

---

BEIJING – BOARD with Registrar Stakeholder Group

Tuesday, April 09, 2013 – 14:15 to 15:15

ICANN – Beijing, People's Republic of China

MATT SERLIN:

Great, yeah. I think we are going to get going here. I think Steve just said you have a hard stop at the top of the hour. This is the registrar stakeholder group discussion with the board. My name is Matt Serlin, I'm the chair of the stakeholder group. So on behalf of the stakeholder group and our members, thanks to the board for taking time out of their day.

Steve just said this is our meeting, our discussion. So we've got a list of topics here that we'd like to go through.

Starting with the RAA and Steve just said "the same old topics." Hopefully this topic will -- this will be the last meeting that we're discussing negotiations and the status of the RAA. There's obviously been a lot of talk about that so far this week. And we're close to the finish line, just about at the finish line. But really the topic for us is to talk about the proposed amendment process, the extraordinary amendment process, which I guess it's being called now.

And I think Jeff Eckhaus on our team had some points that he wanted to make to lead that discussion.

We don't normally do intros. I will turn things over to Jeff. Jeff?

---

*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.*

---

JEFF ECKHAUS:

This is Jeff Eckhaus, vice chair of the registrar stakeholder group.

I am not going to talk about the process of how we got to the amendment because I believe this group here and the registrar negotiating team had a very deep involvement with ICANN staff on the process. And I felt that it was very inclusive, and I believe that most of us are at a point where we could say happy or I think that might be a good word of where we are.

But I do have a question for the board. And, hopefully, you can help us out. When people bring up the need for this, we hear -- we hear "We don't know what we don't know" and "We don't know what's going to happen" and people will come out with an example such as vertical integration.

And to me vertical integration is something that was clearly decided by the board and that is -- any issues relating to it according to the board ruling, I think it was 2010, was that would be subject to consensus policy.

So what I would ask the board -- I'm not going to put you on the spot and ask here. But if you could ask and work with ICANN staff -- maybe even work with us and work with the registries on coming up with examples of what could be some of the items that could go through this extraordinary amendment.

The reason being, we're all business people. We have businesses to run, and we're a little unsure of what can come through this process. And I think that if we can work with staff and come up with examples, I think it would put a lot of people at ease. And I think -- I think some of

---

the commotion would calm down if people had some general ideas of what are some of the subjects that could come through this. We're not looking for specifics but sort of what categories and what areas could come through this process.

And I would ask the board if they could -- I don't know if it is direct staff or what that -- the official request would be to either work with contracted parties or with others or the community to try and figure out what are some of the areas that could fall under this because I think it would be helpful for the community in general.

STEVE CROCKER:

It may surprise you, but the board has been asking for similar things.

But I appreciate the subliminal suggestion. I see cupcakes being passed out, so there is an idea we can put in.

[ Laughter ]

Cupcakes at every meeting could be something that the board might unilaterally insist on.

JEFF ECKHAUS:

Sorry. So that's something that --

[ Laughter ]

I will wait until this handsome gentleman finishes passing out the cupcakes.

---

>> This has now become Adrian's meeting.

JEFF ECKHAUS: I'm watching my figure.

>> Me, too.

JEFF ECKHAUS: I want to confirm, Steve, that that is something that the ICANN board has asked for itself and that you are, I guess you could say, in agreement or believe that this is something that this community could really -- would benefit this community with that information.

MATT SERLIN: Just to pick up on Jeff's point, I think we all sort of understand how we got to this place. One of the things that we've been discussing is, you know, is the board comfortable with the role that it's being put in with this new amendment process? And have you all talked about what implications that has in terms of the board taking on this new role? And, yes, you know, it's limited to extraordinary circumstances and things like that.

But, you know, it could -- there could come a point in time where something goes through this process and ultimately gets to the board. And is this something that -- a position that the board is comfortable being in.

---

STEVE CROCKER:

You know I have a very strong preference for being kind of direct and getting right to the issues here.

