

ICANN San Jose, Costa Rica, Meeting

Registries Stakeholder Group (RySG)/Registrars Stakeholder Group (RrSG) Joint Meeting - TRANSCRIPTION

Tuesday 13 March 2012 at 16:00 local ICANN San Jose, Costa Rica

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Gray Chenoweth: All right, thanks - thanks guys for showing up. Yes that's the agenda. Thanks guys for showing up. We - we -- Keith just informed me that there was a - a promotion. So he's been promoted from -- to Acting Chair due to the absence of our good friend David, so...

Keith Drazek: The promotion is actually now that I'm up here in this rarified air in the Registrars stakeholder group head table.

Gray Chenoweth: Oh yes it is, it's very rare air up here. Anyway well, guys thanks for coming. Hopefully, you've had as a productive day as we had and thanks for sending the list.

I think the list is a good one that we can go over and I think it's a good place to start. You know, I kind of feel like we're going to maybe talk about bylaws right after this in our - in our groups. So maybe we can put bylaws at the end.

Keith Drazek: Sure.

Gray Chenoweth: And why don't we kind of take -- so why don't we just push that the end and move to standardize registrar onboarding format as a good first topic.

Keith Drazek: Great, thanks Greg. And again I'm Keith Drazek, I'm the alternate chair registry stakeholder group and David Maher sends his apologies and regrets. He had another obligation and had to leave early so I'm your Acting Chair at the moment.

Do we have -- are the phones on or do we have folks on the phone?

Gray Chenoweth: Yes, sorry it's being recorded.

Keith Drazek: Okay, great and I'm going to ask if Roy Dykes from Neustar Registry stakeholder group is on the phone yet.

Roy Dykes: I am, I'm right here Keith, thanks.

Keith Drazek: Great Roy. So I am going to -- we're going to kick off with the issue of standardizing registrar onboarding format. So if I could just go ahead and kick it over to you and before I do that let me ask if - who from the Registrars group has been participating in that and are they here or on the phone?

Man: Has stepped out.

Keith Drazek: Okay, not a problem. So Roy why don't you go ahead and kick this off and as we need to we can engage with our colleagues here.

Roy Dykes: Right, sure, thank you very much. I think based on the that we just got in the registry stakeholder group meeting that's the really the update I'm going to provide.

And that update is that we - we have heard back from ICANN relative to two points. The first was getting a level of effort and understanding what funding would be required to build a portal to help streamlining the onboarding process.

And the update from ICANN was that at this time the one-pager of high-level requirements that was provided isn't quite enough for them to make an assessment.

And so that we need to provide a little bit more detail relative to work flow and - and parties' impacted for them to give a - a better qualified LOE. And what I proposed in response to that is that we reconvene another meeting of the sub-team that met in November to work through that.

What I'll probably do is figure out some way to create a draft workflow using the -- as a template what we had presented in that November meeting to go off of and go from there.

And then the other - the other piece of the response that we got back from ICANN was - was relative to if we have such an onboarding system in place, would we require registrars to use it?

And - and in the answer coming back was no not at this time. But I think - I think we need to as a collective group, Registries and Registrars need to - need to see and understand what this final system might look like, how it can help streamline the process and how it can create efficiencies in the onboarding process before we can make a definitive decision like that.

So that's the update that I have from that. Does anybody have any comments or questions? Otherwise, the sub-team that met in November I'm sure that (Michele) still has the distribution list from that meeting.

And I have it myself we'll be looking to schedule something as a follow-up to that meeting in November within the next couple of weeks to talk about the process flow and the - and the additional detail that ICANN needs.

Keith Drazek: Okay, thanks Roy this is Keith. We're having a little bit of a hard time hearing you. It's a little bit garbled so Michele just came back into the room so maybe we can kick it over to him for the registrar onboarding format.

Michele Neylon: Okay, thanks. What was the question? Sorry.

Keith Drazek: So Michele we're basically just talking between the stakeholder groups about the process that's been underway for standardizing registrar onboarding format.

Michele Neylon: Okay.

Keith Drazek: And Roy just gave us a bit of an overview and I think he mentioned that there were a couple of meetings either scheduled or yet to be scheduled. And so if there's anything you would like to comment on...

Michele Neylon: Yes, I mean basically over looking at the -- we discussed possible avenues, possible things that we'd love to see in an ideal world. What we have been able to focus on is down to date of election.

So for example I-team ranges, contact points because pretty much every registry requires them pretty every registry to however, preference standardized there's no one single form, no one single one to contact.

So you have several calls between registrars and Registries and couple of -- I think each of the registrars was involved wasn't it just me. Probably also had calls with ICANN staff about this.

