

ICANN Cartagena Meeting  
Working Session on the RAA Final Report  
TRANSCRIPTION  
Sunday 05 December 2010 at 1600 local

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Olga Cavalli: ...question (4:00 pm), working station and Registrar Accreditation Agreements -- RAA -- final report. The presentation will be made by Steve Metalitz. He's the Co-Chair of the RAA Drafting Team -- so sorry. And, the presentation is already uploaded, so Steve, the floor is yours.

Steve Metalitz: Thank you very much, Olga. And let me just walk through these slides that Margie has prepared, and I want to start by thanking Margie Milam and the rest of the ICANN staff for all of their help in the activities of the RAA Drafting Team, because they contributed quite a bit to what I think was a successful effort to carry out the job that the - that this Council set for us last year.

This give some of the chronology of the discussions on the Registrar Accreditation Agreement. You'll remember that the last time around from 2007 through 2009, there - various activities were undertaken. There were negotiations between the registrars and the ICANN staff.

And ultimately - and I'm leaving out some steps, but ultimately in March of 2009, the GNSO approved the new form of the Registrar Accreditation Agreement, but there were some very substantial viewpoints within the Council that there needed to be further improvements to the RAA. And that was part of the resolution that improved it and sent it forward to the Board was that there would be some investigation of those improvements - which

improvements were needed or what new topics or what additional topics should be addressed.

The ICANN Board approved the 2009 the RAA. The Council set up a Drafting Team to work on two issues, which we'll get to in a minute, and it was also participating in this Drafting Team were representatives of the ALAC. This Council gave us a Charter. I think that was also in 2009, and then this Drafting Team worked until - and produced in May of 2010 a report on improvements to the RAA. There was a public comment period of I think 45 days. Several comments were received. We addressed those in the final report. Made some small changes as a result of the public comment, and then the final report is what we'll be discussing today.

These were the tasks that this Council set for us. One was to draft a charter of the registrant rights and responsibilities under the existing RAA, secondly to identify potential topics for amendments to the RAA, and the third was to develop a process and timeline to move forward on possible amendments. And, I will say that we split into sub-teams. As Sub-Team A was working on the first task there, that was chaired by Beau Brendler, and then the second and third tasks fell to Sub-Team B, which I was coordinating.

So, here's the work product for Sub-Team A. There is a reference in the 2009 RAA to a Web page describing existing rights available to and responsibilities of registrants. That's what this exercise was aimed at, inventorying the current provisions, working with A Non-Lawyers Guide to the RAA that was developed by the staff. The next steps will be for the staff to consult with registrars and implement a Web page for the Rights and Responsibilities Charter.

And as part of this process, the at large community produced an aspirational (unintelligible) describing rights that it believe should be afforded to registrants. That was not - the first part is kind of descriptive of what's in the existing RAA, and the last part was aspirational.

In the - on Sub-Team B, we considered a great many suggestions for possible amendments to the RAA that came in from a number of sources, of the ICANN staff, including the contract compliance staff, but also drawing from lots of other parts of the staff, came up with a very detailed set of proposed amendments, some of which had actual contract language proposed.

We received a number of suggestions from a consortium of I think seven or eight law enforcement agencies from seven or eight countries that presented on this topic in Sol at the ICANN meeting a year ago. We received some suggestions from the intellectual property constituency, and we also received others from others within the ICANN community.

So, (unintelligible) a very large matrix of proposed suggestions - proposed topics. Some of them fell out and I can talk a little bit about why they did. Some because we asked the compliance staff to look at which of these were actually more questions of better enforcement of or better compliance with the existing RAA. They advised us on that and some topics were taken off the table.

Some of the issues in the law enforcement report - law enforcement topics actually dealt more with due diligence in the registrar accreditation process and deciding who is allowed to become a registrar rather than what their obligations are once they become a registrar. So, we kind of took those topics out.

