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Transcription ICANN Buenos Aires Meeting GNSO - ICANN Board Sunday 17 November 2013

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Coordinator: This conference is being recorded for transcription purposes. Thank you.

Jonathan Robinson: Good afternoon everyone. Welcome to the GNSO weekend sessions on Sunday. This is a meeting all of us look very much forward to with much anticipation our meeting with the ICANN Board.

So welcome to Steve Crocker and your colleagues on the board. It's great to have you here Steve. Fadi thank you for coming again. We - I know we spent some time with you this morning already and all of your colleagues on the board welcome.

If I could have the next slide please let me just give Steve a moment. Steve just a moment to...

Steve Crocker: Thank you very much Jonathan. It's our pleasure as well to be here. Let me ask my colleagues on the board to just stand briefly so that you can train your sights on them.

Good and Bruno Lanvin is incoming but he's exempt for the moment. And is Wolfgang here? No Wolfgang Kleinwachter is now on board.

Anyway it's a pleasure to be here. I'll turn the floor back over to Jonathan.

Jonathan Robinson: Yes why did you steal our counselor? Welcome again. So the structure we've set up in conversation with you is to - is a four part structure really.

I think we've got an hour and a half together. I think we'll probably take about 15 minutes on each of the first two bullets and around half an hour on each of the third and fourth bullets.

So in the first instance we wanted to give you an update. And I'll explain as to why from the GNSO. And then we specifically wanted to talk with you about the reviews.

As you know there is a potential for a board commissioned review that was that's due for that will include the GNSO in its purview. And we wanted to talk with the Structural Improvements Committee on that.

The Internet governance landscape the international governments landscape has been a topic. And although it's important, exciting, engaging there's a danger that runs away with the entire agenda.

And so whilst we've had a great session with Fadi earlier it's I think there's an opportunity here to talk with the board colleagues about this in - as well as having spoken with Fadi so we like - we'd welcome that opportunity.

And I think there's a natural desire to make sure we talk on some of the issues around the new gTLDs as well.

So if I could have the next slide please. So I mean you're all aware of the work going on in the GNSO. I'm sure some of you pay lesser or greater attention to it.

So in a sense there's a question of why should we even be talking to you about what's going on in the GNSO.

But I think there's a couple of points I and we wanted to make here is that there's a sense that sometimes there's a perception and reality gap that's exists between has existed or may or still exists between what goes on the work of the council and the policy work that goes on in the GNSO.

And certainly we hear a third perhaps more a year ago or some time ago perhaps we hear it's likely less now but there's a sense of elements of words like the GNSO is broken, policy development process is to slow, things don't work, GNSO doesn't do what it's supposed to do.

And I think we - there's a real danger that is a - that's a self-fulfilling prophecy. So one of the things we wanted to talk to you about is some of the positive progress so that we could engage you in the work that's being done and goes on so that you are aware of it and can be as much either our ambassadors and/or contribute to that.

So I think we want to highlight a couple of points really. There's some very positive progress that's gone on within the ICANN community over the last 12 months or so including some significant steps forward from actually with the GAC from a point of view point that we at one relatively recent meeting didn't even meet with the GAC.

We haven't made as good concrete steps forward although I've got I'm pretty optimistic that we'll start to do that in the - we'll do that between the period between this meeting and Singapore. We've set up the new mechanism a new forum for our way in which we work with the ccNSO.

And of course I think we've had some pretty good engagement with you over the last few ICANN meetings.

And we've really enjoyed them. And we've had a tone which is - we've been prepared to talk about things properly.

Within the work of the council and we've started to talk about a theme of continuous improvement about the effectiveness with which we work as a council taking some very practical initiatives to achieve that.

For example here we have on Friday this week when I first came into the council as chair of the council a year ago we typically at the annual meeting our new councilors come on board and we had no mechanism to formally induct and properly engage the councilors.

Typically the councilors came onto the meeting at the tail end of the annual meeting and we disappeared off around the world and never really - and I know many of you have worked in companies, on boards, in situations and the induction process those first kind of 24 hours metaphorically at least are critical to absorbing engaging and so that's one example.

There are others. We've set up a meeting between our weekend sessions now which we've had some minor logistical issues with but that the intent is there to squeeze in another meeting between the weekend sessions and the formal council session on Wednesday.

The purpose of which is to tease out some of the issues that come out of the constituency and stakeholder group meetings and make sure we don't go into the Wednesday meeting ill-informed, underprepared, or having not had the opportunity to percolate out some of the issues which - that can come out in a

problematic way in the public council meeting which then lead to the perception that we're dysfunctional.

So we're actively dealing with things like this at a kind of management and operational level. We've picked up the PDP process which we are fully aware is widely perceived within the community at different levels to either be too slow, not as effective as it could be, and began to work at improvements and streamlining of that.

In parallel with that we are aware of the draft recommendations the ATRT 2 and are starting to try to knit those into our own work on improvements and streamlining.

And of course we're aware of the prospective board permission GNSO review.

So all of these thread together to indicate that your GNSO if you like, our GNSO, our policy body our policymaking body for generic names is doing a variety of things to improve the way in which it works and to reflect well on you, on us, on the ICANN multi-stakeholder bottom of model.

So I guess what I'm saying is in short is we need your support and engagement with our work so that you can be potentially ambassadors of it and/or assist us in continuing to improve it.

Can I have the next slide? So there is an active stream of current work. And the last thing I'm going to do is talk you through it. But there is a very elegant simple summary prepared by ICANN staff that's called a background briefing paper.

And it's available to any of you to read in two or three pages. It will literally take five minutes to skim over it and you will be aware of that.

Some highlights I could quickly pick out are the work on cross community working groups. Something which has gone slower than some of us would have liked but nevertheless a vital tool to potentially find ways in which we have a common understanding of how cross community work can work.

Of course the Policy Implementation Working Group is something which is very necessary initiative that has been thrown into sharp focus by the commissioning of the new gTLD program and all of the challenges that that has meant that we face at a policy level, staff have faced on an execution level, and trying to understand how we don't find ourselves with that kind with those kinds of issues again. And of course the very high profile IGO, INGO PDP.

I'm - I think we're open to hearing any questions or comments on that. But certainly I know one of the points I wanted to highlight is that the Policy Implementation Working Group were very keen if at all possible to have any participation in enrollment at any level of board members who saw an interest in involving themselves in that.