The board's role in these matters is not -- extraordinarily rare and exceptional, if it ever happens. And the board's usual role is that things are initiated elsewhere. They're initiated by SOs, ACs, by staff. And the board is in an oversight process, oversight role of watching process, of taking in sometimes different points of view, and looking for sensible courses of action.

When the board passes a resolution, there's got to be quite a bit of preparatory work that's been done before it comes to us. We're not -- almost -- I don't want to put an absolute "never," but we really avoid trying to be in the position of writing things from scratch and saying, Well, we've decided to do the following and we are passing a resolution to make the following happen. It's possible, but it's not our normal mode.

So with respect to the language that is being put in place and you are asking about the board's role very specifically, that's the way things get structured and, yes, we take the blame or take the responsibility for the ultimate results. But it's not a board-initiated action that is likely to come through there. It will be initiated by staff. It will be presented to us -- or could be initiated by somebody else.

And the only reason why it is written as the board has to do that is because that's where the ultimate authority and responsibility is.

But the proper focus is exactly in the negotiation process of staff, legal staff, contractual staff, and so forth. And the question that I think you

---

want answered and that we will listen to eagerly as well is what scenarios do they have in mind or do they imagine.

And we've heard a good fraction of that story. But I would have to agree that there is more that would be helpful to hear.

Who's here from senior staff at the moment? Anybody? Just CEO and COO.

You don't want to -- yeah.

As I said in the previous session with the registries, we don't want to have been a parallel negotiation session here. That's not the best way to do things.

So that's kind of what has to be said about the board's role in this. The board is not going to be kind of capricious and arbitrary. The board will tend to be extremely cautious. We have a sizable board, and there is not a single person on the board who is shy or reticent. And we take the due diligence and fiduciary responsibility very seriously.

And so if we are presented with something that does not make sense or we don't understand or we think is not ready, our general reaction will be to push back or hold off rather than to be stampeded into "we're told this is important and, therefore, we do it" in the middle of the night. We've been through that experience in years past, and we've -- I will just say it is sufficient that we will try to avoid doing that in the future.

MATT SERLIN:

I can start to take a queue. I have got Elliot.

---

Elliot, go ahead.

ELLIOT NOSS:

I want to give -- I want to take the point around examples which, you know, as you know and anybody who has been following this discussion this week knows, I have been pounding the table on why it's important. So I want to tell a story from a conversation I had this morning where I was discussing this with somebody in the community, a well-placed member of the community.

And they gave as an example, they said, That's great, I have got an example for you. What if some huge company from outside the space comes in and buys up a bunch of registrars? You know, we just don't know what's going to happen. And I said perfect.

And I want to use this to drive home why specifics in an example are important. They're not to be bound by them.

But, you know, I said, Okay, great. Give me a number. You know, how many registrars would you -- what market share would you think would be important before the public interest was affected? And they immediately went to, I don't know.

And we agreed if somebody came from outside the space and bought registrars representing 98% of the namespace, well, that's probably a problem.

But would it be a problem if it was the top three registrars who were 70% of the namespace? And would it be a problem then if GoDaddy just got another 20% bigger? And, you know, these are great examples

---

where just hearing what's in staff's mind around putting this forward around general language. Again, I want to stress examples don't bind anyone. The language is general.

We would always and you would always and they would always have to interpret these things in context. But whenever you're negotiating a contract with general language like this, which has very, very powerful implications, it's really important to know what's in the minds of the other party to the contract.

And so, you know, some are happy with where we are. I think everybody has done a fantastic job working really hard on this negotiation. But I got to tell you, when the person that is sitting across the table from me and looking to contract can't say to me "Well, here is the" -- "here is an example of a situation or two or three that I want to protect myself from," it becomes very difficult for me to be comfortable signing that contract.

STEVE CROCKER: You've been eloquent on this point multiple times, I think in multiple forums. So I understand your point.

MATT SERLIN: Yes, go ahead, Becky.

