
SAN JUAN – ccNSO Members Day 2, Part 2
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UNIDENTIFIED MALE: ccNSO Members Day 2, Part 2, 10:30 through 12:00 Noon, Wednesday, March 14, 2018 Room 209 BC.

PATRICIO POBLETE: Okay. We'll be starting the policy session. Can we have the presentation for the retirement working group? We'll begin as soon as we...

UNIDENTIFIED MALE: I can't afford to go to hospital in the US.

PATRICIO POBLETE: Okay. We begin with the outgoing, but still chair of the Retirement PDP Working Group, Nigel Roberts.

NIGEL ROBERTS: Thank you, Patricio. I've come to talk about retirement, my retirement, at least from the working ... Does this clicker work? Which one do I press? This one? No, this is not the presentation. Right, good. This looks like it. I've come to talk about retirement.

Note: The following is the output resulting from transcribing an audio file into a word/text document. Although the transcription is largely accurate, in some cases may be incomplete or inaccurate due to inaudible passages and grammatical corrections. It is posted as an aid to the original audio file, but should not be treated as an authoritative record.

I will be hosting the meeting, at least at the beginning, which we'll be having on Thursday. I'll speak more about that later.

So, background is that the Retirement Working Group is part of the rare occasions that we do a policy development process. During our previous work, we identified that there is no procedure for retirement of a ccTLD. So, we decided to start a policy development process because there's been some perceptions in the past that on the few occasions where ccTLDs have ceased to operate because of changes to the code elements that the process may have been rushed or done in an ad hoc way. Somebody used the word wobbly the other day. I can't remember who that was, but it was a good word.

UNIDENTIFIED MALE: What was the word?

NIGEL ROBERTS: Wobbly. I don't know who said that. It must have been you, yes, Eberhard. The working group has been running for a little while. We had a face-to-face meeting in Johannesburg. I've been the chair so far and I'm stepping down at this meeting. Stephen will be the new chair.

We have a wide spectrum of members and participants as well as the observers and experts and staff support, which we couldn't do without. [inaudible] can click on them if you want to.

So, since ICANN 60, we've done considerable work on identifying retirement scenarios. There's two documents, scenario one, scenario two. Change of code element. So, for example, substituting one code element for another and other scenarios where it's a removal from the assigned category and no new [inaudible] is signed.

Going forward, we are looking at comparative analysis, identifying the process steps. In other words, a little bit more of the nitty-gritty.

One thing that's come up recently is to make sure that we identify all stakeholders who are affected by retirement of ccTLDs. This means, for example, it's not just the registry manager. It's not just the registrars. It's potentially every Internet user in the country or Internet users globally, [link rot], all these things. All this will impact on choices such as the allowed time, as I said before, where there's been some perceptions that when IANA have pushed retirements in the past, it's been a little bit hasty.

We've got an upcoming face-to-face meeting. Those of you who are members will know about it and be looking forward to it.

Observers and other people to come along are very, very welcome. It's an open meeting, as all these things are. It's on Thursday at 9:00 and the chair will be Stephen Deerhake. That's when he will be taking over. Any questions? I like the sound of no questions.

UNIDENTIFIED MALE: Do you have an estimate of when we would be able to issue a preliminary report? [inaudible].

NIGEL ROBERTS: If I was going to be really nasty, I would say that's a question for the incoming chair. No. As you know, we're working deliberately and in a very good manner in the way that we've established in the FOI, so I'm confident I'm leaving it in good hands.

STEPHEN DEERHAKE: The incoming chair will address that question and it's when the paint has dried.

NIGEL ROBERTS: Thank you, Stephen. Anything else? If not, I'll hand it over to [inaudible].

UNIDENTIFIED MALE: Thanks, Nigel. Next, Annabeth will provide an update of WT5, geographic names.

ANNABETH LANG: Thank you. Good afternoon. I've just come from the Work Track 5 meeting in the GNSO room. Before I start my presentation, I would say a few words about that. It was quite a lot of people there, and because the Adobe Connect has failed us, that was kind of an interesting experience as well. But, at least it forced people to take the mic instead of sending things in the chat, so that was good.

I think we achieved quite a lot in the meeting and it was interesting discussions. This is a field that people really care about from all stakeholder groups. We've been doing this for so many years and I really hope that we can end up with a policy now in the next round that is consistent with the Applicant Guidebook, because in the old round, that was two different things. So, let's see where it goes.

What is Work Track 5? We know that we have a new gTLD subsequent procedure PDP going on and it is the GNSO policy that prevails.

In the beginning, the geographical names were discussed in all the different – four different – work tracks. That was very

confusing. I tried to follow it and had to be a member of four work tracks, all days and nights and a lot of teleconferences. That was very difficult.

So, we decided in the end to draw out everything that had to do with geographical names in a special work track and that worked very well.

So, it will focus on developing proposed recommendations and see if we can find a good treatment of geographic names at the top level in the future rounds.

I put the links in here, so you can go through that afterwards. It's a big group from all stakeholder groups. We have four co-chairs, one from At-Large, one from ALAC, and one from the government (the GAC), one from GNSO and then me from ccNSO.

We tried to work this together and alternate on leading the calls. It's a good way to work together and all interests are taken into consideration.

It's 144 members and 81 observers last time I checked. It could be more now. We are 28 all together from ccNSO and that is quite a good way to work.

But, I must encourage you to be active even if you're a member. Not all are active. You're on the list, but it also takes some time to work with it.

So, it's been raised why should we not have cross-community working group instead of a GNSO working group, because that's what it is, the Work Track 5. The reason behind it is the bylaws do not allow to make a PDP in a cross-community setting. So, to do that, we'd have to change bylaws and we couldn't do that.