So I think that's a whistle stop tour to try and present to you your GNSO in a more in a way that you can feel positive about and engaged with.

So hopefully that's done the job there. Perhaps I should pause and see - we can go on to the next slide (Lars).

So that's really all about the GNSO. And then we can move on after that on to talking about the next couple of items. Are there any comments or input or that anyone would like to make?

I mean I know Thomas is available if you wanted five quick points on the IGO, INGO PDP if that was something that - because it's been such a high profile issue we're going to go see the GAC a little while after this any comments, questions, or more thoughts on what I just said you?

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Steve Crocker: This is a full plate and very meaty subjects. Nevertheless I want to take you on a small not exactly a detour but explore certainly.

If you could back up about two slides I think. Let's see if that's possible yes. So there's three things that I wanted to mention partly related to what's on the slide here and partly adjacent to it.

I'm very, very pleased that you have the ATRT 2 recommendations already in view and that you're working on them.

The formal picture is that those recommendations are out for comment that the review team will issue a final report by the end of the calendar year. And then officially the board has six months to respond to them.

That period of time is devoted to getting decisions made about whether we accept or don't accept or except with modification the recommendations and what the implementation plan is and so forth.

And from prior experience we know that that time slips by very quickly. So getting a jump on that which is what you're doing it's an extremely constructive and appreciated topic because a piece of the planning process and before we respond is to find out what the impact is how it's received and so forth.

So your inputs to that process are absolutely crucial and are the front end of that process. So I'm kind of just emphasizing recognition and appreciation that you're on that.

I want to flag that it was essentially a year ago that the board initiated a strategic effort on next generation directory services which led to the formation of an Expert Working Group which I'm sure you're all familiar with there.

That work is still continuing and I think that the current schedule is that they will wind up their work at the next meeting in Singapore and we will get a report from them.

This is the right time and place for me to say the following. There's been a general expectation that what will happen with the result of that is that we will then ship it to you and say okay you implement it or it will go through your PDP (unintelligible).

I have a much less specific less definitive perspective on it. I think that the output from that group is absolutely crucial and I'll say a bit more in the second.

But the next step is where things will get really interesting because we need the assessment, we need the evaluation, we need the involvement of the entire community and particularly of the GNSO and it's entirely and the GNSO policy council to assess what to do next.

The basis for that work the basis for the decision that we made a year ago was an observation that the Whois system had some deep flaws in it but those flaws had persisted for an exceedingly long time.

And depending on who you listened to it's a decade or two decades or in my case I would say 40 years and that we needed to change the game.

We needed to not just keep sort of hammering on let's tinker with Whois but to look at it with a fresh take and step back and redefine the objectives and open up the set of possibilities.

Having done that we now have to proceed very carefully I think to understand the results of the Expert Working Group and go through a full-fledged consideration and thoughtful process about what to do. Input from you is absolutely crucial before the board makes a decision about what to say. That is the expectation is the board is going to pontificate and say okay we've received this therefore we're going to issue some directive or make some resolution.

That may be where things wind up at a sort of formal level. But I can tell you that you do not want to do that based on just what we can conjure up in the privacy of our little boardroom. That absolutely has to reflect substantive thoughtful and comprehensive input.

So I know I don't need to say you'll pay attention to it but in addition I want to say we will pay attention to you and the evaluation of that. And I want to make that a very big point.

The last thing I don't want to consume too much time here. This morning we had a kickoff meeting of a separate initiative aimed at raising the level of visibility about technical advice and improving our processes for acknowledging, recording, and responding to and coordinating the kind of technical advice that we get.

We had a quite good meeting. There'll be some notes from it. One of the takeaways was from a number of people who attended was that it's important for technical issues to be raised early in processes rather than late.

And that is tickling my mind in thinking about is it possible to take processes like the PDP and identify a point early in the process that's different from the latter point where there is something that's put out for public comment and act as a kind of information gathering on helping frame the technical issues, helping understand the technical possibilities and the technical limits, and to do that in a way that is embracing of openness of the possibilities as opposed to, you know, here's what we want to do tell us what you think about it. Now we understand that there is no technical advice that isn't intimately intertwined with implicit policy issues.

But nonetheless there is room there I think for a bit of open discussion about technical possibilities. And helping to frame those questions accurately enough so that later discussions about what the value choices are fit within those technical possibilities. Thank you.

Jonathan Robinson: Thanks Steve. Before we go the queue I just very briefly want to let you know we did hear immediately prior to this from the Expert Working Group frankly it when the Expert Working Group was commissioned it was a sensitivity and it relates to a bigger sensitivity of work how that goes on outside of the GNSO when it impacts on the GNSO or is directly connected to the GNSO work.

But I'll let you know that the response was very warm. And the EWG as far as I recall has been the only group that received a round of applause from us through our weekend session. So they seem to be in a very positive and very warm the received piece of work...

Man: Great.

Jonathan Robinson: ...so far. So let me Sebastien.

Sebastien Bachollet: Thank you. In the (unintelligible) of your presentation you talk about the organization of the meeting for the GNSO.

May I suggest that this bring to the meeting strategy working group by the four member of the G worlds who are participating to this working group namely because I got the impression that you maybe don't know (Donnell)'s team Michelle Chaplow (unintelligible) and Paul Diaz.

They will be a good convener to our working group to take into account your needs your evolutionary needs because it seems you are evolving in your needs and it would be useful.

And it's a Meeting Strategy Working Group who are a multi-stakeholder group. And I am chairing it. Thank you very much.

Jonathan Robinson: Thanks Sebastien. Appreciate that invitation. (Ray)?

(Ray): Thank you Jonathan. I want to pick up on some things that Steve said with regards to the next gen directory services in policy and so forth.

And the point that Steve made about the fact that the management of technology which is what we're doing the technical management of certain portions of Internet implies policy.

And it's definitely true of what's going to come out of the next generation working group. And there are certainly aspects in there that are actually going to require policy decisions.

I would caution you against trying to have an omnibus directory services policy. You would probably get more done more efficiently if you did an analysis because a report, you know, is both they have pork in different areas.

And so I think you would be better served trying to look in, you know, specific areas as far as to where there needs to be policies made and do it that way.

You know, without belaboring the point a lot of the problems that we've had with the Applicant Guidebook is precisely that is that there are number of elements in the Applicant Guidebook which probably should have gone through a policy process and we wouldn't have the same kind of difficulties and questions that we have today. Here is an opportunity to take a what amounts to a report a path forward and look at those things in there that are going to require basically criteria take decisions. And those things actually should become the elements of a policy discussion.