And part of the idea from their side was getting the scope of what we like to achieve what we could achieve and there's a document which kind of outlines the kind of current position and current thinking that Roy has kind of circulated, that's pretty much it are there any questions feel free. If I don't know the answer, I'll mumble it and point at Roy.

Keith Drazek: Thank you this is Keith. Roy do you have any thing else you'd like to add at this point and if so...

Roy Dykes: I don't other than I don't know -- first of all, do I sound better?

Keith Drazek: Unfortunately, not really.

Roy Dykes: Okay, that is unfortunate. I just don't know if Michele heard -- was in the room when I - when I mentioned that I did hear back from ICANN today. And that the outcome of that is that we need to do a follow-up meeting much like the meeting we had in November where we had both Registries and Registrars together to talk about a process flow.

And what the process might look like, because I say additional information that ICANN's needs to do a more qualified level of effort assessment for the - for the portal.

Keith Drazek: Thanks Roy, so it sounds like there's really a call for further call efforts between the Registries and Registrars to get together and continue working on this.

Michele Neylon: It's an ongoing dialogue and it's, you know, we've agreed in principle between Registries and Registrars and I think we're happy with the scoping issue on ICANN's side, both technical and I think he said legal which is probably correct as well. (Unintelligible).

Roy Dykes: If anyone was going to summarize in one statement, that's it right there.

Keith Drazek: Right, didn't get that Roy, sorry.

Roy Dykes: Good summary.

Keith Drazek: Okay, all right why don't we wrap this up, this particular item up and Michele thank you for that, Roy thanks for that. And, you know, why don't we follow-up with, you know, an email exchange on this if there's any action items that come out of it. Okay.

Roy Dykes: Sounds good. I'm dropping.

Gray Chenoweth: Great, thanks. I think the - the GNSO council and their contract reporting house was the next topic. (Unintelligible).

Keith Drazek: Okay, this is Keith again so the next item on the agenda is discussion about the GNSO council on the contracted party house. Is there anybody from either of the Registries or the Registrars would like to take a lead on this?

Jeff Neuman: I don't know what that refers to. I think we should we talk about council motions.

Keith Drazek: (Unintelligible).

Jeff Neuman: All right, there you go. So there's four motions I think two of them are pretty easy. One of them is approving a charter for the lock on setting the lock on mediocrity. Yes, I think pretty noncontroversial.

I think we're on board for that one. I think assume you guys think this is not controversial. The second one is a, sorry promotion on approving the principles for cross community working groups.

I don't know if you all talked about that, but this has been going on for a year that the principles has been skipped around. Jonathan Robinson from the Registrars stakeholder group is actually been leading that effort and I don't know if you guys had a discussion on that but we found that pretty non-controversial.

All right, the next two are the harder ones. So I'll throw out the - I'll throw it out to you before we say how we came out on it. So this one was on (Fitquwiz). It's a PDP for (Fitquwiz) and obviously we had a lot of discussion on it, but I'd like to hear what your thoughts are before we go into ours.

Keith Drazek: Fellow Registrars any - from our councilors, any thoughts or comments on that?

Gray Chenoweth: (Fitquwiz), a motion, we're leaning in favor.

Jeff Neuman: We had a long discussion on this one. I don't know if you guys did. One is, you know, obviously this is a motion that's focused on potentially the activities of one registry operator even though they provide support to, you know, three TLDs.

And so we went back and forth on this one as to normally there's a principal that you shouldn't do a PDP on any one individual party or a few parties because that could set a bad precedent in the future.

You know, one or two Registrars are doing something that you want a full PDP with all of the resources expended for the activities just those one or two. Ultimately, because of the prominence that has in the community and to not wanting to be seen as getting in the way of - of this.

And how important it is to the governments and others, the Registries are going to support this motion but we're going to ask that - that we put this in a little bit lower priority due to the contracts being negotiated right now should be placed very soon from what I understand.

And we think that any PDP should await the whatever - however that contract comes out and so hopefully that contract has to be renewed by the end of November. So presumably if the PDP doesn't want to start until early next year.

Keith Drazek: Are there any comments on that? Jeff?

Jeff Neuman: Okay, so I see you guys had a lot of discussion on this next one so I'll just throw it out to you all on the motion on the protection of International Olympic Committee and Red Cross. Red Cross remains at the - at the top level. So I'd love to hear your thoughts on that and we'll take it to our discussions as well.

Gray Chenoweth: I think Elliot you are the one that voiced some things in our discussion about it, maybe you can take that.

Elliot Noss: And we're prepared to share this with our registry friends? No, I'm joking. So we did have a lot of discussion around it and I think that in terms of Jeff who else is here from registry? Is it just you guys up here or is there a couple of people in the audience? Oh, great excellent so I'll look out here then as I'm talking.