And, we were also - we also decided to add really a third element to our sub-team activities, and that was to try to identify any topics that shouldn't be on our list because they really should be addressed by consensus policies. So, all of those were taken out that were identified in that fashion. And, the result was a very long list which we honed down to 12 high priority topics and about the same number of medium priorities.

I'm not going to go through each one of these, although we could certainly come back to it and do it. But in many cases, they are based on provisions that are already in the RAA, and they would in effect build on provisions of the existing RAA.

So, the first item is to specifically prohibit registrar activities that involve cyber-squatting. The second would be to make it clear that registrars do have a duty to investigate reports of malicious conduct that they receive. Third is about us having a 24/7 technically competent point of contact on the malicious conduct issues. That would be something registrars would have to do.

The next couple deal with privacy and proxy services as an existing provision of the RAA, that to some extent addresses this as 3.7.7.3. But, this would build on that. First it'd deal with the proxy services that are made available by registrars in conjunction with registration. In other words, proxy and privacy services that the registrars themselves offer and then - first to disclose that and make it clear the registrar is responsible for compliance.

And then second on Point 5 there, to - what that - those services should do. What standard they should be held to in terms of relaying claims that a domain name had been used or that there was activity - actionable activity associated with the domain name, and under what circumstances should they reveal the name of the licensee, or the contact points of the licensee, or perhaps you would say the real registrant instead of the proxy registrant.

Number 6 really dealt with other types of privacy proxy services that were made by parties that weren't - services that weren't offered in connection with registration by the registrar, but were independent third parties. And, what are the circumstances under which those registrations should be cancelled.

Then, the next - going on into the high priority list, Number 7 dealt with whether - when a registrar should be required to cancel the registration for false WHOIS data. As it stands now, they - under a advisory that was issued in I think 2002, or '03, it spells out that they have the authority to cancel registrations in these circumstances, but they're not required to do so.

The eighth was to - and really with regard to - we had a lot of discussion about registrant verification and was there a better way to - or should there be some requirement to verify the identity of registrants. And one suggestion that was made was to require compliance with the PCI standard that's used by the credit card issuers and others to try to identify who the actual customer is, or who is - who it is that's actually making the registration. And since this was a preexisting standard that many registrars already followed, it was thought this might be a good topic for a requirement in the RAA.

Number 9, the 2009 RAA did provide some new obligations on resellers; however, it didn't define what a reseller was, and there was some discussion within our sub-team that maybe we didn't all agree what a reseller was that was subject to the 2009 RAA. So that's Point 9, but clarifying really what's in the 2009 RAA on that subject.

Number 10 deals with registrar affiliates and entities that have multiple registrar accreditations, having greater disclosure of that.

Eleven is greater disclosure of information on the officers and the form of business organization of registrars, which is not very clearly expressed to the public now.

And then finally, a clarification of registrar responsibilities in connection with the UDRP, both at the beginning of the process and at the end of the process, in terms of fulfilling or implementing a decision by a UDRP Panel to transfer a domain name.

Then there were some additional topics, which I'm not going to take the time to go through. But, all of these were felt to be important as well and topics that ought to be considered as part of the new registrar accreditation agreements, again most of them building on existing provisions in the RAA. So for example, there is an obligation now for a registrar to investigate reports of false WHOIS data, and this would spell out what process they should follow in more detail.

Again with resellers, once we - that was defined, the view was registrars should disclose who their resellers were. And there's several related to WHOIS, including a service level agreement on WHOIS availability to be included in the contract. And then there's some procedural questions about the arbitration process, the - streamlining the process of adding - of a registrar being able to add new gTLDs to their accreditation, which apparently is a rather ungainly process now.

And then finally, the RAA has always included a requirement that if a Registrar Code of Conduct is adopted then - by the registrars through the ICANN process, then the registrars would have to abide by it. And after - now over I guess about ten years of experience under various forms of the RAA, there is no Registrar Code of Conduct, and one proposal to be considered was that if the registrars did not come up with a Code of Conduct by a date certain, then the staff would draft it and that would at least get the process - get that process going.