But the biggest thing I think is that to not try and make an omnibus policy and to actually make a series of policies and you can group them into some kind of a category or something like that so you have them all together at one point.

But that way as the environment changes over time you could make little tweaks and changes here by just changing that particular little piece of policy.

Jonathan Robinson: Thanks (Ray). One of the things that came out of the meeting immediately prior with - on the work of the IATF on the WEIRDS work was a recognition that actually Whois was being tackled in multiple different ways right now.

And so what we - one of the points that we haven't absolutely settled on but a suggestion that was made was to try and do some work to synthesize or at least understand the coordination between these multiple facets of work on Whois going on. And I think that ties in quite neatly with what you're suggesting.

So I wonder if the one of the point I'd make on your third point Steve is that actually I think we the GNSO has an opening and for good reason it appears that for liaisons from other SOs and ACs and for good reason it appears that that's not something that the GAC wants to take up which is why we're exploring other ways of working with the GAC. But it strikes me that maybe there's an opportunity for the SSAC to take up that liaison point. And maybe that's something we can take off line with them in terms of the technical coordination and policy and so on.

I don't know. I'm not sure I'm treading on something sensitive here or whether that's something that's being discussed or dealt with before but it's (unintelligible) suggestion.

Man: Ram Mohan is a member of SSAC and is the SSAC liaison to the board. So there's an action item.

Jonathan Robinson: Any comment Ram or should we take it off line?

- Ram Mohan: Nothing to say that hasn't already been said in other places so give the time back to you.
- Jonathan Robinson: Thanks Ram. Let's move on then to the next agenda item which is to hear from (Ray) on the - (Lars) if we could just move the slides forward to the what you've got here from (Ray) on his thinking and that of the Structure Improvements Committee on reviews and the impact on perspective GNSO review.
- (Ray): Thank you Jonathan. Let me start by saying that there are a lot of people that say that we get reviewed to death.

We don't know where they whether we're coming or going with regards to reviews, and what are we doing, and whatever happens to these things and what, you know, a whole number of things.

And yes we agree. And we've set back and took a look at - and one of the reasons why we delayed had the - requested that the board delay the start of the GNSO review was to let a couple of these activities occur one of which

being the ATRT because they were evaluating or if you will looking at the policy process in the GNSO.

And also the strategic planning process which is also is in a sense does reviews because when it does it's beginning look at things and does the squat analysis that is in and of itself another review if you want to think of it in that term.

And so looking at what we had talked about with several of you before with regard to the two pronged approach or the macro and micro in terms of that determination of criteria and ways to move this thing forward.

We've actually expanded that thought a little bit and we've actually decided that the term review is not necessarily the best term to use.

And probably a more appropriate term to use is audit because it reflects the importance of this to the organization.

And if you think in terms of a financial audit there are certain standards that are used. There are - there's a certain discipline that's used.

It has an extreme importance to any organization. But two things are characteristic of it. One it tends to be done without a lot of hubbub let's put it that way.

There are some people that are actually very directly involved but by the same token its work is recognized as being very important. And it is published. And it is a matter of public record. And so we thought well it might be better if we started thinking in those kinds of terms.

The other thing that we looked at was the fact that the previous round of reviews really had no structure. It was what was ever thought would be the best way forward by the consultants that were hired. And in some cases they really didn't know what was going on. And I can attest to that personally having spent some time with the reviewers when I was a CEO of Aaron trying to explain to them how the GNSO worked. So it it's a problem and so there needs to be some (unintelligible).

Another thing that characteristic was is that the review never looked forward. It never said well what's - where implications to the - from the future from what you have?

It had never looked at for example the relationship between one supporting organization and another. And so those are all things that we need to take on board in terms of moving forward.

So I believe that you've been provided a link to a concept paper that we've been working on inside the Structural Improvements Committee.

I won't belabor and go through in detail what it says other than to point out that we've identified four types of audits that need to occur.

These do not have to occur simultaneously. They do not have to be done by the same group of people. And they do not have to involve everyone.

The first one is a process audit. And in a process audit we are looking at processes. We are looking at the process from a standpoint for example does it have bottlenecks? Is it documented? Do people know what it is? That - are the people that are participating in it know what they're doing?

We look to see that - if there's certain things that occur if your process the standard for your process would be the process that you have defined.

And so if your process has at certain points of time you have to have a meeting we would look to see - we would look to see if you had those meetings.

The - what we wouldn't be looking at the individual elements inside that process. That comes in what we would call a Processed Elements Audit which can then become actually a more real objective type of almost a checklist type of a look at things.

So for example let's take the example of meetings. We would then look at how you conduct meetings in other words do you give notice, are minutes processed, and when are they published and those kinds of things that are established with regards to meetings. And there are a number of other things along the line that we can look at as well.

Then with regards to process every process hopefully has an output has a product I mean that's why it's there.

And so that leads to the third type of audit which is an output audit. And that's where you actually do what amounts to the quality analysis of what the process produced.

So in the case of policies it says that perhaps a year to 18 months after you put a policy in play you look at and you say did it do what we thought it should do?

Did we get an unintended consequence? Did it create more problems for us? So you actually are doing the audit of that output.

And you can then decide whether or not you need to have a new policy or change the one or it's good to go and just keep it moving.

And the last one is a structural audit. A structural audit is really you're looking at the capacity of the organization to do its work.

You're looking at its capacity both now and in the future. And in all the other points we look at that as well because will this process work going forward given the fact that things that we know about the new environment?

And you're looking at the structure, you're looking at the capacity, the ability of the organization to do what it's mandated to do.

So that's a general concept. And like I said these will not be done necessarily in conjunction with each other.

They do have to at some in point in time be coalesced together because the output of all of this needs to go somewhere.

And what has happened in the past is that it's gone into some sort of a list of recommendations followed by an implementation report. Then followed by okay let's figure out how to do it.

The how to do a piece of it is the interesting thing because then we end up with special budget requests and all kinds of things. And it becomes a separate thing from the way we do the rest of our business.

What we need to do is integrate the output into the strategic planning effort. And make sure that the- that what needs to be done can be covered by one of the objectives that's there if not then we need to have a new one.

It needs to be folded then into the operational plan where the projects come for implementation and which then will lead it to it becoming a budget item.