So, you know, we had a lot of discussion about it and I think that we came out on, you know, almost what I would call a better issue more importantly. And I think I'll set up for that by bringing you back to the GAC unit sole meeting which I imagine a lot of you, you know, were in or saw this topic.

And there were two really interesting things that happened, two impactful things that happened in that meeting. The first was that (Suzanne) made a statement that was for me unique in really in ICANN's history which was a statement where she distinguished, you know, she said very clearly, "Here are two crisp reasons why these two parties are separate and distinct from all of the other parties who are also asking for the same protection."

And I thought that was remarkable frankly because it recognized that there was a specific issue here that was bigger than the issue at hand and that was a real concern for the name space.

And I know that she's done a great job there of - of giving a clear GAC statement protecting it. And so, you know, that to me was a first in the history of GAC and government role in a multi-stakeholder in ICANN.

But there were two other statements that followed, you know, first by the EU and then by Portugal that really mitigated (Suzanne)'s statement. And, you know, if EU statement was, you know, to summarize we haven't really looked at it.

And the, you know, the Portuguese statement, you know, talked about maybe protection for expense for others. So there's two things and we think there's a real opportunity to send a message around the importance of governments rule in sort of participating very productively multi-stakeholder.

And to protect against what would - in our view - be pretty much a disaster which is sort of everybody else piling in with a bunch of protection. So we plan to issue the statement applauding what looked like a -- sort of a clear effort to play nice.

But then saying that unless and until the GAC can give us a clear statement that there consensus view is that these two parties are distinct we have to let them know.

Jeff Neuman: So thank you for that Elliot. And I really wish the Registrars had remember on the drafting team that a good idea that I asked for on early on and to hear his view point early on would have been excellent.

Elliot Noss: You know, I should note there's probably two things worth noting Jeff. One is that - one is that there's been a lot of ton of work here and I, so, you know, I

really push this in this room and I wasn't partied to that work, so apologies and thank yous and all of that.

And I think the second thing is, you know, this position wouldn't have existed prior to that GAC GNSO meeting which was a day or two ago.

((Crosstalk))

Jeff Neuman: But on that look there's been a GAC consensus statement. And the GAC consensus statement was clearly this applied only to two groups and then they went on the record and explained that and had the legal research behind that and provided some of that to us and more of it's forthcoming.

That these two organizations are different in the stakes that even the ideas -- were by the way have already asked for protection from the GAC to physically rejected it.

These two organizations are protected both under international treaty and a number of multinational laws. The - the GAC -- look every time you go into a meeting where there's a GNSO council meeting whether it's this meeting here, whether it's a GAC meeting, you're always going to have one or two individuals that express their opinion which may or may not be the consensus of how that group votes.

So the day before this meeting the same two people spoke out and the guy - and the representative -- I said the guy, very slang -- the representative from the EU had basically shot down the rest of them and said, "Look guys we came out with a consensus position. Our consensus position is well documented and we cannot deviate from that position."

That was a clear message sent on Saturday, now on Sunday again they -- (Suzanne) emphasized the consensus position is clearly only these two organizations and no others.

And yes, of course, you can have one or two people but let's face it. A lot of people say a lot of things but you can't take that to mean that that's the consensus of the group or that there's any labor upon them.

I think that its critical importance that we support the motion and it has nothing to do with the fact that I'm on the drafting team or the Registries. Chuck was actually the registry representative for a number of perception reasons but also for the first time that I can recall to you guys in here that the GAC has worked collaboratively with the GNSO.

This has never happened before, the GAC participated in some of our calls. The GAC answered certain questions that we had and they were very (unintelligible). In fact on March 2nd we had a call with the GAC. We asked them the same...

Elliot Noss: I'm going to stop you because I feel like maybe I should be clear. I agree with everything you said and all they have to do is make clear that that is their consensus too.

So what is that - what is that to you Jeff? You say, what you said is not true which is that, "Hey, we be in a meeting like the GAC meeting or a meeting like this one."

If there's a consensus registrar view and I have a different view...

Jeff Neuman: Right.

Elliot Noss: ...you know, well that I'm going to be crisp on saying, "Here's is the registrar consensus view, here is the two view." That is not what happened in that room and I think for all of us the most important relationship in multi-stakeholder for the next two, three, four, five years is going to be that relationship.

So all that we ask is -- that's great, let me be clear -- you know what our statement's going to be right now. If you can get the GAC to clean that up before Wednesday, we don't have a problem.

Jeff Neuman: I'm going to - I'm going to yield to the people on the floor and then...