BECKY BURR: I don't know who you talked to but let me submit they haven't read the existing language because that is not -- that would not fall within the



---

category of subjects that could be dealt with under the extraordinary amendment process. Doesn't work, period.

ELLIOT NOSS:

You know, it was somebody else's specific -- I think, Becky, the important thing is that we have to hear -- I have to hear one or two that are specific. I mean, you and I have talked about the language and sort of, you know, what bounds it.

And I think you did a great job bounding it. I think, you know -- but, again, let us know what this bumps up against.

MATT SERLIN:

Okay. Any other comments on this? Excellent.

I'm going to turn things over to Volker. One of the other issues that's come up in the public interest specification is the requirement for new gTLD operators to use only ICANN-accredited registrars under the 2013 RAA.

So I will turn things over to Volker.

VOLKER GREIMANN:

Hello. My name is Volker Greimann. I work with the German registrar, and I'm on the GNSO Council for the registrars.

When I first got my hands on the public interest specifications and the so-called public interest specification produced by ICANN staff for the RAA, frankly I was insulted.

---

Calling the requirement of registrars to sign a new RAA to be in the public interest before anything before the new gTLDs can happen is insulting to all registrars in the room that do their business in a legitimate way, that have always obeyed the rules put before them by ICANN, and have done more than they are required to by ICANN, have grown this market in an exceptional way over the last ten years, 15 years almost now in the existence of ICANN.

That's the naming part. I didn't know what ICANN staff is trying to do with this. They want a quick adoption of the new RAA. But I think the way they are going about it is going the wrong way, and I would like to hear the board's view on that.

MATT SERLIN: Rob, you want to...

ROBERT HALL: Sure. I would offer a counter argument to that. Rob Hall, Momentous. Volker and I both were on the negotiating team on this issue.

I have the opposite opinion. I believe that it is important that we find ways to get every registrar on this new contract as fast as possible. And the reason for that is there is very different levels of what a registrar must do in terms of verification and escrow that may be detrimental in the marketplace to registrars on the new agreement if a registrar is still on the old five years from now.

I view this as one of the ways to get registrars signing this agreement sooner rather than later. So I would offer the opposite opinion of I

---

would like the board and ICANN to keep this. I don't believe it was done in bad faith. There may be other ways you can incent registrars to sign this faster as well.

But I think it is important that we not end up with the situation where we are now where we have registrars spread across two or three contracts. I think we should be looking at how can we more quickly get registrars on to one contract, and then this new contract we spend a lot of time building in how it gets amended so this never happens again, so we never get registrars spread across different contracts. So once a rule changes, it applies to everybody across the board.

You will find yourselves in a position where you could potentially have pre-2009, 2009 contracts and the 2013 contract. And it seems to me that the introduction of new gTLDs is the perfect lever to say, you know, this is a new day upon us. Let's use this contract.

I would also point out that a lot of the provisions operationally in this contract don't come in until January 1st, 2014, to give registrars the time to implement them. So this is not about you have to implement before you can have access to new gTLDs. You just have to agree to the contract.

VOLKER GREIMANN:

Actually, we are not in disagreement on this Rob. I think we need to have all the registrars in one contract as soon as possible. I just think that the way of going about this was the wrong way because it indicates that registrars are currently not acting in the public interest, that the new agreement is necessary as a precondition to the new gTLDs which

---

is not the case. The new agreement and the new gTLDs have nothing to do with each other.

I think this creates a public image that is detrimental to registrars under the current agreement. And I think ICANN staff has done a huge disservice to registrars by putting this in under the title of "public interest commitment" or even tying this to the new RAA.

STEVE CROCKER:

I'm not in a position to give a complete response, but I will point out the following. First of all, I think Rob spoke quite eloquently.

The one thing which is a very important part of this, which I don't think Rob mentioned explicitly, but which everybody knows, is it is not just a question of transitioning because of new gTLDs in the abstract. There's large numbers involved, large numbers of contracts, and there's an unwieldiness if we can't sort of get this organized in a semi-uniform way.