And so the idea is is that it then becomes institutionalized. And it's part of the organization. We don't have to answer the same kinds of questions that we

did after ATRT 1 which is is this how is thing going to become part of our DNA?

It is going to be part of our DNA because we have identified the means by which we're going to integrate it.

So how are we going to do this? We're beginning to discuss that. One of the key elements that was missing I think from the last one was active participation by the organization that was under review.

And the only active participation you had was maybe being cornered in a hallway by a contractor who was going to sit down and ask you some questions about to what we did business or what your opinion was.

That's not really active participation. We need something more than that. There's some things that you need to do yourself.

And one of those ways of doing it is to look at the utilization of a 360 style of assessment. Quite clearly to me and we would do this we will do this with surveys targeted surveys very specific questions.

But one of the things I would see is that from an internal perspective is that the GNSO however it wanted to do this would look at its own work that was done since the last review.

How well did we do? Did we implement what we said we were going to do and if we didn't how well did we do it? Did we have problems doing it those kinds of things?

And there may be other things that we decided to move forward and define the criteria that you would look at. And that's not all I see as the active participation by the GNSO. There may be other things that I'm not quite clear in my mind yet what it is.

And actually we're going to be coming to you and asking you for input because we need to have you the GNSO own the GNSO review. ICANN is going to facilitate it and help make it happen but it's you that has to really make it work.

The second thing we're going to look at is the formation of a Community Working Group. And we have to decide more about what this - what the remit of this Community Working Group is.

The obvious thing that you can say is well gee they can be the guys that do all the planning in this go on and then we'll go out and hire some consult to do the work.

Well I think there's probably more that could be done here. One of the things that this Community Working Group could do it could be the body that actually takes the inputs from the 360 assessments.

You know, other organizations outside of the GNSO will be doing assessments on you as well. And also we would pull the board and pull the staff so we're looking at many different directions.

Okay we've got the audit's going on in terms of process elements that's a checklist thing. You hire a guy to do it.

And you're really looking at hiring an auditor type of a person and saying here is what I want you to look at here's the standards. Answer these questions and they would produce data. And this Community Working Group could then take these kinds of things and bring it back. And they would be the ones that formulate the recommendations.

And they are by taking input from other places. But one of the problems that the ATRT 2 has had is just that effort of having to go out and collect the information.

And so they've surrendered a certain degree of time where they could actually be focused on what the data really means. So this will help in that regard as well.

And so in the end we're going to be asking you questions. The SIC is moving forward on this. Hopefully we will have before the end of the year a paper that's beyond the concept paper that's been provided to you which talks about these methods and also at that point time we'll be looking for in the early part of next year input from you.

The idea is to get this whole system put together so that we can then conduct the first series of audits if you will with the GNSO.

So the GNSO gets to be pioneer in this if you want to look at it that way. And so there's a lot of things that I'm looking forward to in terms of being able to use your expertise and experience in making this work and move forward. And then we can adapt it to the rest of the organization.

So I know I probably took a little bit more time than you want me to but I hope I didn't take too much time.

Jonathan Robinson: Thanks very much (Ray). I know people are very keen to get an update. We've got a lot going on. I think Jeff you had a question or a comment. So let's see if we can I suspect there's quite a lot we want to take off line with (Ray) as you develop your thoughts and ideas. And we'll try to find a way of doing that but in the meantime go ahead Jeff.

Jeff Neuman: Thanks. This is Jeff Neuman. Thanks for the update (Ray). And I actually like the way the audit concept was headed. I kind of like that.

One of the points that I made earlier on and I would like to make in front of this group is that we've had a lot of reviews in the GNSO over the years in different ways whether they've been formally -formal ones through the board or ATRT or whatever.

But there's one thing that's never been done in any of these reviews. Every review is involved interviewing people and talking to people as to how - what their perception is.

But I've never had a reviewer -- and I've been with the GNSO, DNSO for 13 years right -- there's never been a reviewer that's actually observed us. That's actually come into our meetings. Actually everything is based off of perception.

But there's never been someone from the Structural Improvement Committee that's been in our meetings. There's never been anyone from the ATRT that's been in our meetings watching us.

There's never been anyone back in the evolution and reform I think we called it with Alejandro Pisanty when he did that back in 2002, 2003 whatever that was.

And the London School of Economics they never came in and observed us they actually just talked to people. And that's got some value.

But as I use this example when I go see my psychiatrist no I don't really have one so please don't well I might but I'm not going to admit it. It's basically like someone prescribing me medication to fix my problem without ever observing me but talking to all my friends' right?

There's a lot of perceptions and there's a lot of people that will tell how crazy they think I am maybe they're right. But the only way to know how crazy I truly am is to actually observe me. So that's my point.

((Crosstalk))

Jonathan Robinson: Thanks Jeff we'll keep watching.

(Ray): If I may respond although your paranoia is noted. You're raising a very good point. And I'm talking about ways of active participation. And this may be one of the ways that we could do it is find out a meaningful way of doing it.

And I totally agree with you the process in the past of basically grabbing people and talking to them is not effective. And it has come up with uneven recommendations. It's come up with poorly formed recommendations.

And yes I can remember the first GNSO review so vividly it was myself and two of the other regional registries CEOs were asked to be interviewed by the reviewer.

And the very first question he asked us I can't remember specifically what it was but we all looked at each other and said this guy does not know what he's talking about.

So we spent most of the time trying to educate him about ICANN, the structure, and what the general missions and so forth were.

And we asked him kindly that after he went out and found that all this information as far as how things worked and could actually form some good

questions and come back and ask us for our opinion then we never got asked again by the way.

And so the - what you're suggesting Jeff I think is very valid. It would be very helpful for me if you could put that into a paragraph or two and then just send it off to me directly. It would be very helpful. Thank you very much.

Jonathan Robinson: Thanks (Ray). Wolf-Ulrich?

Wolf-Ulrich Knoben: Yes thank you very much. (Ray) well I am also (unintelligible) audits I like that but you can call it as you like.

So I think one of the most important things is when you set the frame for this as you think about the timing as well.

And so that we could have the kind of goal or target of that and that's not just running away. And then it turns out like it's the last time (unintelligible) review we are self-engaged in that is of our own three years is that process.

So really take that seriously that we could have a process which is really very clear which very in a time in a timeframe which is rational thank you.

(Ray): Very briefly we have actually looked at that and when we talked to several of you before when we're talking about the micro-macro approach we actually talked about the five year cycle.