But, I think it's a good compromise. The terms of reference are just being a little different than what they have from other working groups. You can go through this if you have time.

Here is the timeline for the other work tracks. We tried to fit in that, but we started much later and it will be difficult to reach a result within the timeframe that the other work tracks are working within.

So, in the meeting today, we presented a preliminary timeline for the Work Track 5 and it was a lot of discussion there. This is too aggressive, this will never work – but at least we have some goals and then we can try to work from that.

I think it's good to have out an initial paper, so it's easier to see what you like and what you don't like and give your views after you've seen it in text. We hope to get feedback then.

For now, the plan is to try to get out this first report before the summer. It might not work, but let's see.

We have discussed terms of reference, as I mentioned. It was the original GNSO terms of reference which they use for all the PDPs, but it's been adjusted a little to the work that we have. But, in the end, it is a GNSO working group and a PDP in the end.

So, what do we do? We first started with defining geographic terms, how they were treated in the 2007 GNSO PDP, how they were treated in the AGB module 2 in 2012 and try to align those different policies or different ways of treating it to be future policy. That could be for the future treatment, we could retain what we have today. We could remove things. We can change things. We could add things.

On top of that, we have the geographical names not specifically mentioned in the AGB last time and you all know the story about the dot-amazon and padagonia and all the trouble that created and all the money that's gone into that process. That could have been solved much better if we had a better policy for that in the first place.

So, in the 2012 round, certain geographic names were reserved or blocked and not available for delegation. Some needed support and non-objection. For some applications there, we had different perspectives about whether an application should be

permitted or go forward. So, what we do now is to try to make it more in line with something that everybody could accept.

So, what we do now is currently discussing the following for the geographic names. Is it a geographic term? Is it a valid geographic term for the purposes? What are the positive things? What are the negative things that we could draw out from what happened after 2012?

Then, it's easier for participants to see could we keep what we have today or should it be changed? It's the disadvantages ... It is so many disadvantages by keeping the 2012 rules for those already in the list, that it should be changed or can we live with it?

So, positions so far, generalized because within each stakeholder group there are differences. The GAC generally wants more protection on names not included in the first round, and what we heard today in the meeting is what they actually want is to draw out all country and territory names from the process at all because they are a special category. They are not actually ccTLDs, but they are not gTLDs either in their view, so they should be treated in a way that would make the national government capable of setting the policy and not put it into the general GNSO or gTLD program. That was an interesting thought, but that would fall out of the PDP that we are creating

now. The only thing we can do in this PDP is then to say that they are blocked and it should be something else later.

A lot of the stakeholder groups within the GNSO want less protection, more liberalization, and remove the protection from the first round. Not all. And they are moving, actually. Today, we had Greg Shatan on the line and he's been [inaudible] his view in a more direction that's more in line with what is in the Applicant Guidebook today.

The thought behind that is that this shouldn't be a party stopper. If we discuss the geographic names in the same way that we did last time, it takes a long time, that it will stop the whole process.

The ccNSO, the Applicant Guidebook 2012, we have discussed this before and most of us think that this is an acceptable compromise. We can live with that. Both CENTR and the other regional organizations have made a statement saying just that.

What I said, is this the [inaudible] because it takes a long time. Should we try and concentrate on getting the process going or not?

We have a timeframe, and as I said, the goal, the Work Track 5 report by the end of summer at least, and final report by the end

of first quarter in 2019. But, we have huge differences, even if I really feel that we start to move in the right direction.

What I think I can say more or less certain is that I think we will have a recommendation for the two-letter characters or the two-letter, all two-letter combinations, that they should be retained for future countries coming on. So, we've been discussing that for a long time and there were no comments at all when we had a Work Track 5 meeting today. That is a good result for us as a CC.

So, what can you do? Engage. And if you're a member, as I said, it's important that you are there for the teleconferences, even if it's awful times sometimes. And try to think through what you want. If you want to keep what's in the 2012, if that is okay, and for us as ccTLDs it's mainly the categories that has to do with country and territory names. That's important. All the other things not so important for us, but what will be the result of, for example, three-letter codes can impact some of us, also country names [inaudible].

We had a webinar the 8th of February and all that is out online. So, if you are not familiar with the background, this is a good way to start. Of course, I will talk with you if you want to know more. I'm always there.

Questions? Rosalina? Did I say it the right way?

ROSALIA MORALES:

Yeah, you did. Good job, good job. Hi, everyone. Rosalia from dot-CR. I just want to congratulate Annebeth for her great work. We've been working for many years for that and I think today's meetings went pretty well. [inaudible] how everything develops.

I wanted to reach out to all of you to please contribute and follow the discussion, specifically the discussions that are going on right now which pertain specifically to the ccTLD community.

I know for some of you it might seem amazing that we're actually discussing whether a two-letter domain is or not a geographic name and should pertain to the ccTLD community, but it's a discussion we've had for many months now. The same goes for the three-letter code and even the country name. And I think, to some extent, this is our field. We know how it works. We've been working it for many years.

Even though I think we have active participants like Annebeth making sure that our views are expressed to more people from our community that can come up and contribute to this discussion will make a difference. It's a working group that has about 300 participants, and in my experience, at the very most, there are five ccTLDs participating, or maybe two. So, we're definitely at a disadvantage and our voices need to be heard.

Specifically, at this point in the discussion, I think later on it develops and grows into things that many of you might be interested but it's not as specific as it is right now, so I really encourage all of you to follow, specifically from here to Panama, so that our views are included and our ccNSO is represented. Thank you.

ANNEBETH LANG:

Thank you, Rosalia. I agree. One thing also is that now I am a co-chair and just a facilitator, so I cannot raise my views the same way as I could before. So, I am dependent on active participation from you guys. As Rosalia said, it's critical period now from now on until Panama, and after that you can relax more. So, if you will help your community, please come with your views now.