Chuck Gomes: Thanks, Chuck. As Jeff said I was official registry stakeholder group representative on the group while Jeff was able to maintain a neutral role in fulfilling the Chair job.

First of all, let me respond to the two GAC representatives that you said, especially that Portugal one. Actually what he suggested was the same thing that Wolfgang has been proposing.

And that is instead of identifying two organizations that you actually put the requirements in that they met and that's fine. In fact, the drafting team and anybody else on the drafting team, can correct me if I misstate this, is okay with that, but we felt at this time but there wasn't time to pull that together. I would expect that to be something that would happen after the first round.

So that instead of naming two organizations you put the requirements that they met in there which are very tight and the DOC did a lot of research to establish that. In fact, I think there may be a request for that research and I don't know. I believe they can provide it.

So that may be forthcoming, I don't see that -- what the Portugal rep said at all a problem. It's actually saying the same thing except in general terms and it's what Wolfgang Kleinwachter has been suggesting all along. What the drafting team in a meeting we held yesterday morning said seem to support this approach.

Elliot Noss: Let me help you on this one Chuck because we spent all of our dialogue really talking about the EU rep. Late in our discussion somebody pointed out that Portugal had also taken a similar position.

So you can - you can stop explaining him away. I will tell you that, you know, if - if what you're saying is maybe a number of additional organizations, you know, then the caveat might even have to go away and become, you know, an even a tougher position.

Chuck Gomes: Well, I don't think you -- I'm sure you wouldn't disagree with me that if - if another organization meets the same criteria, they should be granted the same protection.

Elliot Noss: I would fundamentally disagree with you if another 20 do.

Chuck Gomes: Okay.

Elliot Noss: I'm sure you wouldn't disagree with me that another 20 do?

Chuck Gomes: And in fact Elliot before the GAC letter to the GNSO the Registries concern was the exact same concern you had of setting undue precedence. It was after the GAC letter that we changed our position -- and this was some time ago now.

Because - the GAC letter -- I think one of the best one's that they've ever presented in terms of documenting a recommendation. And I've complimented them on that -- set very tight criteria and as you said (Suzanne) identified that. And that's what changed our position because we also didn't want an undue precedent.

Okay, so we're on the same page there. Over the weekend you were in some of the meetings there. One of the things that was decided was to ask the GAC because of some of the things we were hearing from other GAC sessions, is this in fact a consensus position of the GAC?

That was asked in our meeting with the GAC, (Suzanne) confirmed that it was. She stated it emphatically. I guess what you're asking is you're asking for that in writing?

Elliot Noss: I think if it's demonstrated to us in writing that that is a consensus position and that that -- that the EU is supportive of that consensus whether they personally or at an EU level don't agree with it.

But are supportive of that consensus then absolutely because Chuck I can tell you, you know, the fear is that this is not going to be the way that that ends up.

And Chuck I think at the end of the day we're both stressing the same important principal here which is the GAC and its relationship with multi-stakeholder.

We're both trying to get to the same place around that and I think it well serves us, well serves us to help them in terms of how it works most effectively.

Chuck Gomes: But you're asking something that goes against their procedure for establishing consensus. We all know how they can establish consensus. A position is put forward; essentially if nobody objects, it becomes a consensus position. To ask an individual member to say they support it seems to go against their process for determining consensus.

Elliot Noss: Oh, no it's for the consensus not the proposal.

Stephane Van Gelder: And I think we have one comment from Jeff.

Jeff Neuman: Yes, so the original letter that was sent to us was in a consensus position. But they provided us with a question and answer document because some of these questions came up as (unintelligible).

Questions very simply, why not provide similar protection to names of other organizations? Answer, too many documents they said, "No other international non-governmental organizations have been afforded the same level of international and national protection."

I'm repeating what's in writing, you asked for it in writing, it's in writing, it's a draft right. I understand your concerns Elliot, but I don't think we'll be able to give you the type of assurance that you want, other than what they told us...

Elliot Noss: They cannot confirm that it's a consensus.

Stephane Van Gelder: Can I just add something please unless you just want to have a conversation.

Gray Chenoweth: I think that's a good idea.

Stephane Van Gelder: Yes, I just wanted to -- I think it's useful as Elliot has portrayed the - the position that -- the final position that the Registrars stakeholder group has arrived at this morning when we discussed this.

I would like to add to that discussion for the benefit of our registry friends. Some of the debate that we had -- and the fact that we did consider a few things.

We did consider and I - I made the point that explains the optics issues that Jeff has alluded to, so we did consider those this morning. I explained the - the way that the drafting team has worked to reach consensus on a position. That is going to be forwarded to the Council and considered by them on Wednesday.