I think the idea that it's insulting, it is understandable. I have heard this once or twice before. But I think it is quite unintended. I don't think that that's the message that anybody was trying to get across.

So we can apologize for the unintended appearance of that. But, really, it is a much more benign issue that has much more to do with trying to be efficient about the business side of this.

And as you say, we are all conscious of what the numbers are going to turn out to be and we are shifting from a small number of registries to a

---

large number of registries and a lot more complication in terms of the number of registrars.

MATT SERLIN:

Great. On the topic of new gTLDs, Michele I think wanted to make some comments on the board's view of the closed generics and wanted to see if we can get some feedback.

Michele.

MICHELE NEYLON:

Thanks, Matt. I actually didn't want to make any comments to the board because I'm sure the board is very familiar with my views on this.

What I was interested, however, is in getting some feeling from the board, how they can handle this because it is obvious that a large number of people within the community, a lot of companies, a lot of private individuals, both contracted parties, non-contracted parties, governments out there are concerned by this.

I know from talking to various people in hallways that it is not an easy thing to deal with due to the way the entire process has been set up.

It is just a case of: Is the board going to be something? Or are you going to not do anything? I mean, what are your thoughts, if you have any?

STEVE CROCKER:

Do something about what?

---

MICHELE NEYLON: Steve, you can't do that one to me. Come on, that's just --

STEVE CROCKER: Cherine.

CHERINE CHALABY: Fair question. Let me tell you what we have done and what we intend to do. We passed a resolution on the 2nd of February asking for three things, and the reason we asked for those three things, because we recognize the complexity of the issue and the importance of it. Those three things were, we direct the staff to do research and analysis on the history of all the decisions that we're taking in relation to closed generic, that's number one. And the second thing is we initiated a 30-day public comment period. And the third thing we requested some guidance on this issue from the GNSO. On the 2nd of March we received the guidance from the GNSO on this issue. Then we met on the 18th of March again, the committee, to review all the public comments, okay? And then we had another meeting just on the Friday beginning here to agree the next step of what we're going to do. And what we said is, we're not going to make any decision while we're here in Beijing but we intend to make a decision immediately or shortly after Beijing, probably somewhere between the 20th and the 30th of April. And in fact, we have set a provisional date for gTLD committee meeting to discuss and review everything we have on hand, including all the comments that are made this week and any advice we may get this

---

week. And then we will meet and hopefully the intention is to make a decision at that point.

JAMES BLADEL: Okay. Thank you for the clarification.

STEVE CROCKER: Let me add one other point that I meant to try to insert much earlier. We do have a time bound, but it's not the top of the hour. We have until a quarter past. Which is now 100% improvement.

MATT SERLIN: Great. Thanks, Steve. I've got Stephane in the queue and then James, and I think we -- we've pretty much covered these three topics unless there's some other points that folks would like to make. I believe there are, but we've got some other topics that I think folks wanted to bring up. So Stephane and then James after that.

STEPHANE VAN GELDER: Thank you, Matt. This is Stephane van Gelder representing Net Names. And I wanted to make a point about not on this agenda but about what we're seeing as a trend or what I'm seeing as a trend on working groups or drafting teams, whatever they're called, like the expert working group and the selection criteria for those groups. Now, in recent ICANN memory, I have no recollection of access to groups being so tightly controlled that you have to volunteer to go through a process, be elected, be selected, whatever. For groups that then go into a deliberative mode, come up with recommendations that have to be

---

followed by the whole community. And I would like to suggest that rather than have the -- the requester, in this case the ICANN board, select the board -- the group members, we just limit the size of the groups. I understand the groups can't be limitless, otherwise they would be nonfunctional. So we could limit the size of the groups to a specific number of participants. And then allow each ICANN community to select members to that group.