Anymore questions?

UNIDENTIFIED MALE:

Comment from the chair. I find it a bit surprising who would be arguing whether two letters should be reserved for ccTLDs. I would assume that there is broad consensus on that, so it is surprising. I only would have [inaudible] from Volkswagen probably [inaudible]. That makes me wonder if it's not too optimistic to think that there will be consensus on the general issues anytime soon.

ANNEBETH LANG: For the two letters, one thing is those are already on the [ISO] list. It's no question about those. But, the rest of the two letters. Then, the questions have been raised that there will never be that many countries in the world, so we can use them. But, the problem is that it's not up to us to decide new names for new countries and we know in this world we're living in it can easily be new countries coming up. They should have their two letter.

Still, it is always someone that think it's opportunity lost because they have a two-letter trademark and they want it. So, I think that the main thing now is to make it the policy. We're quite sure that it will remain for the future and stay that way. I agree. It shouldn't be. It's surprising that it's even in the GNSO policy process because it's reserved for CCs, but still.

For the three letters, it's a little different because three letters are out there. We don't have that strong views on that.

UNIDENTIFIED MALE: Three letters were the regional gTLDs.

ANNEBETH LANG: Yes, and I see [inaudible].

UNIDENTIFIED MALE: Thank you very much. [inaudible] for the record. I think if you can share how to subscribe on the mailing list and participate, that can be great for people on the [site], which site to go to, which e-mail to send to, so that people can really participate and which membership, because there are many working groups. You have almost ten, so how does one choose and how does one contribute? If you can put some light and share exact details to participate, that would be helpful. Thank you.

ANNEBETH LANG: Thank you for that input. Yes. We will try to do that.

PABLO RODRIGUEZ: If there are no more questions, then thanks, Annebeth, for the update. We'll go now to Patrik Falstrom for a discussion on the use of emoji in domain names.

PATRIK FALSTROM: Thank you very much. I'm here to talk about emoji and not Adobe Connect. There's emoji for Adobe Connect. It's a pile of poo with a different skin color. Next slide, please.

As you all know, the IDNA specification is created by the Internet Engineering Taskforce. What the IETF has specified is a maximum set of characters which can be used in domain names.

It's really important to remember these two things when I'm going through the rest of the presentation. The IETF has set a standard. The IETF, in turn, has referenced in what the Unicode Consortium do and the IDNA standard sets the maximum set of code points available.

It says that symbols, and specifically the category symbol other is a set of characters that cannot be used in domain names. What characters are part of [inaudible] is defined by the Unicode Consortium. So, we have three standards organizations that recognize each other. ICANN recognizes the IETF that recognizes the Unicode Consortium. Division of labor, no problem whatsoever.

And because emoji and other emoji-like symbols are decided by the Unicode Consortium to be a symbol other, they cannot be used in domain names. The IETF concludes and ICANN follows that.

But, that is something that we in SSAC have said so many times. We got tired on this, so we said, okay, why don't we validate and verify whether this chain of command is correct. Maybe there's the case that ICANN should ignore what the IETF or Unicode Consortium are doing, so we went in to dive a little bit deeper to see what is behind this. Is this the correct thing to do, to have ICANN reference IETF that references Unicode Consortium?

So, we had a look at emojis. The first thing that we discovered, which is not very hard to do, is that emojis are very similar. There are more than 20 emojis which are a happy smiley face of various kinds, and the differences between the emojis are actually more different between different operating system applications than between the emojis themselves on the same operating system.

Here is one really, really important thing to remember. That is that every character like this is actually a different code point. So, each different smiley face is a different character, which means of course that two domain names with two smiley faces which look very similar are actually two different domain names. That's what we call confusability.

The next thing that is possible to do with emojis is that you can combine them. There is a special character called zero width joiner and that is used in quite a large number of scripts in the world, specifically Arabic script and specifically in Arabic script when it's used in other languages than Arabic. For example, in Africa and in the southern part of the Indian peninsula.

You can use zero width joiner also for emojis. So, if you take a man, a zero width joiner, a woman, a zero width joiner, and a boy, then you get this family. This is actually the old version of the slides I think. I sent over a new version of the slides. Just wait

a second. The difference is not so much on this one. The differences are on later slides. Let's see. Just wait a sec.

UNIDENTIFIED MALE: While this goes on, I was just looking on the Wikipedia emoji domain page and it says that there are eight ccTLDs in which the registration of emojis is possible. Anybody here has emoji registered on their ccTLDs that you're aware of?

UNIDENTIFIED MALE: We have about three.

UNIDENTIFIED MALE: Oh, three.

UNIDENTIFIED MALE: I think we have about three. You said what's the most popular ones. There are some that are in later version which we don't support and we have stupid letters. There's one that looks a bit disgusting. I think they're very keen on that one.

PATRIK FALSTROM: Okay, I'm sorry about that. Now we have the correct slides. The only difference on this slide was I added a small comment there

because it was not so explicit for some people, that it is not really understand the combination characters.

What happens if we add yet another zero width joiner and another boy? Does it end up being a family with a very large boy or does it end up with a family with two kids? A little bit unclear and undefined.

The next thing that you can do with emojis is you can have modifiers to them. That was added in Unicode 8 where you could add one of the five skin tones to emojis, for example, to the space or a hand and stuff. But, there's nothing that says that you cannot add a skin tone to a horse or a car or a house or something. A red key. That's my joke about a pile of poo with different skin colors, skin tone, comes from. Undefined.

The next thing, which I think is really serious, has to do with accessibility. There is no standard whatsoever on how pronounce an emoji and that makes it very difficult for blind people, for example, to access things with emojis.