> And in that five year cycle most of the time in that five year cycle was spent by the organization operating under the recommendations from the last review.

We essentially looked at the front end of it if you will as actually being the backend. And that is the planning and organizing the criteria from the last review.

But since we're starting over if you start from that standpoint when you look at maybe a year year and a half to put things together and get started in moving along and getting it done to include the development of getting things integrated in strategic plans and so forth.

Then that leaves you probably about a year or so to actually go through and make sure you get things are moving in the right direction.

Then you take two years to operate under these recommendations. So you get some experience. And you can document it.

Now one of the things that we hope to be able to provide and we will if you help us is the ability to for yourselves to do self-reviews whenever you want.

You may decide I want to do a process audit on this. I would fully expect that every one of your processes would have built into it an outcomes audit so that you would automatically look at the outputs from your processes.

I fully would expect that at some point in time that you might decide that you want to get a look at what's going on in the organization that's perceived by other people. And so you might want to talk about some kind of a cross constituency assessment.

So these are the kinds of things that you could do yourself as things move along to help plan where you are so that when you get to the end of this two year operational period you actually sit down and do the self-assessment about where you are and so forth and that becomes part of the feed into the next formal audit cycle.

Jonathan Robinson: Thanks (Ray). I'm very conscious that there's a number of other items and that these are areas that there's some either strong feelings about or strong interest in. And so I think we should move on with your permission. Great so thank you very much for that update. And let's move on now to this area of international (unintelligible) if we've lost an I on the Internet here. I don't know what that means.

But I think really this is an opportunity. We've had some background discussion with Fadi this morning. We've had some quite effective dialogue and discussion around it.

I really think this is an opportunity to hear a little bit more about the board's role or views on this but also for questions from within the GNSO that are floating around.

So I'd very much like to turn this over to provide some I don't know Steve if you want to make any remarks at all to set things off or if we should just open it up to sort of Q&A type discussion?

Steve Crocker: And I'll say very briefly and things have been moving very rapidly. We have watched over a period of time the complexities about the Internet governance discussion.

And whenever we talk about Internet governance in the ICANN arena it's probably helpful to distinguish two broad classes of discussion.

Some of the discussions about Internet governance is focused on the role of ICANN, the structure of ICANN, the control of IANA process and so forth.

And but there is a much larger Internet governance discussion about the totality of issues of which ICANN is involved in a relatively small fraction of them.

It's really the latter discussion that has developed quite a bit of body and lift over the past year. And the events of the last few months have been quite remarkable in adjusting and shifting and opening up the nature of that discussion.

I'm happy to have discussion and involve anybody else (Bertrand)'s got his hand up already?

(Bertrand): Yes just two elements. The first one is to complement what Steve has just said. One of the big challenges is that when we talk about Internet governance there is a misunderstanding.

> When we stand from ICANN we see it mostly as all the issues related to policy making for standards setting in the logical layer the naming, addressing system, the standards and so on.

If you look at the definition of Internet governance that came on the world summit on the Information Society it says that it is a much of a development of regimes that shape the evolution and use of the Internet.

The evolution of the Internet is what we could call the governance of the Internet of the logical layer. That's what we are in. That's our mandate with the sister or brotherly organizations with the ISTAR community.

The use of the Internet is basically the governance on the Internet. And it covers a lot of issues that touched upon things that you do mostly in your activities but that do not necessarily fall within the realm of what ICANN does.

This means for instance freedom of expression, privacy issues, copyright protection on the content. The whole content and application layer is not within ICANN remit.

And so one of the big challenges that we've all faced and that explained in a certain way the urgency that has been expressed in the last few months and weeks is that there is no space at the moment save the Internet governance forum to address those issues of governance on the Internet in a multistakeholder manner.

And from your observation point of view you see that today most actors are confronted with the absence of international frameworks to discuss this.

And therefore are very naturally resorting and it's not an accusation at all to the tools that exist i.e. the multiplication of national roles to try to solve some of those issues.

And so it is not a matter of whether it is the governments or not the governments who handle this it's the risk of having a proliferation of different national regimes each of them being elaborated perfectly with good intentions even but that will be piling up and be very hard to reconcile.

And for most of you who are active in this sector the notion that you have to be confronted with the patchwork of national different regimes is something that triggers the need to demonstrate that the multi-stakeholder approach should have the better transnational collaborative approach to most of those issues is important.

So that's the first item. And the second thing shorter is I wanted to give a testimony to what happened during the IGF in Bali a couple of weeks ago.

I participated in all the IGFs since the inception. And those of you who were in Bali may confirm or infirm what I'm going to say.

It is the first time where there was a positive dynamic tension within the IGF itself because of two reasons one negative comment concern which was the overshadowing of the (Snowden) revelation the surveillance challenges.

And second the - let's say positive even if full of question marks common topic of discussion which was the initiatives that led to Brazil announcing that the potential meeting in April or May.

The fact that there is now this milestone is actually changing and has changed in basically a month. A lot of the discussion because the principle that the multi-stakeholder approach is appropriate to handle those issues of governance on the Internet now has its own track.

And so I just wanted to give this testimonial because as an old timer of the IGF there was definitely different feeling and dynamics around this.

And I think the main objective is to make sure that the Brazil event as much as we can is a success and a multi-stakeholder event that establishes a demonstration of the usefulness of the approach.

Jonathan Robinson: Thank you (Bertrand). I have got - I'm aware of John Berard, Volker, is there anyone else wanting to speak Wolf (unintelligible)?

Man: (Unintelligible).

Jonathan Robinson: Go ahead John.

John Berard: Thank you. John Berard GNSO counselor from the Business Constituency I think what I just heard from (Bertrand) is more evidence that he has been quite an influential person not just inside ICANN but outside. I appreciate your efforts on Internet governance I subscribe to newsletters although not to every point of view that you have.

> The one concern that I do have much more practical is that as the scope perhaps not of the mission bit of the issues that ICANN is spending time on and the pace at which we are moving or it is moving to deal with these issues

there is an organizational tendency to diminish distractions so as to be able to accommodate the consultations that make the decision making.

And the concern that I have the evidence that I have seen is that those - in eliminating distractions tips into becoming a more secretive organization.

And some of my colleagues for example have suggested that the board resolution from September where Fadi was authorized to his word energize the international community has some of the same characteristics as a (Fisorcort) wire.