But, those are the topics that we identified in the Sub-Team B, which included registrars, it included ALAC representatives, it included representatives from the commercial stakeholders group, and others as possible priority topics for improving the RAA.

Our next - our final job was to propose a process for implementing what we had - or moving forward I guess I should say, because we weren't trying to draft a contract in this group by any means, but what would be the next steps

for moving the process forward. And, it turned out there was a split within the group on this.

I'd say - and using the criteria for you know strong support and substantial opposition, and those other labels that are used in working groups, although we were not formally a working group. The strong support position was that - I guess I should say first that everyone agreed on certain aspects of this, including that the next step would be for the Council and the staff to review these recommendations, determine if they felt - if they thought there were some issues that should be taken off the table because it could only be dealt with in the consensus process.

As I said, we looked at that and the group that was participating in the Drafting Team thought all these issues fit inside the - what should be done in the RAA revision, but obviously that's not the Drafting Team's decision. So, that was the first step in every case.

And then the last step was almost the same in every case of - I guess the last three steps - the last two steps were the same in both - in all the processes. But if you go back - I'm sorry, if you go back to the - yes, there were - as I said, there was a strong support position. There was a substantial opposition provision. And then as we started discussing it more and trying to reach a decision, there were actually quite a few sub-team members who I think wanted a position that was even, if you will, stronger than the strong support position, if you want to put it that way.

And basically, the differences dealt with who was going to be involved in the negotiation. The strong support positions was that there should be ICANN, there should be the registrars, and there should also be observers that represented the interests of effected non-parties to the agreement. The substantial opposition group, which consisted of registrars on the drafting team said that they should not have observers in the negotiations, but that there should be regular reports out of the negotiations.

And then sub - the viewpoint that came out toward the end from several sub-team members with this - the third parties, the effected non-parties should be full participants in the negotiations.

So, if you want to go to the next one, this is just a whole process - this is in the strong support version. But as I said, Number 1 is the same, 2 differs, but the other options about who is involved with negotiating - and I think all of them also have in common the idea that the negotiating group would report periodically. It would ask for comments either from the GNSO or the ALAC about particular issues.

And then the question is to Point 6, who decides when the full draft of the new RAA is ready to be posted for public comment? And, the strong support position was that that decision should be made by the staff and the registrars, but then they should be required to consult with the observers who had been participating in these negotiations in order to come to an agreement that it was ready to go out for public comment. And then as I said, 7 and 8 I think are basically the same in all these.

So finally, this is the motion that has been presented to the Council, that I understand is on the agenda for this meeting. And, it basically goes through what - the history as I've described it and that there was a final report, and that endorses the final report.

It accepts - it approves of the form of the Registrant Rights and Responsibility's Charter, so that would get done, and the link - you know, that registrars would be required to link to that. And then, it recommends that the staff begin consulting with registrars - oh excuse me. That's the third point of getting it on the Web site. And then the recommendation is to adopt the Process A, the one - the process that had strong support in the final report for developing a new form of the RAA focusing on the high and medium priority topics.

So, that means the first step would be review this and see if - what has to be taken out because of - if there are any existing (unintelligible) that have to be done through the consensus policy process, and then move on from there in the other steps in this strong support version.

I think that - let's see. Yes. That's the process. Okay.

Okay. So I will stop there and turn it back to the Chair for questions.

Olga Cavalli: Thank you very much Steve. I will open a queue for questions. I have the hand of (F115). Well, Avri. (Please).

You were waving?

No.

Oh, sorry. I was confused. Jeff, go ahead please.

Jeff Neuman: Thanks. I just have hopefully a quick one and then I'm sure I'll follow-up after everyone else. You said that there was agreement on the Drafting Team as to which of those issues fell - was in the consensus policy process. Was that a full agreement? Like everyone on the Drafting Team agreed with those, or was there some sort of disagreement as to which topics were in the picket fence and which ones weren't?