So, there is no agreed upon way to speak or enter an emoji with other things than keyboard. So, accessibility is [inaudible] just cannot play with emojis at all.

The findings that we came up with in IETF is not only is it disallowed by IDNA, which because some people are [inaudible],

but it works. But, you have all of these different kinds of things that we think are pretty bad.

So, what happened was that we wrote basically repeated recommendations that we in SSAC have already given before. Dear people using the DNS, please follow the IETF standard. There are reasons why the IETF standard is limiting the number of code points to [inaudible] May 2008.

So, we recommend the ICANN board to reject any TLDs that include emojis. This is something we already said and this is what they have already done since a long time back. No change.

Then, we also strongly discourage registration of any domain name that includes emojis in any of the labels. This is something a little bit stronger than we said before, but this is of course just because we see this being used.

The problem is simply that they do not function the way people think and create various different kind of problems that we otherwise discuss regarding confusability.

After this document was released, the ICANN board took four resolutions – or one resolution with four result points on 2nd of November, 2017. They said we're clearly repeated early decision that [inaudible] May 2008 and its [successor] will continue to be a necessary condition to determine valid IDN TLD levels. Then,

the board request that ccNSO and GNSO engage with SSAC to more fully understand the risk and consequences, yadda, yadda, blah, blah, blah. Then, there are two more [inaudible].

This is something that we have started to talk about, the leadership of ccNSO, and the leadership of SSAC have started to talk about how to do this. And of course, between the [inaudible], we do have questions, for example, what to do with ... What should ICANN do, if anything, about non-contracted parties? Is there anything that can be done here, should be done, can be done?

So, comments that I have on this that people also should be aware of is that the Unicode Consortium do run an [inaudible] character program. So, given that there is a list, if there is a list of ideas of emojis or characters, you can help fund the Unicode Consortium by adopting one of them and pay for it and be a sponsor.

It's also the case that we have early versions of Unicode 11 that are released for comments. Unicode 11 is not released yet. It's expected to be released in June 2018 and it includes a bunch of new emojis, including a lobster and a couple of other things. The interesting thing with the lobster and the reason why I mention is there is the Governor I think of Louisiana thought it was the greatest thing that happened on the Internet that the lobster is

added as an emoji because that enables so many different kinds of things, and if he is not able to register a domain name with a lobster he might call Ted Cruz and the rest is something we can extrapolate what will happen. Hopefully, nothing, but who knows?

It's also the case that we have [GDI]. They had a presell of new emojis in Unicode 11. That does not exist anymore because Unicode 11 is not approved, but they still sold domain names. They sold 161 single emoji to domain investors and were really happy about it. What then happened, of course, was that because of a glitch in their system, they sold the same emoji to multiple registrants. So, when we discussed this incident inside SSAC, one comment from an SSAC member was, "These emojis are so confusing so not even the registry can tell them apart." My reaction is that the registrants were so confusing, so the registry cannot tell them apart.

Anyway, it is of course important to separate these two issues that there happen to be an issue with the registry system from the fact that someone is selling domain names sort of as a sunrise period from the issue with selling domain names with emojis. Three different problems, but it's a coincidence that it happened at the same time, but on the other hand maybe it says a little bit about the market.

What is more interesting, though, which I also think should give people a little bit of a headache is that the W3C and the internationalization group are discussing CSS and various different kinds of modifications. The CSS, as those of you who work with HTML pages know, that with the CSS you can change the font and typeface and whatever on different kinds of ... From Times to a non-Serif font to a Serif font, etc. From Times to Arial and whatever.

You can also [inaudible] text via the extension text decoration and there is now discussion whether there should be other modifiers. For example, changing skin tone. So, if there is any kind of sort of things that can be modified by skin tone on a webpage, the skin tone should change.

The difference, though, between emojis and characters and text that you change the typeface of or color of the text from black to red font, for example, is that with emojis, the character changes. If you look at normal text a red letter T is still a T. It's not a different code point than a black T. Black T and red T is not the same, of course, because red T is more common in South Africa and black T [inaudible] in the world. But, it's still the case that when you change the skin tone, the character itself changes.

Now, if it is the case that the CSS is applied to the target of an [HRF] link, in that case of course you need to parse the CSS to

know what you're doing. And if it's not, it's target to instead the text and the link, which means that depending on the skin tone, the text that is displayed and the target of a link will be different, which is today a very common security measure that browsers are using. This is a nightmare that is not fun at all.

On top of that, what they are discussing is making this very generic, saying that arbitrary characters can be overlaid on top of arbitrary other characters and this goes back to the family. You can, theoretically, in a style page say, "Just add one more kid to all families on this webpage." Complete nightmare.

Anyway, all of those things are arguments why emojis should not be part of identifiers. As part of text, perfect. As part of decorations, exactly. That's what people want to do. But, in the DNS, we have identifiers. Thank you.

And once again, really sorry for the problems with the slides.

PABLO RODRIGUEZ: Questions? Go ahead.

UNIDENTIFIED MALE: [inaudible]. I have actually two questions. Discussing what can be done at the second level in both gTLDs and ccTLDs is fine, but now assume that the Governor of Louisiana would find out or

have advisors that would tell him that there is a third, fourth, and a fifth level. He could still have a lobster there. He could actually have a pile of lobsters at various levels in the DNS. That would still be confusing, wouldn't it? And there is little to no way out of this unless one starts to believe they can regulate or control what happens on the lower level. Could you elaborate on that?

PATRIK FALSTROM:

Yeah. There are a couple of problems here which we should separate. I know that you personally are aware of the others as well that you didn't mention.

The first is that the IETF itself needs to resolve a discussion that has been going on for three years regarding the upgrade of Unicode from 6.something to currently Unicode 10. That is work that has started again and that is triggered by cooperation between IANA and the Internet Architecture Board that is moving forward.