You know, the concern that some of us have is that as things move quicker on a wider field of paly that there'll be an urge to do things further and further from the view of the community. And so that's a concern that I would like to put on the table.

Jonathan Robinson: Any responses or comments that anyone would like to make to John's point?

Steve Crocker: Well let me speak to it a bit.

We're going to say quite a bit more later today in opening comments tomorrow. But I'll give you the basics here.

We were speaking for the board, we were quite strongly convinced that it would be a very good thing to engage in this Internet governance melee as it were - I'm sorry. We were quite - speaking for the board we were quite convinced though the importance of the this subject and the need for creating a broad-based collation that was certainly not just ICANN but not even just the iStar community but a much broader community.

And there's - there was a kind of tactical question about how to take the insight that we shared with Fadi and move forward with that.

And there is a challenge of whether you lead from the front, whether you lead from behind, how do you help energize other people and not have the backlash if you will of seeming like we're trying to be in charge of grabbing power.

So on that account we carefully -- and we don't do this lightly -- engaged in the sort of delayed disclosure strategy of telling Fadi we strongly support all this, please go forth and upgrade the coalition.

And then let's try to do this with as little fanfare about waving the flag like we've - we're leading this charge and we're making a charge like at ICANN.

So yes we understand that that in itself carries its own burden and leads to a discussion like this.

But it was a deliberate choice that we made. And among the choices that we have to make that was the one that we thought was the best.

We are taking the wraps off of the very straightforward resolution that we passed then and we're passing another resolution that will confirm that that's the direction we're on. And we - we'll try not to have any more of this so-called secretive stuff.

But yes, we're very, very conscious that anytime that we do something in camera we better have a very specific and contained reason for doing that.

Jonathan Robinson: Thanks Steve. I've got a number of people in the queue. Most of them are councilors but so I'm very - I'm keen to make sure that we balance it. Okay thanks (Erica). Okay so Volker is next.

Volker Griemann: Well Volker Griemann speaking. Steve has already answered most of my questions which was also regarding the secrecy so I'm just going to cut it short.

I think it's worrying that such secrecy is required that the secret decisions are made. But under the background that you just described it's understandable that this decision was made and I would support in this case as well. So I'm just handing over to the next question.

Jonathan Robinson: Thanks Volker. Next in line I've Olga and then we'll go to Wolf-Ulrich.

Olga Cavalli: Thank you Jonathan. Let's see if we can close the circle on some other impressions on what's been called secrecy and panic or urgency.

But without hyperbole what we're really talking about is confidentiality and timing.

So on timing sometimes as we go about our ordinary course of building while filling our mission, the mission of ICANN and what we all do in the immediate Internet community there are events going on around us regarding Internet governance that are not an integral part of that mission.

And by that I won't go into great detail. My ex-colleague (Bertrand) has named the organization and the dialogues that were taking place.

No one in those contexts either at the UN or at the ITU or in the preparations for the planning (potentary) was going to come with a notepad to ICANNs door and ask Internet community, ICANN specifically what do you think about all of this?

So while that situation was playing out a vacuum of opinion was being created. And as time went on it became more and more evident that it was

time for I would say deliberate action not in a panicked way, not with an undue urgency but it was definitely time to wake up and react.

And that time came around the September timeframe because it coincided specifically with the outcome of the preparations in the Latin America region for the World Health Communications Development Conference at which it was clear that there was a consensus for a dramatic change in the Internet government space.

With that panorama then the board had to consider well how shall we go about the beginnings of a reaction? And it was clear that the beginnings of the same should be very low key, should be very consultative.

And the only way to proceed with a low key consultative very preliminary response was to do so not in a secretive manner, not in a conspiratorial manner but rather in a confidential manner.

Why? Because the informality of the necessary initial consultations that needed to take place had to be just that. They had to be informal.

If they were formally announced in a public resolution, et cetera, we would have been taking away from them the very necessary nature. They would have been pre-announced. They would have been studied and analyzed globally. And they would not have been received with the creative and successful responses that Fadi was able to glean.

From that the board was in constant communication although restricted by the confidential nature of the resolution with Fadi. And frankly we were all very impressed in the most positive way with the results that were being obtained and by the same token very eager to share that with you and consult with you our further steps which really brings us to today. Thank you. Jonathan Robinson: Thank you Olga. It's very helpful to have that insight. And you - I'd just like to remind us of the conversation so for the rest of the board that wasn't there with Fadi.

Our conversation with Fadi this morning very much had a forward-looking way. So whilst it's very useful to dig into designs I think for many it's a very important set of questions to ask.

I wouldn't like the board to think that that is the only emphasis of the GNSO. So let me hand over to Wolf-Ulrich.

Okay so Wolfgang you've covered (go ahead).

Wolfgang Kleinwachter: Thank you. So I'm not going to be repetitive but there are transference issues obviously involved. And I think you've done a great job by the way of explaining some of the aspects around here so thank you for that.

As far as the consultation a confidential consultation is concerned I think it would have been helpful maybe that some of the groups within the community maybe at a leadership level, et cetera, may have been taking the confidence confidentially was well rather than just outside ICANN. It might have helped it. And, you know, that's in the past fine.

What I hear now basically is, you know, we would like this process to be multi-stakeholder, everybody needs to pitch in. We need to do all of this stuff.

But challenges with that so far anybody we speak to really talks about aspirationally what ought to happen.

But we haven't really heard beyond the fact that you guys need to go and get involved. And our hands are off this. We've done this. The baby is in your hands. They'll say well what's the strategy of ICANN itself now? And I think if you accept the fact that you should have been involved in this and reacted and responded well then you need to also accept that you need to have a strategy and not simply tell the community that okay it's your problem now, go to one net and guess what, it has no resources, it has no staff but this is your problem now.

So I think - I don't think that's what you mean. I think what you're trying to say is we want to keep our distance from it so that it's an independent process and I respect that.

But I do think ICANN needs to have a strategy because there are things that we have heard directly from government representatives the use of the word summit, the use of the words -- and I'll repeat these -- that the multistakeholder process is no big deal and nothing new because this CGI is a multi-stakeholder process. We know multi-stakeholder more than you do.

That's a problem. It needs to be fixed. And we need a strategy not just say well everybody keep on sort of tooting the horn on this but what's the strategy?

Second, equitable redistribution of Internet resources, (verbit) and response from the (unintelligible) Brazilian government, what's the strategy to address that?