Steve Metalitz: My recollection is that any time people brought up that it was out - it shouldn't be included because it was a consensus policy issue, we took it off the list.

Olga Cavalli: Tim, go ahead please.

Tim Ruiz: Yes. I believe the registrars you know, reserved comment one way or the other on that. So you know, I just wanted to make sure that that's clear.

Olga Cavalli: Margie.

Margie Milam: Yes. My recollection was that it wasn't really cursory, but that's why one of the steps in the process - in both processes is to go back and look through it to see whether it's a consensus policy or not. But, we didn't take a poll on whether those were consensus or not consensus. But I recall Steve, that's correct.

Olga Cavalli: Thank you. Avri.

Avri Doria: Thank you. I just wanted to sort of point out one thing on the slides there. I was certainly one of those participants who felt that all of the participants in GNSO needed to be represented in those discussions. And I did not feel though that we needed to be represented as third parties in those discussions, but rather that the GNSO is an integral part of ICANN.

It is the one that makes policy recommendations to the Board on issues related to registrars, registries, et cetera. And that therefore - and the Board is the one that has to sign any of these agreements so that to take ICANN and say there is staff and yes they are parties, there is ICANN and there is GNSO, and know they are not parties - they are third party is an invalid way to look at it. And, that the GNSO really did need to be participants in the discussions. Thank you.

Olga Cavalli: Thank you Avri. (Wendy).

(Wendy): Thanks. I have a question about these proposed next steps, some of which goes to the point that Avri was raising. The - but the next slide I think. You know I mean so if this motion were approved, it's the idea that we would then be in Stage 1 where we would have this list and we as Council would be responsible for filtering out, along with the assistance of staff, many - the

many issues to mind in here that involve policy decisions rather than mere negotiation and implementation points.

Steve Metalitz: Yes. I think both of the process started with this one. And so, the idea was that it was - while our task force took on the task of trying to identify any that definitely should not be included, Tim is correct. We didn't ever vote on anything or make a final conclusion that anything should be included. Or you know, on that question of whether it fell within consensus policy.

So, the - it would obviously be up to the staff and Council, or the Council to figure out the best way to utilize the staff to help it decide whether any of these topics should be knocked off the list for that reason.

(Wendy): Thanks. And so that diminishes but doesn't eliminate my concern with the negotiation being only between registrars and staff with perhaps observation, but not full participation. I would tend to agree that as this is a contrast that will affect all of us and give even less opportunity for a pushback for those who aren't parties to the contract, because we've all been interpreted out of party participation in the contract.

It's really critical that we get things right at Step 1 and make sure that we express all of our policy concerns now, either prior to adoption of this motion and/or as the policy process goes forward.

Olga Cavalli: Thank you, (Wendy).

(Mary).

(Mary): Thanks Olga. And my question is a follow up and quite similar to (Wendy)'s and it's with respect specifically to I guess Point 2 in Process A. I would say that this probably may not have been a question that was considered by the drafting team. So it may be a question both for the drafting team and my

fellow councilors as in terms of timing and process and decision, the certain observers, how would that be decided and by whom?

Man: (Mary), you're correct. That was not really discussed by the drafting team.

Olga Cavalli: (Steve), Mason.

(Steve): (Steve) if I could. If we go back to the slide that dealt with the high priority amendment items, I just wanted to get clarification. So what was or wasn't taken off and according to what criteria off that list as it relates to the picket fence to whether it's a policy matter or a contract?

(Pete): I can't - well nothing on that list was taken off because this list will mix everything that was taken off for that reason. I'm not sure I can - I can't recall exactly which ones had been - Avri may remember some but again we looked at a huge matrix that literally is about 100 suggestions.