Given that that is moving successfully forward, I personally think it will be easier to understand that for everyone, including the ones that develop software, that what is permissible – what is possible to use according to [inaudible] 2008 is really a maximum set of characters and lobster is not there.

The third thing is that in ICANN, there is a lot of work regarding the label generation rules which are to be used from the second-level domain and also later on in the root zone. And those rules recommendation of script and languages is something that might be used elsewhere. So, you have two layers of policy.

Then, you have the fourth – well, whatever number it is, which is the tricky part. How do you enforce this?

For the root zone, I think ICANN board has just made a statement. For the second level, well, there you start to have the tricky part because you have the contracted party, non-contracted parties, and the LGRs. But, it might be possible to take care of at least the contracted parties there.

Then, you have a question of what do you do with the software vendors and the ones that develop software? I asked myself whether it's not the case that it's actually time to reach out to them and see whether they should not start to do some filtering. So, that's where I hope that combination of ICANN, IETF, Unicode Consortium, and W3C can reach some kind of agreement. But, that is about the enforcement [inaudible].

UNIDENTIFIED MALE: Okay, thank you. My other question – maybe I should have asked them in reverse order – would be that given that we heard that

there's at least one ccTLD, or there might be up to three or eight others that have accepted emojis in second, third, whatever level domain names, is it the case that although the IDNA standard excludes those code points that the translation mechanism at the very DNS level – I'm talking packets on the wire, not pictures on the screen or imagination in my brains. The packets on the wire, would that still be interoperable or is there the risk that certain code points would not be accepted at the consuming end when they were inserted at the serving end?

PATRIK FALSTROM:

First of all, in the DNS protocol, you can have any [inaudible] value whatsoever in a label. So, you can have a domain name which is just a dot. And we all know that it is possible to pass that around. Whether it works or not, unclear.

The same thing with emojis. It is a possibility to encode an emoji in Punicode, which means that it will be XM - - blah, blah, blah, which means that you can pass that along. Will it work? Depends a little bit.

You can, of course, also take the UTF 8 encoded version of emoji and just put it in the DNS packet and send it. Will it work?

UNIDENTIFIED MALE: But, the level of pain ... I understood the second “eh” but not the first one. Sounding domain names is coming up next, by the way. No, I’m serious about this translation. So, we know IDNA Punicode, emoji goes in. Standard says it must not go in, so should not? It probably says must not go in. So, what is the experience? What would happen? Talking about the Governor who is inserting the lobster at the third level.

PATRIK FALSTROM: Just because emojis, if you look at the [inaudible] and the character of an emoji, which is actually rendered as a normal left to right character, as long as you have text where the general directionality is left to right and mix it together with other normal left to right characters [inaudible] absolute, it will work just like an A, B, C or any other kind of letter.

If you mix it with other things like zero width joiner and other kinds of things, it’s a little bit more unclear what’s happening regarding the rendering, just because there are some suggestions, as I suggested how you merge different kinds of characters, including emojis. Then it ends up being a little bit unclear.

When you get an emoji on your screen, I happen to use an iPhone and if you use an Android device, will it work? Will it look

the same? Will it be enough equal? Will you understand the message? Probably.

But, on the other hand, as people are using URLs as links, there is also a difference between what text is displayed and what is the actual target of, for example, the URL, if it is a webpage in an HTML.

What I think you ask me is how long is a string? I cannot really answer that because, yes, it might work for some definition of work. But, from my perspective, the code point is not to be used in a domain name, so software should block it just like it's blocking other characters that might be more difficult when rendering.

UNIDENTIFIED MALE: I'm beginning to get the idea that you guys don't like emojis in domain names.

PATRIK FALSTROM: I would like to say one more thing. I think what you were asking was in between the lines, which is also a little bit that I asked. We have in ICANN, because this is where we are now, given that these characters are not something that the IETF and the Unicode Consortium has said are available or should be used, we have a couple of choices here.

One, should we start to violate the IETF standard and develop our own? ICANN board said, no, we should not develop our own. We don't know how this works.

Second thing is, okay, given that we might have contracted parties and non-contracted parties that might violate this, how you handle that issue? And how do we do an outreach? The answer to those questions we don't know and that's what we would like to discuss and what we are happy in SSAC to discuss with you and ccNSO. We simply don't know the answer to those questions.

PATRICIO POBLETE: What I was trying to get to is will it be ... Perhaps, a question for Katrina. Will it be something that we as a community or ccTLD should do something like make a recommendation or a best practice or something to say to our colleagues that we should not allow these registrations?

KATRINA SATAKI: Thank you very much, Patricio, for this question. This is one of the things that we started initial discussion. We have developed terms of reference for a study group that would look into the issue, but we haven't taken the final decision yet as to when to form this study group, as according to the board's request we

were supposed to do that together with the GNSO. The GNSO currently hasn't started doing anything.

Nevertheless, this is something that the council will discuss. As I said, terms of reference are already adopted by the council. Now it's just ...

Actually, maybe we could try to use our cards to sense the temperature in the room, if you have your cards with you. Don't worry. Let's do it with a show of hands. Who believes that having this study group to look into the issue and then issue some recommendations to the ccTLDs would be a good idea?

Okay, thank you. Who thinks that's a bad idea? Okay, less. Thank you. Any comments from Patrik?

PATRIK FALSTROM:

Absolutely. I think there were so many people that did not vote is a conclusion that this is not as an important issue as many others that you have on the table. I think that conclusion is correct, because if it is the case, from my perspective – I'm not speaking as SSAC, but as Patrik – looking from the outside, I think this is a very hairy question. Where are you supposed to develop the policy and what is the autonomously of each one of the ccTLDs?