One thing that we briefly alluded to and that I think is worth strengthening here as part of this discussion is the idea that although this specific issue we may feel that there is an element of basic circumvention of the processes that we have when we come to a PDP, we also feel that there is a worry that we don't want to weaken the GNSO by seemingly constantly opposing decisions, especially when they have come out of -- that's the word I'm looking for -- collaborative work between the GAC and the GNSO.

So those - I just want to make sure Jeff and the other Registries that you are aware that we've discussed all that this morning, so you don't get the idea that it's just plain rejection of this motion. I think that's important. Thank you.

Thomas Rickert: Yes. I'm Thomas Rickert. I'm the NCA allocated to the Contracted Parties House and I'm a member of the Drafting Team. First of all I'd like to ask whether I can speak.

Man: Yes.

Thomas Rickert: Okay. Now a few observations. I think that we all share the concerns of breaking the seal with this recommendation. I think that we had good and lengthy discussions about implementation versus policy and what the impact might be, whether the GNSO can be seen as circumventing its own processes and all the rest of it.

However I think that the Drafting Team has now come up with a proposal language that makes very clear that we're talking about an implementation detail of the Board resolution that in my personal view should never have been made in the first place.

And now that it's there the question is how we deal with it. And we thought that with the language that we now have with the additional whereas clauses, as well as the - in the recommendations itself, we made clear that we grant these exceptional treatment for the initial round only to start with for the top-level only, and that both discussions for the second-level as well as for future rounds on the top-level would require further input from the community, i.e., then following the processes that would need to be abided by.

And that sort of made me feel comfortable supporting the - these recommendations as they're now on the table. I share the concern that we might establish a dangerous precedent here.

However what I understand from the Registrars, they want to protect themselves against - is that the GAC might come back later requesting exceptional treatment for other organizations.

And in my view - but we would need to double-check this with the GAC. I think the Q&A that Jeff cited from reflects concerns of - in the GAC. So to me that would suffice as written evidence that Elliot was asking for to give reassurance that we're, you know, not setting a entrance precedent with it.

Additionally, while I think that this IOC/RC topic as such had so many issues in it, and it was really hard to come up with the solution that I find constructive, I personally put an awful lot of effort into this in the light of the general relationship with the GAC, and in the light of the difficulties that particularly the Registrars had.

You know, we all remember this disastrous meeting in Dakar surrounding the RAA, and I think it would be a bad precedent itself - in itself to turn down the GAC in a project which the GAC itself called the first effort for a new collaborative approach between the GNSO and the GAC. Thanks for listening.

Man: Thanks for that. We did have one comment from Bob Connelly who noted that before 1999 Network Solutions, the Registry protected Olympic and Red Cross, so thought I'd mention that.

Thanks Bob for the comment. Mr. Neuman, are you just pondering anything? You're moving toward the microphone. Is that true?

Jeff Neuman: Yes, I was going to say exactly what you said for the most part, but I would really urge you guys on the Registrar side to really rethink this position,

because you probably didn't have the full information because you didn't have anyone on the Drafting Team.

But hearing what I heard as far as what you got in - what we all got in writing from the GAC, it sounds like to me that we got the best that we could get as far as that kind of confirmation, and we're not going to get anything better.

And by voting no you're poking them in the eye at the really wrong time to do that, and for no real good reason where you could always point to that letter.

You could always point to (Suzanne)'s statement, pull the transcript, copy it, keep it in your files and make sure you have it. You could pull it out any time.

And, you know, essentially I would urge you to reconsider and vote for the motion.

Man: Okay thanks. We'll take that under advisement. That being I think the last one of the motions, I think we can move on to the next topic, which is new TLDs.

Thanks Greg, and obviously this is a, I mean, some of these bullets are pretty broad categories so I'm not sure that there was anything specific or anything detailed that we necessarily wanted to raise.

But I would just open it up to both the Registries and Registrars. If there's any particular topics around new gTLDs that we want to discuss, let's kick it off.

Yes, I think Jeff and I were just saying I think the plan here was just to - for everyone to go around the room and give you the strings that everyone's applying for.

So let's start down there on the left. Look forward to a pool on the number of strings. Any thoughts or comments on this that we think would be productive for us to share with one another? Okay. Yes thank you. Go ahead Jonathan.

Jonathan Robinson: Hi, it's Jonathan Robinson. I wouldn't mind knowing what you guys discussed, if anything, or any conclusions you came to on the batching. Is that going to open up a can of worms?

Man: We've decided on a foot race.

Man: I would just add, I don't think we discussed it formally at all other than in joking fashion in the hall. But then I, I mean, I personally have a fair amount of concern over what it's - what Kurt's presented as to how that will last and how that will play out just personally.

