manager, the IANA -- oh, bugger -- the IANA shouldn't actually be there to act as helper and mentor, but I guess this is really a question for Kim as to whether the statement of work that will then lead to the basis of the future contract would really allow IANA to be devoting a lot of work onto doing it.
	And then my other question would be, and would this actually cover all the areas? Because it actually might drag up the IANA contractor into doing a lot of work that was not necessarily in the contractor's skill set. So, perhaps a question for Kim to tell me he can't answer because of the current situation.
Keith Davidson:	Okay, thanks, Martin. I think the issue arose because there was this desire from the working group that their interpretation be that the revocation be the point of last resort. So, there's an exhaustive process of seeking to remedy and so on. But, Kim, do you have a response?
Kim Davies:	Sure. So, I was trying to quickly scramble and get the RFC text in front of me, but I haven't been fast enough. Well, I mean, to my recollection there is nothing explicit about this in the contract other than we're to implement consensus policies that come out of community. So, if you come up with this, I don't know if that makes the test or not. That's about all, really, I can say.
Keith Davidson:	Well, this is not a creation of policy, it's an interpretation of existing policy.
Kim Davies:	I'll let broader minds than me argue the distinction on that.
Keith Davidson:	Was there an answer to your question?
Martin Boyle:	Well, others might judge differently, but I guess my feeling is no, because there is this issue as to how far IANA might be being considered to be sticking its nose into other people's business. But I think for me the fundamental statement is that it's the last resort option. This is the nuclear option and normally, if it's the last resort, there should be at least some effort to resolve it. It was just this sudden extension and I probably wasn't paying attention at the time or perhaps didn't attend that call, as to why the IANA contractor is suddenly being committed to putting in what might be a massive amount of work. And so that was really what tempted me to ask the question.
Keith Davidson:	All right. Kim?
Kim Davies:	I agree. The wording is potentially vague enough that it could imply that, although maybe it's an overly technical reading. But I take that at face value to read that if at all possible, if the (inaudible) file can continue to function so that names continue to resolve doesn't mean taking over registry functions or such, but just keeping the names resolving as a status quo. That's kind of how I read it, but it's subject to interpretation for sure.
Keith Davidson:	Okay, thanks, Kim. We're happy, then? Martin, are you now moderately happy with the text, or happy with the text?

Martin Boyle:	Yeah, I must admit, the words that Kim just used were essentially the words I was looking for, and so I feel much happier with that. Whether we can actually embody that so it's clearer in the text to people with such shallow brains as mine might just be considered, but I leave it up to you.
Keith Davidson:	Excellent. Thank you. Bernie?
Bernard Turcotte:	And I have to say I'm very comfortable with what Kim said. That was definitely where we were headed, so maybe I can work with him over the coming weeks and we can tease out some clarifications, just to make sure there is less issues with the possible interpretation.
Keith Davidson:	Okay. Can we then roll a line under 5.2.5.1 and say that's how far through the document we've got and now leave the topic of revocation, as you're unhappy to do that? I don't think we can get completely through the document in the time anyway.
	So, perhaps now we could go to the GAC SIP comments, and Frank, thank you for cajoling the GAC into responding, and we realize the GAC are busy and industrious and have a lot on their plate. So, thank you for ensuring that they haven't forgotten about FOI working group. And I wonder if we could put the letter on screen and, Frank, would you like to -- do you have it in front of you? Do you want to talk to it?
Frank March:	(Inaudible)
Eberhard Lisse:	I cannot hear you.
Frank March:	Sorry, I've been neglectful of my duties. I do not have it right in front of me at the moment. If you can get it up on the screen, that would be great.
Keith Davidson:	It's coming.
Frank March:	Having said that, I actually now have them here.
Keith Davidson:	Oh, good. Well, if you'd like to start talking us through the document, Frank, and we'll get it up on screen as quickly as we can. Thank you. Frank?
Frank March:	Yeah. The main issue is that the GAC position is that the SIP document doesn't take Section 4.1 of the GAC Principles adequately into account. And the particular phrase is, "Ultimate public policy authority for the relevant ccTLD risk for the relevant governmental public authority."
	And then the other issue was Section 7.1 of the GAC document stating that delegation and re-delegation is a national issue and should be resolved nationally. And that, of course, is somewhat contentious for some members of the ccNSO, I realize. But the GAC is pretty firm on the view that in terms of a national debate or consultation on the ccTLD, the government is first among equals, if you will, at least. And that's pretty much an established GAC position, which is really not going to change. So, that's really the basis of the comment.
	There's an issue of process and it is noted in here that we're concerned that the interim report seems to suggest that IANA would somehow duplicate the initial process. The request that IANA would make some sort of adjudication as to who to be heard from a national process seems to impose a pressure on IANA, which this whole thing is trying to