And some of them were taken off for different reasons as I said compliance issue, it's really a due diligence issue pre, you know, how do you get to be accredited. And then some were taken off because some people said that looks more like a consensus policy.

(Steve): Right. So is this list - is everything on this list then outside the fence?

(Pete): Everything - it's probably fair to say nothing on this list was raised by a team member as being something that should be dealt with under consensus (unintelligible).

Woman: And I can - I (recall) one example for example that was a request to prohibit domain warehousing and that was one of those that seems like it was (unintelligible). So I don't - it was a tremendous list, things were filtered. I don't have a list of exactly what was excluded (unintelligible).

(Steve): Okay. Thank you.

Olga Cavalli: Jeff Neuman:

Jeff Neuman: Yeah. To follow up on that I guess I'm a little confused because it seems like aren't we doing studies on four or five and six? Don't those kind of fit in to some of the studies that are being done and didn't we just ask for a bunch of funds to be allocated for it?

It seems to me that - well I mean I may - I guess, yeah, it seems to me that we're just kind of trying to circumvent the process. I mean why would we do this at the same time that we're doing studies on the same issues? I mean it seems to me that we're just trying to circumvent everything we've done before. So I guess - and then the other thing that I'm a little confused about, and forgive me because I'm new to the Council, so I just may be confused.

But why are we talking about - keep saying that we're going - if we pass this we go directly into negotiations as opposed to going through - even if we don't do a full PDP, don't we still need to look at a policy process of studying the impact and how (unintelligible) - we need to understand those issues rather than going straight into negotiations but everything I hear is once we pass this resolution we're going to go straight into negotiations. I think we're missing something. Yeah.

(Pete): On the last point I think it's clear from the process slide and I tried to emphasize this that if we don't go straight into negotiations, we first decide which issues if there are any issues that shouldn't be part of that. And then (Mary) has raised the point that if we go with the process that is substantially - was substantially supported by the drafting team, then some method has to be decided upon whether it's, you know, could be a lot of different methods but for figuring out who are these observers.

So it's not straight into negotiations as far as that goes. On four, five and six well the fact that there about proxy privacy services, you're right; those are topics that are - have been the subject of studies that ICANN has undertaken and are the topic in some cases of studies that ICANN is planning to undertake.

But this is not a study process and the fact - so the study told us for example that approximately, you know, 20 million gTLD domain names are registered without the name of the actual registrant - the actual party of interest appearing in Whois, about 20% of all gTLD names. That's an important fact but it's not the same thing as saying there should be some change or some greater specificity about how such services are supposed to operate.

So I don't see any really any great contradiction between these and between the fact that there are some studies that have taken place, some other studies that are ongoing and the idea of moving forward with more detailed provisions on this topic. That's just my view.

Olga Cavalli: Tim.

Tim Ruiz: Thanks. I just wanted to respond to some concerns that it sounds like (Wendy) has and probably to some extent Avri I guess too. And that is that, you know, when, you know, the original 2001 RAA as well as the existing one actually. I mean it was designed - at least from our perspective it was designed to give the community exactly what (Wendy) just said that she felt that was needed or Avri.

So the opportunity to fully participate and to have full, you know, say in what many of these different aspects of registrar operations become or whatever. That's - those are the consensus policies and there's a huge number of different issues that fall under what is considered consensus policy within the RAA. But that - it was limited to that. If that was not the purpose to have some

limit to those topics that would be a part of community discussion, then why is it there?

So clearly that was the intent. That was the impression we were given as registrars when we signed the RAA. And that's all we're asking before going forward. So yes, we fully agree there are issues, there are many topics the community should be fully involved in but there are others that are negotiations between ICANN and the registrars.

Olga Cavalli: Thank you Tim. Avri and Kristina you (unintelligible). Avri, go ahead please.