You know, I'm not speaking on behalf of the Stakeholder Group but me personally, yes.

Man: And I'd confirm that we didn't - there hasn't been a formal - again a public trust, so Krista?

Krista Papac: Yes, so there's been a - excuse me? Got you, yes. So there's been a lot of people that are concerned about it, and one of the things that we actually talked to Kurt about earlier today was trying to put together a group of people that can come up with an alternative, somewhat similar to what the Registries did with the COI plan.

I realize that it didn't necessarily turn out the way everybody wanted, but at the same time coming up with alternative ideas that can, you know, usurp or

replace what's out there right now, because it is - we all know it's pretty problematic.

Man: Don't forget to state your name for those of you that don't know our next speaker.

Jonathan Robinson: Stephane van Gelder. Yes, just to add to that. So...

Stephane van Gelder: You haven't got the shoes, mate.

Jonathan Robinson: I haven't got the shoes, mate. I've got the pizzazz. So the point being - so when we spoke to Kurt, because apparently they're deciding on it tomorrow, I wanted to lock it down.

And Kurt seems to be fairly adamant that whether it's his idea or whatever, that this is what's going to go forward. All I suggested was the wording they had was, "Yes we have a plan."

But should something subsequent as an alternative be suggested that is considered somewhat better by ICANN Staff that they can consider that? So that's all I've tried to get wiggled into the thinking for tomorrow with the Board, whatever decisions being done tomorrow.

I understand there's something being done tomorrow. So if anyone has any ideas that they want to suggest to us there isn't a foot race, because believe me, our little internal list has come up with enough stupid ones already.

I particularly like the IQ of the CEO. But we'll - yes let us know. So let - email Krista or me if you've got any better ideas, and we'll try to formulate something, so thanks.

Man: Great thanks. Elliot I think you had a comment.

Elliot Noss: Just - Adrian before you go, do you have an idea of the timeframe? If you thought the - if you come up with a plan say, I mean, is it like - does it have to be this week and that what sort of time pressure are they on?

Adrian Kinderis: I've asked him to come back to us with that. As I say he was pretty dismissive anyway. He was all, "Well of course you can go and do something."

I suggested 12th of April was a deadline for us to have an alternative, but it would be helpful to get something more concrete from ICANN, so thank you.  
Adrian Kinderis.

Man: Thank you Adrian and on behalf of the Registries I think we would certainly be interested in participating in anything that would improve the proposed process, so thanks for suggesting that. Okay, any other comments on new TLDs?

Jeff Neuman: Yes, it's Jeff here. So one quick question. Has there been a clarification on the batching? I think we've all asked or tried to hit on the batching in terms of evaluation or delegation, because they've sort of mixed words on it a few times here and there.

So we all know they said the cap of 1000 per year on the delegation, but on this - the batching - has there been any clarification on this - the secondary concepts that could be towards evaluation and how it affects contentions there, or was it just sort of - has anybody seen any clarification?

Man: That's a good question. I assumed it was on evaluation, but Chuck do you have a remark?

Chuck Gomes: Yes. Whenever I talk about the Guidebook I try to be careful, because there's so much in it. But yes, I think that it's clearly on evaluation and they have said that they will take, what is it, 400 in the second batch and 400 after that and so forth.

And Kurt in the session yesterday also said that that will not affect the comment periods or the - and you probably heard it - the comment periods or the objection periods.

They stay the same regardless of which batch you're in, so that also tells us that it must, you know, be clearly on evaluation.

Man: Great. Thanks. Any other comments on new TLDs? Seeing none...

Jeff Neuman: I have one other...

Man: Sorry. Go ahead.

Jeff Neuman: Sorry. It's Jeff here again and just I want to be clear with the Registries. When we had met with the Board I don't know if you were in there - if anybody had been in there just so I can say, "Come clean or just go out there."

But we had made a proposal to the Board and then to Staff on that stack. We know that Registries are looking for a path forward for, you know, to become Registrars and - on their existing TLDs.

And we had said that - just saying that we're okay with that. We want that process to go forward, but we just want to make sure that everyone is on an even playing field on a go forward basis, and that there's no sort of cherry picking from your existing agreement and some of the new gTLD agreement.

And we had asked that if we made ourselves available to consultants, then if they had any questions on that going forward so it wasn't put upon us. So I just wanted to let you guys as Registries know that the, you know, we support the motion of having that go forward and we all want to make, you know, the full Vertical Integration to happen, but we just want to make sure that it happens in an equitable way.

Keith Drazek: So thanks Jeff. This is Keith again and I think just to be clear, from the Board resolution in Singapore there were two options that were prescribed. One was to accept the new gTLD agreement in full, or to request a removal of the restriction in the existing agreement.