move away from so they've got a set of clear principles to work to and that they're not put into a position of making judgment calls. So, there is a problem there.

So, I guess that's really the issue is the role of government, GAC sees governments as being first among equals when it comes to the making decisions of the sort or consultations of the sort. And I'm afraid that the GAC from the point of view of the ccNSO and this working group, the GAC is unlikely to move away from their position. I think that's all I need to say at the moment, Keith.

Keith Davidson: Thank you, Frank. Do we have any comments or any reaction from our group? Becky?

Becky Burr: I think what I want to explore is whether we can focus on the sort of process piece here and satisfy the GAC. Because I do understand the concern that a government as a significantly interested party may in one way or another go through a whole process.

So, for example, I'll take the process where .ca was delegated where there was this whole big process and -- I guess it wasn't delegated, but it was -- and then the question was would IANA come in and then repeat that process? And that would clearly be -- seems to me to be a source of problematic.

The other part of this is that I don't see how we can get on the grounds on the 1591 alone. They sort of -- the government just says here's the delegation. And, you now, it says governments are important, it doesn't say the government is the only significantly interested party, it's the only significant interested party.

So, the question I have is if there is some way of focusing on a sort of not overturning a process undertaken within a local - within a cc community, country or jurisdiction, or do you think we have to go farther?

Keith Davidson: Just before, can we let Frank respond?

Frank March: My feeling is, and I really wish that Suzanne was here, because she has spent a lot more time thinking about this than I have, that, first of all, the idea that IANA should pick and choose as to which advice it's going to take isn't (inaudible), and let's be quite clear about that. And I think that's got to be shared territory between the ccNSO and the GAC, that we don't want IANA making decisions in a messy way, and that's the whole reason for setting up this working group. So, that's point one.

And point two is that there should be no question in the mind of anyone that the GAC is clear of the opinion that its principles for delegation, re-delegation stand equal to RFC 1591 in terms of principles on which these ticks have to be sorted. And if there is any doubt that the GAC advice to the board, the GAC is remedying that now to remove any shadow of doubt. In fact, there clearly is advice to the board and in fact advice has been accepted by the board for a long time.

So, that's sort of, I'd say, the two stakes in the ground. And any area of compromise I think has to recognize those two points.

Keith Davidson: Okay. Well, I guess the question for us is how we can accommodate some slightly divergent views, but Patricio had his hand up first, then Daniel. Patrico?

Patricio Poblete:	Just one point about something Becky said, that the RFC 1591 says governments are important. I believe that phrase is not in the RFC, but rather in ccTLD news memo No. 1 or 2.
Keith Davidson:	I think, Frank, the issue here for the ccTLD community is that if we don't have a firm attachment to policy principles, historic policy principles, then we are not empowered as a group to make policies. So, if this becomes a major issue it may need to go to a separate PDP. So, my preference is that we work really hard to find a compromise that we can all live with rather than having to go back to the ccNSO and say we can't -- and you going back to the GAC saying we can't resolve this; the only way forward is a PDP. And perhaps nobody would like the outcome of that.

So, perhaps we should take this back, wait for Suzanne and perhaps any of your other GAC colleagues who feel strongly about this and take it onto a call and see if we can find a way forward. But I've got Martin, then Daniel -- sorry, Daniel, then Martin. We'll do it alphabetically. |
| Daniel Kalchev: | Okay, I see the problem here in that we tried to use the SIP context in the same way for no delegation and for re-delegation, and I would try extend this a bit. The issue is that not thinking the Internet is local. I mean, even if it is ccTLD or even if it is IDN ccTLD for a very specific group, it gets used not only by people in that country and especially under that jurisdiction. And by definition, governments don't have any jurisdiction outside their territory. Okay, that's in principle, not always.