Avri Doria: Yeah. In trying to differentiate the differences between the things that are consensus policies within picket fences that allow existing contracts to be changed versus things that get negotiated as being components of the next contract signed, I don't see why the one of yes there are certain issues that are picket fence issues and those are consensus policy issues and those don't affect next contract signings but those affect current contract versus things that affect future contract. Why the fact that there is a consensus policy would exclude the future discussed items.

I don't understand the logic of that. There are certain things that have an immediate affect and there are certain things that are a part of something that has a future affect. And the fact that you have one should not preclude the other. And as I say...

Tim Ruiz: Just to be clear though consensus policy has immediate and future affects. So once a consensus policy is passed it's effective immediately on all registrars and all new registrars that come along, right?

Avri Doria: Right.

Tim Ruiz: So...

Avri Doria: Right. Yeah. But and things that aren't within those consensus policies just affect the next signing of the contract, correct? It affects the next time you sign the RAA. But what we're saying is just because there is a role for the whole GNSO community to participate in the consensus policies does not preclude that they should have a role in discussing the future policies. And I don't see a logical connection between those.

Tim Ruiz: Okay. And I would agree as long as those future policies are - fall within the picket fence. But we don't - but, you know, if they do then they take immediate affect, correct? The point is what you're just - you want to undo exactly what we did when we signed that agreement and that was said these are the things that we're opening up for community discussions, everything else is not.

I mean that was the arrangement. That was what we agreed to when we signed those agreements. And part of that reason is to provide some amount of predictability for registrars and their business operations, et cetera. The same is true with registry agreements.

Olga Cavalli: (Sorry) Tim. Jeff has a comment. And Avri, you want to follow up.

Avri Doria: Yeah, I guess...

Olga Cavalli: After Jeff.

Avri Doria: ...I will just go after Jeff.

Olga Cavalli: Thank you.

Jeff Neuman: Can I ask - I think I've heard how Avri feels but I'd like to actually know from everyone else in this Council including the ones that are big supporters of some of these amendments. Is it everybody's understanding that if we went forward with this that anything that comes out of this process would not be

something that could be imposed on current agreements but would only be for future agreements?

In other words, if it's outside, if you don't go through a PDP, you don't go through a consensus process (because) I'm not sure I've heard that yet from others because my fear is that even if we are allowed to negotiate things for future agreements, which I'm still listening to both sides.

I mean if we're allowed to do that it's my impression that a lot of people in this community will want these changes immediately in agreements. And it would be (unintelligible) people say that this point to say no, we understand that none of these apply until the people sign the agreements the next time which would be five years.

And also one of the things that should be on the table then is, you know, I hear Tim's concern obviously as a registry in another contracted party that maybe terms of agreements should be longer because, you know, things could be completely changed; anything's open. Then in terms of agreements should be much longer to give more certainty and predictability.

But I just want to hear on my first question of everybody else if we went forward with this it's the understanding of everyone that it would not apply to current contracts but anything in the future like things come up for renewal.

Olga Cavalli: Avri, you want to comment?

Avri Doria: Yeah. And I think it's great that you've asked the question of others and I hope others understand. I - just from our previous encounter with the RAA, it was indeed the things didn't until the next signing of the contract but there was also an incentive placed on resigning sooner.

So that that has been the practice and I certainly wasn't suggesting that we would change that practice at all. That those things that were not within the

picket fence consensus policy indeed that is - I would hope that at the end of it.

The other thing that I would point out and then I'll shut up for a bit I hope is, and you all hope, is that (unintelligible).

Olga Cavalli: Thank you Avri. (Steve) you want to comment something?

(Steve): Yes. I just want to give my personal response to what Jeff said. I agree the - if we - if a new RAA is negotiated, then it doesn't become binding on anybody until they sign it. And I also agree with Avri that if we're able to negotiate a better RAA that, you know, doesn't - in other words, if we're able to grasp the huge opportunities in my view that were missed in the 2009 process because it was a more closed process.