Now, there's a part of that, I believe, that goes on but from the outside it looks very much like this is a members club and you need to be selected to become part of the club and it doesn't seem to fit with the multistakeholder bottom-up process, from the way I'm seeing it. Thank you.

STEVE CROCKER:

So two key points. I'm not sure which of the recent selection processes you're particularly focused on. There are two that are very visible. One is the ATRT second round, and the other is the expert working group formed to look at next generation directory services. The dynamics are different but share the characteristic that there was a selection process.

With respect to the latter one, the expert working group, in your description of the process there's a very key point that we need to focus on and adjust. The output from that group is not -- I'll repeat not -- going to go directly into anything that is required. It goes into -- actually I want to expand on this a little bit. The plan is for it to go into a GNSO Policy Development Process. It is intended to help frame the questions clearly enough to give a much higher chance that the PDP will be successful in contrast to the many, many attempts in the past to



---

improve or do something about the flaws in the WHOIS system. But it has no force of -- no force behind it. It is intended to generate ideas but not to insist on them. And there's confusion on that point. It's -- and I have some regret that it got even cast as it will go directly from there to the RA. That's a non-starter from my position. And I think that has now been clarified.

There is further a non -- at least in principle, a chance that what comes out of the expert working group process is not even adequate for the purpose of framing the question properly and -- in which case we'll be in an earlier, less mature position and we'll have to go into some other mode of trying to figure out how to go forward. So the best option is the one that I said, that it kicks off a Policy Development Process with a well-defined statement of the problem and some interesting ideas. And it may not even be as good as that, although I have high hopes for it, as we all do. The ATRT is a slightly different -- and I'm not sure which one you want to talk about, but I'll --

STEPHANE VAN GELDER: Actually just to help you out there, Steve, I wasn't talking about the ATRT, which to me is a team that is selected by the community, very much so. To me the two most recent examples are the Expert Working Group or the meetings committee, I forget the name, that the group that Sebastien is working on. Both of those seem to me to be -- and I'm talking about the general process rather than the specifics, but I didn't get a sense that there was any way for the ACs and the SOs to just select themselves. I felt that the people selecting for those groups were those

---

same people that were asking for the groups to be formed in the first place, and that's what was bothering me.

STEVE CROCKER: Yeah. I can't speak about the meetings. Ray.

RAY PLZAK: I wasn't going to speak to the meetings. I was going to speak to the new directory services. The board didn't form that working group.

STEVE CROCKER: That's right. The board --

RAY PLZAK: It was formed by the CEO. The CEO is doing fact-finding trying to get information for the staff to help formulate questions and ideas and things to be put forward into the Policy Development Process. It's not intended at all to do anything to tell the community this, that, or the other thing or do anything else. Like Steve said, the best output from it is to be able to come up with some things that are ready taken into the GNSO. In a worst case there may have to be some more work done on it, but the output is nothing more than that. And so -- and the key element, though, is that this is not done by the board.

STEPHANE VAN GELDER: Sorry, right. The key element to me is the selectors don't make the choice. So the community makes the choice. Whether it's the board or Fadi or whatever. That's my --

---

RAY PLZAK: The CEO doing his function trying to find out information so that he can provide information input, and the fact that the group does have public comment to try and find information, that's one thing. I mean, it's -- he could have chosen not to do that. Could have just had the staff do it all internally as well.

STEVE CROCKER: Bertrand.

BERTRAND DE LA CHAPELLE: Just a quick response. One of the challenges is that the modalities that Stephane are mentioning remind me -- remind me a little bit too much of what the task forces were before. So we're always caught between this desire to have direct representation and a system that is more flexible. However, the main solution -- sorry, the formation of a limited group that represents the diversity without making constituencies that designate the specific seats is a very delicate problem. And the only way to go through those processes is to go in stages whereby, as Ray said, the early stages of an expert group, however it is composed, is just a preliminary input in the next stage and that it's a progressive refinement. But the challenge of forming a limited group without a clear designation process through channels of election is one of the biggest challenges of the multistakeholder process, actually.