And I'm, you know, Jeff and others could, you know, add to this but I think that those are the two options. I don't think it's a question of cherry picking between the two.

It's either accept the new agreement or just for - request the removal of the cross ownership Vertical Integration restriction. Jeff, do you want to answer that?

Jeff Neuman: Well - and just to add to that, if you requested the removal of the restriction you have to accept the code of conduct. So that was - but it wasn't that you had to accept the entire new gTLD agreement, every bit of it.

It was just you had to accept the code of conduct and the other provisions that are related to the Registry/Registrar relationship.

Keith Drazek: So - and - but yes, thanks for letting us know. I know that you'd raised that before.

Jeff Neuman: Okay.

Keith Drazek: I think time is somewhat running short here, so we'll move on to I guess RAA negotiations. You guys had questions for us on the topic that - I don't think we had any specific questions.

It was really more an opportunity for you to give us an update if you wanted to. I'd - unless somebody raises their hand with a specific question, it's really more just an opportunity if there's anything you'd like to share with us.

Man: Mason, you've been doing update duties all week. Do you have - do you want to say it again? Play it again Sam?

Keith: Mason, if you want I'll fill in for you.

Mason Cole: Okay.

Man: Well, I mean, I was just going to say, you know, we - Mason has given that update both in the GNSO and the GAC so I don't, you know, I don't want to go through it again if we don't need to.

I think, you know, I think everyone understands kind of where we are. The biggest frankly outstanding issue that we've obviously been getting a lot of questions about is just the timing and where we are.

And we've been trying to get some clarity around that and what the schedule's going to look like the next several weeks, because really our goal is to get something out for public comment, you know, in the next X number of weeks and not months.

And we understand the pressure that's on us and that it's on both parties to get that done. And so, you know, we were hoping to try to get some more clarity around that by the end of the week here, you know, whether or not - as of Tuesday we don't have that but hopefully by the end of the week we'll have some more clarity on just what the schedule looks like.

But, you know, we're just hesitant to commit to any sort of firm, you know, timelines at this point.

Keith Drazek: That's great. Thank you for that overview and recap. I just want to take the opportunity to commend you guys as a group, as Xcom and the organizers of the validation verification workshop that you put on.

That - was it yesterday? I guess it was yesterday. Losing track of time. I thought it was a really positive session. I was there for the whole time and I thought that, you know, the engagements and the coordination and everything, I thought it was a top-notch event so, you know, commend you.

Man: So on that I agree with you Keith, and thank you for the compliment. It was - it really was - it was a good example of where we need to be steering discussions of that nature.

On that, you know, speaking for myself one thing that has become clear out of this negotiation process is there's a perception in the community that it should

be very easy simply to impose behavioral rules on end users by governing contracts.

I mean, if you want to talk about dangerous precedents obviously that's one of them. And we made progress with the GAC about a month ago in a meeting that the Negotiating Team had with several GAC members.

And we made progress by explaining more about what it's like to be a Registrar, and why some of the things that they had been demanding are difficult.

I think the more that Contracted Parties can help deliver that message, the better. There's not as clear a realization in the community that other parts of the community probably have responsibilities under their proposals, rather than just saying, "Here's my proposal Registrar. Go do it."

So if the Registries are in a position to do the same I think that could be helpful for both of us.

Gray Chenoweth: Great. Thanks guys. Any other comments on the RAA or questions, thoughts? Thanks. Last one I guess we'll go to is the changes to the Bylaws and Rules of Procedure.

And I think this was a - basically an opportunity for you guys to talk about the concerns that you guys had and how that led you to take action to amend your Bylaws.

You know, thoughts - I - two things. It's that specific question and then also maybe more generalized concerns about, you know, the changing nature of the game I guess is what it is.

Keith Drazek: Great. Thanks Greg. I'll tackle this and ask my colleagues to jump in. I think, you know, now - for at least several ICANN meetings now we've actually had opportunity for the Registries' and Registrars' Xcoms to get together for breakfast each meeting.

And this is one of the topics that we've talked about is the question of, you know, the changing landscape particularly as it relates to our memberships, and particularly in light of Vertical Integration and cross ownership.

So in looking ahead, a couple of years ago now we started the process of reviewing our Bylaws and our charter to - with the goal of being able to ensure, you know, sort of a level playing field, you know, fair play, inviting new members but also having the protections in place in our Bylaws to make sure that, you know, flip flopping of votes and things of that nature, you know, didn't occur.

And I'll be more specific. We've - we have updated our Bylaws to provide for entities that may also, sorry, - belong to other Stakeholder Groups or ACs, whether it's a, you know, a Vertically Integrated Registry and Registrar or a brand Registry that also belongs to the IPC.