So, what I see as an issue is that when we talk about new delegations, it is perfectly okay for the government to have say, because now we are much after the time when this (inaudible) was designed and more or less governments have some idea of what Internet is, I mean better idea. And so in this case I think the GAC Principles are perfectly in line and designed the government to have more significant say is probably okay. I think we have to discuss that, but for me it's okay.

But the other case, when you have some existing ccTLD and the government insists to be the party to say what happens with the ccTLD is a problem. Because this existing ccTLD is actually serving the whole Internet already. It is serving parties that belong to other jurisdictions, also, in many cases, so it is not easy to say that this government has the ultimate say. It makes the ccTLD property of that country or government.

And another point here is that I would give the example of .bg. We have the same registry operating the ccTLD, the manager, for already 21 years. We have seen a dozen of different governments come and go, and all of those governments, all of them, had completely different ideas how to handle the ccTLD and the Internet in multiple contexts.

So, if we say that the government is the ultimate party that has to have the final say, in a way, we may create a lot of problems. And by saying all this, I still think that it's important that we somehow keep the process of deciding those things within the country. But the determination whether the ccTLD manager is misbehaving or is doing something improperly in one way or another is probably better left to IANA. |
| Keith Davidson: | I think you're touching on a very, very important point here, and that is -- and I think RFC 1591 describes this quite well, and I don't have 1591 in front of me. But it describes how the ccTLD shall act in the best interests of the country and the global Internet itself. And there is almost an inherent requirement for what we come up with to not be an |

inward focused -- the government makes the decision for the ccTLD and that is the end of the matter, and that the government isn't subject to the obligations of the global Internet. But I do have a speaking order, so I'm just throwing that out as a provocative statement. I've got Martin, then Becky, then Frank.

Martin Boyle: Thanks, Keith. I'm running into a little bit of dilemma on this. I actually don't have a problem at all with the concept that Frank raised, that there is a certain first among equals element, and we did actually have a discussion on this when we talked about this section. It's got a first among equals role in the country territory, or whatever it is because of its role as the government. And under international law, under local law, it represents the interested parties in that country or territory. And that, I think, comes in quite clearly in the preamble section of the GAC Principles, which also quotes -- I was going to say ad nauseam, but that's not quite the word I meant -- in great detail, at great length from certain sections of the WSIS of that stage, it was the Geneva phase of WSIS.

No doubt one could also grovel all over the Tunis agenda text and find even more bits to put in, that there is this policy authority as being their sovereign right.

So, I think this is actually very dangerous ground for us to sort of stroll over to try and rewrite international laws.

I recognize, and so did the GAC Principles, the global role of a ccTLD, and the GAC Principles -- and go back to paragraph 1.2 of the GAC Principles, which was quite clear about, yes, there might well be certain things that have to be resolved in its national framework, but it puts it back into being the local responsibility. So, again, I think that we need to go back to the GAC Principles.

And that actually gets me to my main point and your comment, Keith, that if we start going down looking at the GAC comments, do we go into inventing policy and thereby having to go into a PDP? And I'd say personally I don't think so, because the GAC have actually put this document down.

We heard very clearly from them earlier this week that they consider it to be an advice to the board and therefore really equivalent policy. And certainly in the early days, when we were looking at the document, which we should be referring to and drawing our interpretation from, the GAC principles were one of those actually only two documents, the GAC Principles and RFC 1591. And somehow or other we seem to have managed to forget entirely about the GAC Principles. I think the GAC have quite rightly rapped on our knuckles and told us we need to go back and see what the implications of the GAC Principles actually are for us.

So, I really don't see that the logical conclusion of what Frank and the GAC said would be to push us towards a PDP. Thanks.

Keith Davidson: Look, I don't think we're going to resolve anything here today, but I have Becky and Bill. It was originally Becky and Frank, but I'll go Becky, Bill, and then give Frank a final sum-up, and I don't think we're going to conclude this today. So, it's still a work in progress, so if you were hoping to speak to it, save yourself and we'll come back to it. So, sorry, Becky first.