So, it might be the case that we have a very slippery slope here on what ccTLDs should actually synchronize regarding their own policy.

KATRINA SATAKI: We didn't speak about policy, just recommendations. Policy development process would have been significantly heavier.

PATRIK FALSTROM: I just said it was slippery.

PETER KOCH: Can I add something? Yes, the purpose of [acting] between the lines was to be a bit subliminal, but maybe I was too diplomatic which rarely happens.

But, now we're talking. You mentioned the policy making and the point I was getting to was one thing is that the IETF had interesting experience with Unicode code stability already which led from 2003 to 2008 and so on and so forth. So, that is kind of an interesting precedent.

The second one is that if things work to a certain extent on the technical level, then the exclusion of certain code points needs a special justification, which could be security, but there is the very interesting line that can be crossed into policy making

already. My suggestion that should be reconsidered, whether continuing to make these policy decisions about the danger of certain code points should happen in the IETF [inaudible] the technical level or closer to the applications level, and then maybe whoever is in charge of making these decisions, including whatever enforcement opportunities are there at any level for the [inaudible] tree. Thank you.

PATRIK FALSTROM: Final question.

ROELOF MEYER: Maybe just to explain why I raised my hand showing that I think it's a bad idea. I think the work is already being done, so there's a big risk of redoing the work that is being done. I don't think we will contribute anything new. The only thing that I was thinking is that it might be fun and maybe even interesting to kind of run a pilot because there are so many things that you say that you are not really sure if it works. Why not have a protected environment where we try what happens, if it works or if it doesn't work?

PATRIK FALSTROM: Just because so many of the issues are related to confusability, so I'm looking at [inaudible]. We already have a lot of

discussions regarding confusability issues and specifically [inaudible] going to have a trial, what does it mean by having a trial and how do you find some kind of output there? So, yes, maybe one should sort of pour these kind of emojis into the confusability variant discussions as well to see what happens. Well, why not? It's kind of fun if you don't have anything else to do.

PABLO RODRIGUEZ: Okay. Thanks. Let's thank the first speakers for this session. We're right on time for the next session. Here comes Katrina and Stephen. Stephen is in every working group.

KATRINA SATAKI: That's exactly true. Actually, that was his idea. Normally, I'm not into blaming mode, but this time I am. Now we would like to start initial discussion of the rules of the ccNSO. Probably that was at least one of the first documents for the needs of the ccNSO. The document was adopted in December 2004. More teenagers, as Stephen says.

At that time, there were 45 ccNSO members. Now, as of today, we have 165 members. According to the rules of the ccNSO, 10% of members can ask for a membership vote, meaning that they

can veto council's decision and then membership vote on council's decision.

In 2004, 10% of members would be five. Today, you need 17. According to the rules, if we want to change them, electronic vote. We need 66% in favor. In 2004, that was 30 members. Now, need 109 to vote, just to make sure that we can change anything. Those are some basic facts.

Meanwhile, during the last 13 years, a lot has moved on. What we think is that rules of the ccNSO are our constitution. In reality, those are internal rules of the ccNSO as defined by the ICANN bylaws. And ICANN bylaws are [inaudible], so whenever there is any conflict between our rules and the bylaws, we have to look at the bylaws.

What we say ... Here are just some examples. If you're interested, you can read the full document. It's not very long. It's very short, actually.

Here, we use some examples to illustrate that probably this is not the ... What we say in the rules is not what we do in reality.

For example, in the rules we say that the date, time, and agenda of ccNSO meetings can be determined by resolution of the ccNSO or vote of the ccNSO members. We do run surveys of ccNSO members to find out how you like the agenda, but at the

same time, we meet at ICANN meetings and we trust our Meeting Program Working Group with setting up agenda. Neither council votes an agenda, nor do members.

What we say, a quorum requirement only applies to physical face-to-face or tele-video conference meetings of the ccNSO. It's absolutely irrelevant today because at the face-to-face meetings we do not vote. If we vote, then we do it electronically. We vote on board elections, PDP vote, regional council elections.

At physical meetings, the quorum shall be 50% of the total membership of the ccNSO, and further at least two members per ICANN region. With 45 members, two members per region, maybe sounds reasonable, but nowadays it does not.

So, once the membership was over 10 members, it has become unfeasible because we cannot achieve this 50% of total membership being present. That's just to illustrate what's said in the rules.

In the meantime, relations between ccNSO members and the council have evolved. We have established our own timelines, working methods, and inevitably they started to diverge from the rules.

ICANN bylaws have changed and now the ccNSO is a decisional participant, and as we already discussed yesterday, we have

very tight timelines to move forward with approval and action petition and rejection action petitions.

Again, inevitably, it's clear that we cannot follow the timelines that are set in the rules, because again, bylaws are paramount.

So, we wanted to discuss some things here with you and ask you some questions. Now we believe that for the Guidelines Review Committee, it's time to perhaps start looking into this final or basic document of the ccNSO to see how we can make it more suitable for us, for ccNSO members, to make sure that we do not have some obsolete document that we do not follow so well, let's say.

We wanted to ask some questions and really hear your initial thoughts, but before that, maybe Stephen wanted to say some things.

STEPHEN DEERHAKE:

Yeah. Good morning. There are actually a lot of problems with the current setup. The relevant documents for those who are keeping track at home are in the bylaws article 10 NXC, mostly article 10 which covers how the ccNSO is currently structured and the rules of the ccNSO which are available on the ccnso.icann.org portion of the ICANN website.

The rules of the ccNSO, the 2004 document, is from an era where there was a whole lot of mistrust between the CCs and ICANN as the CCs returned to ICANN after walking away from ICANN.