I mean, there's any number of combinations that you can envision. So we have made changes to our Bylaws. The Bylaws are now in place that would allow membership but require the member to choose where they vote.

In other words they can't vote in two, you know, two constituencies or Stakeholder Groups or different groups at the same time. And we also put into place some parameters in terms of timing that would say, "You could only,

you know, switch your vote from one group to the other, you know, during a specified timeframe.”

And I think it's once every six months is what we ended up with. I'd have to double check the details, but the idea to prevent a - an entity from belonging to multiple Stakeholder Groups and then flipping their vote from one to the next dependent on the vote at hand.

So we have, you know, sort of seen, you know, looked ahead and seen that we were, you know, we as a Stakeholder Group are going to be a very different animal a year from now, six months from now than we re today just in terms of sheer volume of members.

I think looking ahead without putting the cart before the horse we're going to look a lot more like the Registrar Stakeholder Group in terms of our structure.

We have allowed for the formation of interest groups within our Stakeholder Group, where it wouldn't be that an interest group has a vote of its own, but it would be an opportunity for like minded groups or entities within our Stakeholder Group - members within our Stakeholder Group to join together and to come up with their own recommendations as a group.

So there are things that we've done that we - actions that we've taken. I wouldn't presume to say that we're, you know, that we've thought through everything because I'm sure that we're going to get some faults and we'll react accordingly.

So maybe I could take it over to Jeff or Jonathan or anybody else that would like to comment from the Stakeholder Group. Jeff?

Jeff Neuman: I think you did a good job and those are the protections that we've built in. You know, we obviously had to go through the whole process. It was reviewed by ICANN Staff and approved by whoever it had to be approved by.

I don't think it went to the Board but it was certainly approved by the Staff. And we changed it quite considerably from what it used to be as far as the voting.

And - but I - we also have this concept of interest groups within our charter and so, you know, we fully expect this concept - it's not the same as constituency.

It's not voting or anything. It doesn't get Council seats but we fully expect for example brand TLDs, you know, may want to form their own interest group and have their own types of statements or geo TLDs and, you know, including just a ton of them but we've built that into the concept as well.

Keith Drazek: Jonathan?

Jonathan Robinson: Thanks. It's Jonathan Robinson. I guess the only other point is to let you guys know that we - the Registrars know that we raised this with the Board, and Bertrand in particular expanded on what the Board was thinking on all of this.

And they were at face value satisfied and pleased that we had made the progress we had, which we're pleased with as well. But it's clear that for the Board this is an ongoing and broader issue that they are hoping will receive ongoing and further attention.

And there's a recognition of the - for example the impacts of the Vertical Integration and other changes that, whether it's Dot Brand TLDs, all these things that are - that we can't - while we can anticipate some of the elements of, it's going to be an ongoing adaption of essentially the model of the way in which we work overall. Matt?

Matt Serlin: Yes thanks Jonathan. Do you guys have a document that outlines like what the changes in the Bylaws were so that, you know, so that we can maybe could get out or...?

Man: Yes actually. Keith provided that to me yesterday so we have that. Elliot?

Elliot Noss: Yes. I think three's probably two points at this juncture that I think are important for us all to sort of digest in the room. The first is that there's no question that the change that new gTLDs are going to bring is going to be both massive and completely unpredictable.

So I think it's inevitable that this will lead us to ICANN 3.0, and it would be folly to try and predict too far in the future at this point. Second thing I'd like to say is that I do believe that there is one bit that is clear.

There is some nomenclature from the last ICANN reform process that I think all of us in this room should start to change today, which is Contracted Parties, because I think that to leave that - which was just a convenient label for the two of our groups.

There's no magic in the term Contracted Parties. It was just a convenient way to divide two separate sets of interest. I think we need to come up with an alternative term, perhaps something like companies in supply chains who end sure - I've got nothing at this point as an alternative.

What I will tell you is that that term Contracted Parties contains in it, you know, seeds of real problems and it's something we should turn our minds to now.

Man: Greg?

Gray Chenoweth: Thanks Elliot for that comment. Any other comments from Registrars about that topic? Seeing none that means we're almost on time. So thank you guys for coming.

We always appreciate the chance to exchange views, and we'll look forward to seeing you in the halls in Europe.

Keith Drazek: Great. Thanks Greg and likewise we appreciate the time, appreciate you inviting us in and we're glad to be here. We always look forward to these exchanges, so thanks everybody.

Gray Chenoweth: Adrian appreciates Keith. That's the last word that's noted. Thanks guys. And now actually I think we have the final closed - or Registrars have the final closed session of the day, so thanks to the Registries for joining us.

END