Decisions will be taken for "implementation" at this event which they call summit and they'll discussion with a summit or not (sic) but decision for implementation in other forms will be taken.

What's the strategy that ICANN has for that? It would be helpful.

And lastly what is the engagement within the ICANN community to for this issue? It's not an - not specifically a GNSO council issue. But what would the

board would like to see us as a community get involved? If we were to go to one net what can we do to collaborate and coordinate here?

So these are all forward-looking issues. I think it's fine that we want to move forward, we want to help, we want to pitch in. But then what's the strategy?

And then we - were' looking to you, the board to help us sort of craft that or help us with resource, et cetera, because without the resources it can't happen.

Jonathan Robinson: So it's actually the - (presuming) of an outcome that's going to be - it's called a global multi-stakeholder conference on the future of Internet governance. So they're not calling it a summit.

Wolfgang Kleinwachter: Oh well that's fine. That's great but...

Jonathan Robinson: So just the clarity.

Wolfgang Kleinwachter: But that's - but that doesn't say what it's - what are the issues that are going to be dealt with? Equitable distribution, that's fine as a title, doesn't address the issues I just raised.

Jonathan Robinson: Okay I've got a response from (Erica). I'm very conscious of time and yet this is important. (Erica) go ahead.

(Erica): I didn't actually wanted to say something because I think it's still quite early to talk about it. But let me just maybe make a brief comment because I think the last comment is it's extremely important. And I think it highlights the fact that we have to find a way how we can work together now because this meeting I coming up. This meeting will set a kind of president for other things to come. It's - and it will - I think I like it because it brings the great countries closer to what we want to achieve.

And I think it is important to have them on our side. It's always better to have somebody as a friend instead of an enemy. Let's put it very frank.

So I like it but I think there's a lot of which needs to be done to put everything on the right track. And we should work together. So you work - I think I actually very much supporting what we discussed in the board. We had a long discussion yesterday. We will debate it about again.

So I mean all ideas, everything, you know, which you just said and then somebody would love to (weight it) it would be perfectly find and it's important for us actually to get it right, not just the board but we all together. Yes.

- Jonathan Robinson: Thank you (Erica). We've got either Thomas and Jeff in the queue and then I think we'll switch to the last topic. Wolfgang will close the queue on that on this topic afterwards and we'll try and get a few minutes on the final topic.
- Thomas Rickert: Thanks very much Jonathan. My name is Thomas Rickert and I'm a NONCOM appointee to the GNSO Council.

I hope that I will not sound too negative with my comment. And I would like to give you reassurance that I very much support the idea of ICANN not leaving the vacuum in the area of Internet governance.

Nonetheless I'm not entirely sure whether it is possible as you said Fadi to just energize the discussion and then not be seen to be responsible for what has been started.

And I think there are chances that this form that's going to be created in Brazil is going to be abducted or used by third parties to present ideas of a multi-stakeholder model which is not identical to our understanding of the multi-stakeholder model or where projects are being kicked off that might turn out to be detrimental to ICANN and its mission.

And my question is to you whether you are strategically thinking of ways and how to navigate out of that to avoid damage to the reputation of ICANN as an organization particularly in the light of huge parts of the community having been caught by surprise for this initiative so there was no upfront community backing.

Fadi Chehade: Now if I could answer this and I partly answer Zahid as well.

Look, we're not going to the Riviera for the next six months like we're going to be very, very, very engaged.

But we - the change in posture is simply how do we get engaged? And to date to be frank the board gave the staff the opportunity to just energize the process.

Now where we go from here when I said this morning that we need to step back and Zahid and you now are saying hey, hey, hold on before you leave, what I meant is staff should not be leading anymore on its own.

Now it's time we all come together and indeed develop an ICANN strategy that feeds into all of these four.

The good news is we understand how these four are working whether it's the steering committee of the Brazilian conference or the one that coordinating committee was trying to form. We've been there so we know what is happening.

We need to now bring our community with us so it's no longer to be quite direct. It's no longer staff or Fadi leading. It's rather all of us together strategizing and going into these places and making our voices heard.

So we will do that. We will do that actively. We will be working with the community through our SO and SE teams to form working groups to start thinking how we're going to participate straight into a net but also amongst us because we are a very diverse community as well just even in this room. So we need to have common strategy.

And some of you I know will go straight to (one net) and be engaged there and that's good too. I mean it doesn't preclude it.

But I think we as ICANN will work with our community now, not anymore with this kind of energizing process that happened in the last eight weeks. That's now behind us. And we need to now mobilize.

So as (Sally) said we kind of we moved in three steps. First to protect ICANN, then to energize. And now we're into the third phase which is to mobilize.

So we studied why we need to do this. It was to protect ICANN largely. And that's why we did it. Then we energized the processes and created the coalition.

And now we're moving into the mobilizing state where we need to work together, strategize and win. And we will win. We will win. Don't worry too much.

Jonathan Robinson: Wonderful. Thanks Fadi. And now I've got Jeff in line and Wolfgang is the last. So if I could ask you to be as brief as possible so we can try and touch on the last topic at least.

Jeff Neuman: Yes thanks. This is Jeff Neuman. And I am not an Internet governance specialist. There are so many others in this room that are much better at this.

And so my point is only kind of tangentially related which is my concern is that we are going to spend so much time on this issue. And that in our effort to preserve ICANN's existence that could be the very thing that distracts us as a community from achieving ICANN's mission.

And that's my great concern. ICANN's very unique in this whole ecosystem. We're not just policy. We're not just governance. We are - ICANN is an operational entity.

And my just caution is that this is extremely important -- I'm not saying it's not to pursue Internet governance in the role.

But what's more important and what will make us look - or simply more important - what is also important is - or what would be worse is if we fall down on the very thing that we're trying to preserve.

(Nick): Let me just offer a quick response.

Jeff Neuman: Okay.

(Nick): Jeff that very point about what is the mission of ICANN versus these various distractions has occupied my thinking from my very first involvement with ICANN over more than a decade.

> And I use to draw somewhat humorously a three layer cake with a very thin layer at the bottom which was the technical stuff and the IANA function, a much thicker layer for the contracted party relationships and so forth and then an enormous frosting and whip cream structure for the political involvement.

And as they say I take your point very seriously. We are still ground and still focused on getting the job done.

And one the rather dramatically great things about the period we're in due in large part to the extraordinary capabilities of our CEO is that we do have the bandwidth, we do have the capability.