Becky Burr: I just -- I hear both of you, but I do feel we have a sort of quandary that we're going to have to think really hard about. Because if the government is -- if the view of the government is always determinative, then what do we do with a situation where there

is a ccTLD that is, you know, breaking the stability and security? I'm pretty sure the GAC -- well, I don't know. I mean, would the position of the GAC be if the government says you would leave them in the route and they're the operator?

Or there's a delegation request that comes from a government, and not using much imagination the contractor says this actor has engaged in malicious destabilizing activity in the past, would the GAC say the contractor must put them in the route of the designated (inaudible)? So, I think it's those -- we can't get to a place where the answer is simply, without consequence to the global Internet, whatever the government says goes.

And so what I'm worried about is, I mean, I hear you, but we should try to figure out a way through this and maybe we can have some imaginative, creative thinking about this problem in particular with the GAC.

Keith Davidson: Okay. I think we'll come to Frank, but -- and I think going back to Martin's comments, too, there is some agreed text specifically in the WSIS document, which again we might evaluate that as perhaps being a policy statement that has been agreed by member states that might be useful to guide us in this regard, too. Because I recall some of their ticks as being moderately useful in this regard. So, let's see what we can synthesize, but Bill, and Frank with the final word.

Bill Semich: I agree with what you've said, Becky, but I have a few related comments. A government would be running a ccTLD, and what happens if the government is doing it badly itself, who do we listen to? The Internet community will be complaining to IANA.

IANA isn't so much a regulatory body as a standards monitoring, or standards operational body, in my opinion. And so to say that the government, any government is the first among equals, say, to the ISO or any other standard today that tries to implement standards for certain technical operations is overreaching, I think.

The issue for me is that, yes, certainly governments are significantly interested parties, certainly governments have the rule of law in any local activity within their jurisdiction. But I think the point of ICANN and IANA is to set an interoperability standard among a private network of private networks, not among government divisions, departments or networks, and that's what we're here and have been here for 15 years now working to make happen.

Keith Davidson: Okay, thanks. Now, Daniel, I said Frank would be the last speaker, and yeah, this is a continuing discussion for later, so thank you, Bill. And, Frank, last point to you.

Frank March: Thanks, Keith, and thanks for the opportunity. Obviously, I completely agree with the point Becky was making and those that touched on it. If you have a rogue government which is endangering the Internet structure, then clearly something has to be done about it. I think it's very unwise so that the -- left to IANA to do something about it, I don't think that's appropriate.

So, that's an issue, I think, that needs to lay on the table, and the GAC has undertaken that when this document is completed that we go back and reexamine the GAC Principles to see if there is a modification that is required in order to accommodate what comes out of this. So, this is a process that has got quite a long way to go, from my point of view. And what the answer to that issue about rogue government is, I don't know.

There is a case also, the other point that's been made, about the fact that in some cases and in fact New Zealand is one, .nz is one, where there is a global community of interest. It's not just the citizens of one particular territory or country. And there are many ccTLDs that are like that. So, there are issues of that sort which clearly need to be thought about.

But in terms, Keith, of new policy issues, I'd remind people that there is in fact a policy development process going on now called the revision of the ITRs culminating in treaty negotiation (inaudible) this year, and we are all endangered by that. And we need to make sure that whatever ICANN is doing in terms of the role of governments is something which stands up in a global context. And I think that the GAC will do its bit -- I'm speculating here, by recognizing that governments have a responsibility to the global Internet very clearly. And if that doesn't come through adequately in the GAC Principles as they currently stand, no doubt the revision of the GAC Principles can tackle that issue. That's probably all I can say to that at the moment.

Keith Davidson: Okay. I'm sorry, Daniel, unless it's something really critically and really brief? Okay, 30 seconds.

Daniel Kalchev: Okay. By listening to some of the recent talks, I came to this vision that we all know that ccTLD should be under the local jurisdiction, and the idea is that the government can apply what (inaudible) and things like that. I mean, to the ccTLD manager and create the frameworks and so on. So, this is the ultimate tool that the local government has to have the wishes actually implemented.