Although there is still ... And as a result, the structure is set up to really have, at the end of the day, a very weak council. Now, council over the years has evolved into doing a little bit more and then a little bit more and then a little bit more with the implicit buy-in from this community because nobody has pointed out to council, hey, you're not really doing what you're supposed to be doing.

One of the things we're supposed to be doing as a supporting organization is having an annual general meeting, and if anybody is ever attended a ccNSO annual general meeting, please raise your hand. I don't recall that we have ever had one. So, little things like that.

The 2004 rules tied to ICANN bylaws version 1.0. We're now on version 3.0. So, there's a bunch of little stuff like that. Really, what the focus today in my mind is to plant this idea that in the community's collective mind that we ought to be thinking about either codifying what we're doing presently if the community is happy with it, and I believe for the most part the community is fairly happy with it. Or, if they're not happy with it, start thinking about and proposing an alternative arrangement for how the

ccNSO conducts its business and how the council conducts business on behalf of the ccNSO. Council is in the bylaws, so council cannot go away.

At the end of the day, I believe we can get our way out of this swamp with a standard bylaw change that we can propose to the board and get them to push through.

Standard bylaw change will require a rejection action petition period, but I can't believe that any other SO or AC would have an issue with it, considering that it only deals with us.

So, the purpose today is to start this dialogue and see what the community wants. I see a question from Eberhard.

EBERHARD LISSE:

Would this also require a PDP, as it is a change of ... Will it in the end make a change of bylaws, or just can become something and it goes to [inaudible]?

STEPHEN DEERHAKE:

You could definitely do it as a result of a PDP to go to the board for the board to adopt. The unanswered question is whether we could get the board to initiate this change. But, yes, in theory, if you really wanted to dot the Is and cross the Ts, you could do a PDP. But, I also think it could be initiated by the board.

UNIDENTIFIED MALE: Thank you. It's interesting and useful introduction. Speaking as with a couple of the people here, as somebody who was around in the 2003 timeframe, I think what's important is when you did this parallel thing, you were accurate in both parts of it. But, I don't think we're comparing like with like.

What the formal written rules are meant to govern are formal meetings of the ccNSO, which as Stephen says, I don't think we've ever had one.

So, I think when we're talking about setting agendas and so on, you're talking about setting formal ... Like the ICANN board agenda, where it's resolve this and resolve that, and so on.

We don't pass resolutions. Because of the weak nature of the ccNSO, which is intentional in the founding of the ccNSO, we have become more of a discussion and a consensus-building body in that way.

I think Stephen's proposed approach that we tweak the bylaws and fix what needs to be fixed will probably serve us, but there's going to be some more head scratching for the next few months.

KATRINA SATAKI: Yes, comment. I would disagree with Stephen’s assessment about the meeting. I think, if I remember correctly now, in the bylaws it says that our annual general meeting is the first face-to-face meeting of the year or something like that. So, even if we do not call it so, we still meet.

UNIDENTIFIED MALE: No. I don’t deny that we don’t meet in the first meeting of the year. What we don’t do is transact business in the corporate sense, and that’s what we’re required to do by the bylaws. So, we need to start doing that, even if it’s only for five minutes saying, “This is the annual ... No business. Meeting closed.”

KATRINA SATAKI: If we are not quorate, then...

STEPHEN DEERHAKE: We’re not quorate, because the rules of the ccNSO requires many more CCs than potentially are here. Are there any comments, thoughts, from the community?

UNIDENTIFIED MALE: I’m wondering, what are we talking about here? Are we now saying we have developed into something that is violating the

bylaws or the bylaws don't count, or should we not try first before we try to change these things, conform to the bylaws?

If we do something, I think this will have to be a PDP because it should be membership driven. And we must not violate the bylaws. This is more important than anything else as far as I'm concerned because we make ourselves really silly by violating the bylaws on an ongoing basis saying we don't care. It's only the bylaws. Whenever we ask something from the board or from ICANN corporate, we always [inaudible] the bylaws.

STEPHEN DEERHAKE:

I agree with you there. As you know, I'm kind of a stickler for doing what we're supposed to be doing. But, at the moment, we're doing things that are out of bounds with regards to the bylaws and also this fundamental rule. And the bylaws take precedence and I think we just need to adjust what we're doing with what the bylaws state. They really don't address this rule of the ccNSO. I don't see a way of getting rid of this 2004 rule of the ccNSO other than doing a bylaw change, to put it frankly, because I don't think we'd ever get the required number of members to participate in an election to modify the rules of the ccNSO.

KATRINA SATAKI: Wait a minute, Stephen. The rules say that if we do not get quorum or 66% to vote in the first round, then we are on second round which does not require 66%. So, that's said in the rules.

STEPHEN DEERHAKE: Well, the rule still requires 50% of 165 and I submit that may be a threshold that's hard to get to as well.

UNIDENTIFIED MALE: I don't know. You probably all looked very well at this, but I'm getting confused. If I understand correctly, we have bylaws for where we kind of operate formally. So, I don't think that if there's a clause in the bylaw that requires us to have 50% quorum or something like that for a meeting to vote and take a decision, it doesn't mean that we need a 50% quorum for any meeting of the ccNSO.

So, if we take decisions formally, then we should follow the bylaws. If we meet and discuss and do work together, I think if there are bylaws that stipulate how we do that, we should follow them. But, we should not try to either adopt a way of working so that we always comply to the bylaws, even in situations where they're not written for or change the bylaws so that they comply ... That we can apply them in situations where we shouldn't have the bylaws for.

I think the risk that we run is that we change the bylaws for a common situation and then certainly, if we have to do something now formally for which the original bylaws were intended, we now have a weaker version and it doesn't work.