---

STEVE CROCKER:

The -- let me -- I'm not sure exactly, you know, why there's a lot of tension about this, but this isn't -- let me say what it is. The Expert Working Group -- and I didn't have anything to do with the selection process except Chris Disspain and I are on it as liaisons from the board and as part of the process that kicked this off and helped define what was going on. The selection process was intended to provide diversity in the sense of we needed to have experts who understood what the needs of law enforcement were from a technical perspective. We needed to understand from a -- a domain abuse point of view, from privacy point of view, and from other things. There is no one-to-one relationship. There may be some rough correlations, but there's not a one-to-one relationship between that set of issues and the way the constituencies are structured in ICANN. That matching up of constituency structure at ICANN is part of what will come in during the Policy Development Process, not bypassed at all, but not matched very well to the need to have expert -- and sort of have an image in mind of how are we going to select a surgeon because we've got a delicate surgery and the last thing I want is to have everybody in the family make a vote on which surgeon -- you know how that comes out, right?

MATT SERLIN:

Yeah, so I've got James, Michele, and Volker. James, go ahead.

JAMES BLADEL:

Thanks, Matt. And I appreciate Steve, Ray, and Bertrand. I just want to echo a lot of what Stephane has said and we, I think, consulted a little bit on at last part of this. And the net result, we can talk about the different procedures and the different components that we're -- that

---

built up to where we are but the end result is that what is already a shortage or a crisis of volunteer participation is that individuals and organizations are being blocked from representing their stake. They've identified that they're a stakeholder on a particular issue and their voices or their ability to participate is diminished. We have -- I was on two of the review teams, and I know that the GNSO had put up additional endorsed candidates that were not selected. I know that the Expert Working Group, for example, has one registrar on an issue that is critical to registrars across a number of different jurisdictions and business models. So it seems that if you can control the -- or gate the beginning of the process, you're correct that you can frame the issue and lead to a more efficient and desirable output. But you can also go very wrong very early in the process and miss out on, I think, some important expertise and experience that can -- that can help drive that, that output. So I just want to echo from Stephane that we're -- we're concerned about this just becoming more of a part of the ICANN culture in that individuals would have to apply, demonstrate a need, demonstrate that they are qualified, whereas the culture up till this point has been one of self-selection and saying I think this is something that's relevant to my interests and I think I have something to lend to this effort.

STEVE CROCKER:

The expert working group selection process is part of the board's action with respect to the general WHOIS problem.

This really does fall into the part of the spectrum that is pretty unusual, if not extraordinary.

---

The board's watched, along with the rest of the community, the wrestling that has gone on for essentially from the beginning of ICANN about the WHOIS problem. It's watched the lack of success at really grabbing hold and sort of solving the problem, to the extent that it's solvable.

When the Affirmation of Commitments was written and was being negotiated, there was language in the Affirmation of Commitments about doing a review of WHOIS on a regular basis, and that language had some key words in it that constrained the review to basically hold constant some things about the WHOIS system that many of us felt were fundamental mistakes in assumptions about -- limited the range of possibilities.

We happened to be in the room at the time that it was presented to the board, and there was this negotiation between the U.S. Government and our CEO at the time who was overseeing this process and presenting it to the board and the board was then in this awkward position of saying that "We didn't -- we recognize that this language was not optimal and yet there was a lot of pressure to move forward with the whole Affirmation of Commitments document."

So the way it played out is that we went along with that, but kept track. We knew that this was going to have to be dealt with at some point.

So I'm talking about September 2009, I think.

Time passed. The time for the WHOIS review came along. We duly chartered the WHOIS review team. The WHOIS review team did an earnest and very, very substantial job, but without anything negative

---

being said about them -- and there was nothing negative to say -- they were necessarily constrained within the parameters that had been baked into this.

So when it finally came to the board to act on the recommendations from the WHOIS review team, we said -- we had to deal with two very, very important aspects of this.