But the risk that you've identified is one that we're deeply conscious of on a continuing basis. And so we do have a very strong focus on operational excellence, on efficiency and effectiveness.

And because without that we lose our legitimacy, we lose our capability. We understand that very deeply.

Jonathan Robinson: That's a very neat sort of segue into this next topic (Nick) because that's in some ways is as I understand the purpose of having this next topic.

Wolfgang you happy to pass or would you like to talk?

Go ahead.

Wolfgang Kleinwachter: There's only one point to Zahid when he asked what can we do? My recommendation is go home, talk to your government and explain the differences between multi-(lateralism) and multi-stakeholderism because it's a good way to make a contribution.

Jonathan Robinson: Thank you for that very practical suggestion Wolfgang.

I know we now have a very short time. We've got ten minutes to touch on an enormous topic. But I think the reason this topic is here is for precisely that with the dialogue that Steve and Jeff just touched on. There's also some really practical work that's coming up today. Thomas did you want to say something about the IGO INGO PDP? If you could keep it very brief. But I know you just want to make - you've done some sterling work, spent all the hours with (John Central) and I know you want to just make a quick point before we come into some questions in and around new gTLDs.

Thomas Rickert: Thank you very much Jonathan, Thomas Rickert again. And I would just like to use the opportunity to give the board a brief update on the PDP that you called a case study as well as the GAC. So where are we with this?

We have passed on the final report as well as a motion to council that would be deliberated on our during our Wednesday meeting. It's an 80 plus page report that we've prepared. And it took us a little bit over a year to complete our work including 29 recommendations.

And I think this has been an excellent case study of how good faith collaborative effort both from the community as well where staff can work.

You know, the staff support was nothing short of excellent. We had 42 Working Group members more than half of which were active all the way through.

We had weekly two hour calls. And rest assured I think that you already saw the controversy surrounding this issue between the board and the GAC. And the challenges inside the Working Group have not been less than that.

But nonetheless we - I think we came up with very well considered recommendations that will be discussed by the board. And I will provide further input on that and answer all your questions after the board - sorry, after the GNSO council has deliberated and decided on this on Wednesday. Thank you.

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Man: (Unintelligible)?

Thomas Rickert: Thank you.

Jonathan Robinson: Yes I'll publicly congratulate you as well Thomas. I think tremendous work. I mean I'm not sure it was a challenge I could have taken on and so I think well done.

I mean what kind of an effort that was to try and shepherd that through to get it with the determination to get it to the point where it's ready to be reviewed by council. Fadi?

Fadi Chehade: And I want to propose something. This is an idea that just popped in my head because we remain defensive about the GNSO network. I still heard it today.

We should stop being defensive about our work. We do great work of policy. And I - so I'm going to propose something very practical to my team.

If you're open to this I'd like to get a PhD student or something from a governance school from any university you'd like, fund them to work with us to actually study this as a case and compared to how other bodies make policy. And I bet you we will look stellar.

A year, you make it sound like oh, it took a year. Okay let's have another body produce 29 recommendations with all these inputs in a year all volunteers.

Thomas Rickert: And rest assured I will convey that to the group. Thank you.

Jonathan Robinson: Thank you Thomas. Thank you Fadi. We have - the - we can throw it up into a couple of questions. We've literally got five minutes to wrap things up. So that's probably going to have to make one or two questions if there are in and around the new gTLDs and this - the question for the board and attention on this if we haven't already made the generic point that we sought the reassurance that this is not being lost or in some way superseded by all of the attention on the Internet governance work.

(Shareen) and I don't know if you want to say anything right off or if there are any questions from within the room or comments?

(Shareen): No just to say that coming down to - from the - from all this international Internet governance issues the new gTLD continues to meet and meet regularly almost on a weekly basis.

> We are conscious and aware of the issues that you guys are thinking of. And we're not taking them lightly. There are really hard decisions to make.

> And we - and I know some of you have questions because some have tipped me off before coming about singular and plural and inconsistencies an so on and so forth.

Let me assure that we seriously don't stop thinking about it and don't stop putting our self in trying to do what is best for the entire community.

So I don't know if anyone has a particular question but rest assure that we're not being distracted by this Internet governance issues and we are focusing 100% on new gTLDs and making sure that we're doing the right thing for you guys. So if anybody has a question that's - I'm happy to take it.

Jonathan Robinson: Looks like we're going to finish - and Jeff?

Jeff Neuman: Why not? I can't let us finish early.

Oh Jeff no.

I guess maybe if you could let us know in terms of timelines and what your expectations are in working things out with the GAC and, you know, just what the whole what your vision is.

Obviously you can't predict whether you're going to work something out today, tomorrow or this week.

But what have you talked about in terms of timelines and then letting applicants kind of known for some predictability as to when things will be resolved?

- Thomas Rickert: You're talking about the safeguards on category one and category two specifically?
- Jeff Neuman: Yes.
- Thomas Rickert: Okay. Well I let (Chris) answer that since he's our shepherd on this. But I think it's straightforward but (Chris) go ahead.
- (Chris): Yes Jeff we as you know, the pipe has gone to the GAC as a sort of courtesy saying this what we're intending to do to implement your advice.

I have a sneaking suspicion that the GAC may have - that the individual members of the GAC rather may have some questions. They're meeting this afternoon at 4:30 I think straight after you are so stick around.

But I - my personal view is that barring a - barring any consensus advice from the GAC in the communique we're done and we can move on.

Man: Did you get (unintelligible)?

Jeff Neuman: Delighted. This is my delighted face.

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Man: You (unintelligible) now.

Jeff Neuman: I could go see my psychiatrist now.

Jonathan Robinson: I know Jeff's appointment with his psychiatrist is at exactly 2:30 so we're finished...

((Crosstalk))

Jonathan Robinson: So we finished beautifully on time. Thank you very much. We'd love to talk with you outside of this forum. It's always a little sticky but - because, you know, of the formal nature of it but very useful to have the conversation at least and probably just stimulated some seeds for cordial conversation.

So thank you to the ICANN board. Thank you Steve. Thank you Fadi. Steve I don't know if you want to say anything...

Steve Crocker: No just thank you very much. We look forward to this. And as always we enjoy and appreciate a substantive conversation and engagement on specific issues. We've certainly have done that.

And so I think we've used the time well. Thank you very much.

Jonathan Robinson: Thank you.

((Crosstalk))

END