For instance, we say let's set the quorum at 30% because generally we don't have more than 30% of the membership here, that would mean that if we have now a formal vote on something important, a 30% quorum would be enough which is probably not the idea of the bylaws in formal situations.

So, let's make a distinction between situations where we really need bylaws for and situations where we don't need them for. I don't know if I make myself clear. I was getting confused. So, right now I've got everybody confused. That's good.

STEPHEN DEERHAKE:

Let me try to clarify this a bit. The bylaw change that I see, just thinking about this, starting to think about this recently, is something that would allow us to get rid of this 2004 rule so we can start anew.

Conceivably, we could get rid of this rule by beating the bushes and getting sufficient number of members to vote and not have to do anything within the bylaw.

KATRINA SATAKI: Okay, I would disagree with Stephen on that, but apparently we'll have to take this discussion offline. Yes, please.

UNIDENTIFIED MALE: Just to be clear, if you look at the rules of the ccNSO, these are voluntary rules at the end of the day by the ccNSO members. They're not linked or tied to the bylaws because there is a section in the bylaws that allows the ccNSO to have internal rules. That's a starting point.

If you look at the rules around the voting of the members, that's a 50% quorum rule, with 66% of people or ccTLDs of those who voted need to be in favor. That's the same rule that is used in the PDP.

So, either you say the PDP rules should change as well of the membership because that's the similar one – and we've seen that in the past that we did not meet the 50% quorum. Or, you keep on using it and invite everybody in the ccTLD community or the ccNSO members to vote. You never try to change the rules. It is the fear that you're not able to reach out to all the ccNSO members that stopped the ccNSO to change the rules. For a PDP, you need it as well. The PDP on retirement, at the end of the day, you need 50% of the members to vote on the results of the working group.

STEPHEN DEERHAKE: [inaudible]. My underlying concern on all this is that all the guidelines are tied to this rule. My underlying concern on all this is that all the guidelines are tied to this 2004 rule.

KATRINA SATAKI: Exactly. That's the thing. Bylaws are on the top, then the rules, and then the guidelines. So, rules cannot be against the bylaws and guidelines also always are ...

UNIDENTIFIED MALE: They run in parallel in a way because the rules do not foresee guidelines. That's, again, a decision. The guidelines are based on the same section in the bylaws, ICANN bylaws. The only thing that really matters is that the rules of the ccNSO deal with the relationship between the members and the council, and when the members can take a ratification vote on decisions of the council. In the rules themselves, there is no reference to any guideline. That's another voluntary arrangement.

KATRINA SATAKI: Yes, the bylaws say that ccNSO can adopt rules and procedures. So, we consider that guidelines are more like procedures.

NIGEL ROBERTS: I'm trying to retain myself from engaging in this for a number of reasons. But, speaking with a legal analysis of the bylaws, which we've all been doing since the transition and accountability and so on, I must respectfully disagree with the characterization of guidelines as being voluntary or optional. The guidelines are rules of the ccNSO. It's very clear. You read every guideline. It contains language to that effect. Therefore, they have to be considered as rules of the ccNSO in accordance with the bylaws. It's as simple as that.

UNIDENTIFIED MALE: Nigel, the voluntary nature is that the ccNSO membership and the council agree to have these rules in place. It depends on the topics they want to have these rules in place. There is no list, etc. In that sense, they're voluntary.

In some areas, there are no rules or procedure. In other areas, there are rules and procedures. And that's a voluntary arrangement.

NIGEL ROBERTS: I don't [inaudible]. I didn't understand that part. I'm sorry. We can take this offline.

STEPHEN DEERHAKE: I'm not sure what we're going to do, Nigel, going forward. I just wanted to put this out to the community. I think after 14 years, we might want to start thinking about are we happy with how things are running now and try to bring into greater alignment the underlying verbiage that defines how we operate, how we actually operate. I think this is a discussion that we'll continue obviously well beyond today. But, if there's anybody in the community that has feelings or thoughts about this one way or the other, I'd be happy to see them on the list. Thanks.

KATRINA SATAKI: Yes, and Guidelines Review Committee, one of the things that the committee was asked to look into as a last thing that was the rules of the ccNSO. At some point, we'll have to take a stab on it. Really, your input would be very valuable for this working group, if you could guide us, at least tell us what's your feeling.

LIZ WILLIAMS: Stephen, would you just remind us all how we could sign up to what you're trying to do? Is there a mailing list amongst the group? And just, because this is enabling people to participate. It's improving our governance. It's improving our accountability and our transparency and it's a very important task and I think we need to be operating at best practice principles whether we think that they're voluntary or guidelines or whatever. But, if you

could enable us to ... If you could just show us how we could, for new members and for me. I don't know how to sign up to what you want to do. So, if you're looking for help from the group, then let us know how to do that.

UNIDENTIFIED MALE: This afternoon on the council agenda, there is a motion, resolution, whatever you want to call it, for a call for volunteers for the Guideline Review Committee. Yesterday, it said this committee will look into it. They've been looking into, for example, the rejection action procedures. So, these are all ... This committee is looking into the governance structure, effectively documentation on the governance of the ccNSO. If the council adopts it, that call will go out next week.

STEPHEN DEERHAKE: I would encourage people to step forward to help us out on the Guidelines Review Committee. I'd also like to point out that I suspect that this little issue will become part of the accountability review, which will be starting shortly.

KATRINA SATAKI: Yes, and now we seek for new volunteers. Let me remind you that chocolates are still here.

UNIDENTIFIED MALE: With that, I think that we're time with the morning session. We're now on the lunch break. Please be back for the afternoon session at 1:30.

UNIDENTIFIED MALE: I apologize for the people in the room, but we are going to need the room for a meeting if you could kindly go for the break. Thanks.

[END OF TRANSCRIPTION]