One is, we recognized that the work of the WHOIS review team was a really serious, substantial piece of work and we needed to be supportive. It was appropriate to be very supportive of the work that they had done, to accept their recommendations, and to put full weight behind the implementation of those recommendations.

And at the same time, we had a kind of emperor's new clothes problem of at some point somewhere, somebody needed to be responsible to say, "This is a point at which we need to make a shift."

And the approach that we adopted was what we called a two-prong, or sometimes called two-track approach -- same idea -- in which on the one hand we would, as I said, accept and support and vigorously pursue the implementation of the recommendation coming out of the WHOIS review team, and do that at all deliberate speed as we, you know, put time lines in there and so forth.

And at the same time, say, "It's time to look fresh at this area and to initiate a process that will lead to a potential -- the potential of a different system or a new set of ideas."

Confusion -- some -- there was some degree of confusion in some people's minds, so let me try to add a little bit.

---

We did not put a hard time line into when that was going to happen. It was much more important to get it right, much more important to understand what the issues were, and until we have concrete, useful ideas to act on, it's not appropriate for us to say, "The implementation will have to be done by such-and-such a date."

And again, further along that -- to that point, we do not want to derail or undermine the existing system and the improvements in the existing system.

So the improvements in the existing system -- and we made a point, even, of insisting on different wording, and we removed the word "WHOIS" from the second track entirely. So "WHOIS" is reserved for the existing system, for the improvements in the existing system, for the review processes attendant to that, and that is moving along and will get the full attention and support.

And at the same time, we have this -- you can think of it as kind of a research or skunkworks effort, and when that is in a state of sufficient maturity, first through this expert working group which is an idea-generating process and then through the policy development process, at that point we will be then able to talk about whether or not it's -- that's the right thing, what the transition process will be, and so forth.

This is a big deal. This is -- we -- this is not a casual thing and we would not expect that this would be a regular sort of operation.

This was a -- really a pretty strong understanding on our part that this was unusual and in response to a decade or more of failed attempts at really wrestling with these situations.



---

The -- and just to bring it down to very concrete things, the idea of an administrative contact and a technical contact are left over from about 40 years ago when the ARPANET had a few dozen nodes and you wanted to know who the system administrator was, in case there was a problem with that.

That is an antique representation of the world, and the actual people who are in charge of domain names are the people who have accounts with a registrar, and that person, whoever it is, may or may not be the same as what's listed in the public WHOIS registry. That's at their option.

But there is such a -- a sharp structural disparity between the way the system actually works and the -- sort of the model that's presented that it's time to say, "Hey, let's take a look at this."

MATT SERLIN:

I'm sensitive to the board's time. We've got just about five minutes and I've got five people in the queue so I'm going to cut off there.

I've got Michele, Volker, Bertrand, and Yoav. So it's going to be a one-minute speed around each.

Michele, you're up.

MICHELE NEYLON:

Okay. I'm going to keep this really, really brief and I'll speak really quickly and upset the interpreters.

---

Just speaking quickly to Stephane's point about the output, there was a certain degree of confusion that was clarified for the -- any of the registrars. I will actually forward on the clarification that I received. And Fadi came in and spoke with us the other day to clean that up.

I'm not -- I don't want to go back over revisiting it over and over again. There was a confusion there. It's been dealt with. Thanks.

MATT SERLIN:

Thanks, Michele.

Volker?

VOLKER GREIMANN:

Well, I'm of the opinion that when there's a problem that cannot be solved by conventional measures, sometimes unconventional measures must be tried. However, these must feed back into the usual process, and that's caused a lot of concerns which have been, as Michele said, allayed in the past week.

However, many in the audience may not be aware of this, but the initial process that was proposed for the output of this group was not the output that is -- not the process that is currently there.

STEPHANE VAN GELDER:

That's actually not true, Volker. The board's statement clearly outlined that it will be sent back into the GNSO for a PDP. Unfortunately, some people misinterpreted --

---

VOLKER GREIMANN: Let me finish.