If we're able to get a better RAA that better protects registrants and that deals more fairly with the interested third parties, I think that ICANN should do what it can to try to get registrars to sign it as soon as possible.

But that doesn't, you know, the contracts they are under now are what they are. And they have a term and (unintelligible) change that.

Olga Cavalli: Tim.

Tim Ruiz: I think just speaking for myself, you know, for Go Daddy that, you know, many of the things that I think we've seen there, you know, they look like some good improvements to us as well. So it think it wouldn't be hard to incent us to want to sign on early as well just as we did in the last RAA.

But we need - what we're concerned about is having a process that we can get registrars to participate in that will work and we can use and have a good result so that we can move forward with something that's going to improve, you know, the landscape for everybody. That's all we're looking for.

Olga Cavalli: Thank you Tim. Other comments? (Bushan) and (Steve), no. Kristina.

Kristina Rosette: Just to answer specifically Jeff's question. I mean that - the understanding that Avri and (Steve) have stated (unintelligible). Having said that, I don't know that it's necessarily my understanding or the understanding of Councilors that control. I mean I would suggest that we, you know, this is something that we'd have to get the view of the General Counsel or the legal department.

Olga Cavalli: Marge and (unintelligible).

Margie Milam: And we did provide information in the report. If you take a look there's a memo that was submitted by staff outlining the different options for amending the RAA. So I encourage you guys to take a look at that. And I just want to point out a couple things.

Certainly voluntary adoption is always a possibility. You know, we would explore things like incentives if that's what the community wants. These are all things that are open and available for discussion. And I just want to remind you that when we did the 2009 version of the RAA, that included topics - the amendments included topics that were in the (unintelligible) and were also not in the expense.

And so as long as this becomes a, you know, collaborative process that everyone buys into, you know, there may be flexibility with respect to what goes into the RAA.

Olga Cavalli: Jeff.

Jeff Neuman: Yeah, can you pull up the resolution again? So I'm going to probably ask and I think this is something we should probably do a little bit better job. We put a lot into one resolution. And if we vote up or down, it's either we vote to

approve every single thing in that resolution or we vote to reject everything in that resolution.

I'd like to make a request at some point that to divide this resolution up into a bunch of separate motions as I've done in others. Because I think if you look at each resolution, there are some that obviously are much more controversial than others.

And I think, you know, obviously accepting the report and, you know, appreciating it is something we can, you know, it's fine. It's great. But I think we have so much in this resolution. When you look through this and then you look at the next page, doesn't it continue because it specifically spells out? So if one of us agrees or disagrees with any one of the steps, the entire resolution (unintelligible) voted down. I mean we have no choice.

So I guess, you know, this is something we're going to discuss with the registries. And I have a feeling the registries are going to have some issues with some parts of this but maybe not with other parts. And so I wouldn't be surprised if we came back and asked for this motion to be split into a few.

Olga Cavalli: We have a question in the open mike. Rob.

Rob Hull: Hi. Just more of a comment actually. A lot of this focus has been on what the community wants. And now you're about to vote to enter into a negotiation with the registrars. And I would caution you as a registrar - it may not be in my best interest to say this, but you should be thinking about what will we want.

So a negotiation is give and take. And the more you put on the - what you want on the give side, if you will, more the registrars are going to want in return. And so you've got a pretty balanced contract right now that gives you a picket fence and things you can affect.

I would caution you about how much you've asked for and how many of that list that you really want and to prioritize the ones you really want. Because I suspect when you ask a party like the registrars to go away and say hey, what do you want; we'll all get in a room and figure out what we want.

And I saw this same process go through with the, you know, came out basically with the .com contract which when you ask a company such as Verisign or such as registrars, what do you want, it's often not what you expect or what the community wants.

So I would just caution you to prioritize perhaps what's really important versus we want these 30 things. Because what if the registrars came back and uses the (unintelligible) example and said, great, we want, you know, Whois. And it could be something or we want a 20-year contract. You know, I'm guessing at what maybe some of these things. But don't assume that you'll just get all your laundry list without any give on the other side.