And it just occurred to me that the desire of many governments to have direct (inaudible) to what IANA will do is in a way a shortcut to skip this creation of local laws that will impact the ccTLD and request something from IANA which is not in the local law, which is some very interesting development, in a way, and not lawful.

Keith Davidson: Okay, noted. Thank you. I think we need to draw a line under the GAC SIP comments and I think let's see if we can ensure very early on in our call schedule going forward that we have our GAC colleagues on the call and go into further debate. I'm not sure that we'll get an end resolution by the extant working group, so I'm working with a view in mind to, after having a fuller discussion that perhaps we might form a smaller group to see if they can plot a path that will be satisfactory to us all. So, I am forewarning of that.

We have a schedule of meetings going forward towards ICANN Toronto. I've got two, four, six, seven noted teleconferences starting on the 12th of July at 0500 UTC, and working its way through fortnightly, or every two weeks, for people who don't understand the term fortnightly, and culminating on the 18th of October in Toronto.

Can we have one minute about if -- can I just have a show of hands, if ICANN continues in its current form of everything finishing on Thursday, do you still want to have this meeting on the Thursday or do you want to have it on the Sunday?

Unidentified Participant: Wednesday.

Keith Davidson: Wednesday, I find that would be almost impossible with ccNSO, members meeting and council meeting. [Discussion away from microphone]

Eberhard Lisse:	We can have telephone conference on Friday morning.
Keith Davidson:	Okay, so no clear opinion. So, maybe we do a -- I'll take it up with the secretariat and maybe we do a doodle poll to reexamine what suits the members best and we'll apply some weighting on the basis of the number of calls you participated on so far as being an important factor. So that people who have participated most have the most say. Okay, Frank?
Frank March:	Sorry, Keith, I don't want to take up time, but I just notice you left out Monday completely. Is Monday a day which is impossible for anybody to have a meeting?
Keith Davidson:	Monday is extremely difficult to a number of people on the working group because of tick day, so I think what we're seeing is ICANN is moving backwards. I see the GAC moving backwards into earlier and earlier start times, so -- in fact, finishing on Thursday is the final consequence of everyone starting earlier in the week. But we haven't started earlier in the week, so perhaps we need to consider that.
Frank March:	The GAC is also moving forward. We started Saturday afternoon, we worked Sunday, we took Monday off because of this cost constituency day. We worked Tuesday, Wednesday and Thursday until 2:00.
Keith Davidson:	Well, anyway, I think we're -- I'm not happy that we continue and will go head-to-head with other forums, so let's see what ICANN says after this meeting about its ongoing commitment and then let's look at a doodle poll and so on. Martin?
Martin Boyle:	Yeah, if I can have just sort of two cents worth here. What is concerning me is that if we start squeezing this in earlier in the week, we're going to miss the input. And one of the advantages that we have of doing this working group face-to-face in situ is that here we have a GAC colleague with us, we have a good turnout. And as long as we all know well in advance, then we just adjust our travel schedule.
	So, in fact, I do wonder whether we -- okay, it's a bit unfortunate for the public forum or, alternatively, we look in the morning and we try to find some way of getting it in. Because with the notable exception of Nigel, well, we're all here. And it would seem to me that here is a real opportunity, whereas, if you move it forward, squeeze it in, I would actually be very reluctant to see that we're not getting a GAC attendance at that working group.
Keith Davidson:	Sure. But as we have more events coming together, as we have with ISOC advisory counsel tomorrow morning, yeah, that would spoil it for you and I. We have to choose which one. After Toronto, the [CISOC] board meeting for two days, and so on. So, I think it is getting complicated and we're not going to resolve it by going around in circles here. So, I think let's see what happens with ICANN after here and whether they make changes, and let's just note that we probably do have to make some change some way.
	Okay, I think with that we're a little bit after our closing time, so thank you all for your participation today. I thought it was really excellent. I enjoy the face-to-face aspects, because it allows us to get very granular and concentrate rigorously on the topics in front of us. So, I think we made very good progress today and we'll meet again on the 12th of July. So, thank you, and with that I'll close the meeting. Cheers.