STEPHANE VAN GELDER: Okay. Go ahead.

VOLKER GREIMANN: Because -- I would just like to finish this -- the way this was presented to registrars was as an amendment to the RAA -- to the draft RAA that we are negotiating for a long while where we would be agreeing to the output as approved by the board. No GNSO process necessary.

So that caused a lot of concern with the registrars and others who were informed by registrars.

MATT SERLIN: Thanks, Volker. Yeah, yeah. Rob.

ROBERT HALL: I'll be quick and do something perhaps a little uncharacteristic for me. I noticed in the last decade or so that the words "ICANN staff" somehow became an extreme negative in this community and I'm amazed at the amount of shit we heap on them and I've done my fair share of heaping, so I think it's important when they do the opposite, to commend them on it. And I speak for myself but I think most of my negotiating team would agree with me when I say 18 months ago when we started these negotiations, it was slow going. You had a change of CEO and a change of some senior staff during this process, and I can tell you that in the

---

last three months, I have been impressed with the staff, their level of commitment to get this done.

I know in the last three days, we've spent many hours locked in a room with them. They've moved other meetings around. I think they even blew one of the board meetings off with them to try and finish this. And I think it's important that the board realize that now, for the first time, rather than jumping right into the legalese of an agreement and wordsmithing we seem to be talking about the larger issues and how we can solve them and it's one of the reasons I'm not as worried about the proposed amendment process, because what I did see was, you know, a common shared goal of what would be best for the community, how do we get there, and I was very impressed with them.

So I think it's important that we tell you, in my opinion, this was a great thing and I was very impressed with their abilities and to get to this stage where we can all sign off and move on.

STEVE CROCKER:

That's very gratifying to hear, and the board, too, has a very high opinion of the staff.

Staff works extremely hard and is very, very knowledgeable and competent and very, very dedicated, so appreciate very much hearing those words from you.

MATT SERLIN:

Bertrand and Yoav.

---

BERTRAND DE LA CHAPELLE: Yeah. Just a point to come back on the formation of working groups or any type of group, for that matter.

It is extremely important, I believe, to keep in mind that the multistakeholder approach is not based on the representational model.

Representative democracy is something where you vote, you designate people, you say goodbye for five years, and five years later they say, "You didn't remember what I said, can you vote for me again?"

That's not the way the multistakeholder model works, and working groups, when they are smaller, in my view -- and I think that's the spirit of the system -- are supposed to process information, you know, back and forth with the actors from the community.

They gather this information, they process it, they produce synthesis and a way forward, they bring it back for comment, and so on.

So the important thing is that any smaller group is not formed of representatives of people or representatives of groups or representatives of constituencies. Working groups of a smaller size, or expert groups, have the mission or the purpose of taking into account the representation of the perspectives and the diversity of the perspectives, which means that a key criteria is that anybody in the community must have the conviction that there is at least one person in that group who will convey its position when it is sent. Not defend its position. Convey it faithfully. That's the criteria.

How you select those people is different, but if you understand this as not being a representation of the people, but making sure that they will discuss, it makes the formation a little bit better. Or easier.

---

MATT SERLIN: Yeah. Thanks, Bertrand.

Yoav?

YOAV KEREN: Yeah. I want to address this on the same issue and relate to what Ray said previously about the fact that this thing was set by the CEO, not by the board.

Not only is there this notion that now there might be some people that are aware of that or understand that, there's a matter of perception. And I do believe that the -- there are quite a few people in the community that might not understand the difference or would be -- so - - and that's a problem.

MATT SERLIN: Well, I think -- whoa. Right on time. Yeah. No, that was pretty good.

So with that, you guys have a stop. Thank you again for taking time out for us today. We always appreciate these interactions, and thank the board for its time. Thank you.

[ Applause ]

STEVE CROCKER: Thank you all.

[ Applause ]

[ End of Session ]