Olga Cavalli: (Steve) and then Tim.

(Steve): Rob, I think that's a good point. But one thing I don't think our team did as well as we might have was honing down priorities. And I think it's understandable in a sense because when you're actually in negotiation, that's when you really have to focus on what are the most important ones in there.

So we - I think we did our best to try to - we did throw a lot of other things overboard, believe me or at least put them in a lower priority. But I agree that - I just - the other thing I just wanted to say is that, you know, registrars participated in this team, participated quite actively and constructively and so that was one opportunity for some registrars. Obviously they weren't speaking necessarily for all registrars to say this is what we want in the new contract.

So it was very much open to them to do that. And I think some of the actual - if you look in the report, I think it is - the wording of these - some of these topics definitely reflects input from the registrar.

Rob Hull: Just a point of clarification on that. So there's some things in this report that you think that you examine the RAA and said look, we don't need some of these things in it? They're both sides of it or these are all new things you want out of there changed.

(Steve): These are the new things that people - that were proposed either by law enforcement, by the staff...

((Crosstalk))

Rob Hull: Right. So did the committee look at here's stuff in it that we don't need anymore? Or maybe this is stuff that they're there and they're (dated) and like bulk Whois for example. You know, I'm throwing out other things.

(Steve): Yeah. There certainly was some discussion about that but no; it basically was looking at the top (things) that were proposed by the public.

Rob Hull: The wish list. Okay.

(Steve): Yeah. And seeing and trying to set priorities among those.

Olga Cavalli: I have Tim and (Michele). Tim. Michele, go ahead.

Michele Neylon: I was actually on both of the sub teams, as you know, and I'd actually have to disagree with you quite strongly.

While we definitely did get registrar input into rewording, rephrasing, toning down in some cases or making a practical list of items that have been put forward, at no time did we ever really get into looking at bulk access - bulk

Whois access provisions or anything that the registrars may have wanted to do and nor did we really even have a chance to do so because (unintelligible) to be frank from my perspective into speaking as me, not for any other registrar, we did play the (unintelligible) defensive position.

Because some of the things that people were asking for us to do within this entire RAA thing - I'm not talking about the rights as laid out in consensus policy, yada, yada, yada. I'm talking about very, very big significant changes. We have to go on the defensive there because some of the changes were - that people were putting on those lists originally were very, very broad sweeping.

Now as Rob points out, you know, there may be things that we would like to see removed and maybe some of those things I think that you won't like. So, you know, be careful what you wish for.

Olga Cavalli: Thank you Michele. Tim, you want to say something? Margie.

Margie Milam: I wanted to address the point that Jeff made about splitting up the resolution. And one area where I would suggest you may want to split the resolution relates to the approval of the registrant rights and responsibilities charter because that seems like there's no controversy or, you know, seems to be generally accepted with what it should say.

And (unintelligible) it would hold up the consultation process and then, you know, the next step from the registrar team to be able to get that implemented. And I don't know if Tim (unintelligible) if you want to address that from your perspective or Mason.

Man: No, I agree. We're prepared to start the consultation process with the registrars but we're just waiting for this process to be finished. So I would certainly say that separating them out would be a (unintelligible).

Man: That's point of clarification. I mean the motion is to approve a process going forward, not approving the rights and responsibilities document, so, right.  
Okay.

Olga Cavalli: More comments? More questions? (Pete), you want to say conclusion.

(Pete): I would just thank everybody for your participation and if there are further questions, I'd be glad to talk with you online.

Olga Cavalli: Thank you very much everyone and we have finished this presentation and meeting. And the next meeting is the joint meeting with the GAC. I think we have (move) there. Stefan, am I right? We have to go to the room, which is nearby. And it's from 5:00 pm to 6:00 pm. Thank you very much.

END