

Transcription ICANN Durban Meeting

Registrars Meeting

Tuesday 16 July 2013 at 13:00 local time

Note: The following is the output of transcribing from an audio. Although the transcription is largely accurate, in some cases it is incomplete or inaccurate due to inaudible passages or transcription errors. It is posted as an aid to understanding the proceedings at the meeting, but should not be treated as an authoritative record.

On page: <http://gnso.icann.org/en/calendar/#jul>

The recordings and transcriptions of the calls are posted on the GNSO Master Calendar page

<http://gnso.icann.org/calendar/>

Magaly Pazello: Okay everybody, we're going to start up again. And we are welcoming the ATRT Two team, led by their glorious leaders. Mr. Brian Cute I believe will be talking to us about stuff.

Man: Actually yeah, excuse me, have to get the recording started, just one moment. For the record, this is the Registrar Stakeholder Group, scheduled from 1300 to 1400 local time.

Magaly Pazello: Okay well, another recording has started. We are now dealing with the ATRT which is lead by Brian Cute. Brian, over to you.

Brian Cute: Thank you Magaly, and thank you for your time today. Since we have fairly limited time, I'll be brief, we've provided some questions to the group. The questions are a guide for our discussion, please comment on any or all of them to the extent we have time. Don't be bound by them, if there are any specific issues beyond these questions and of top of mine for you as it pertains to Accounting and Transparency Review Team work, please raise them.

Our timeline is we're going to issue proposed draft recommendations in mid-October. That will go out for public comment. We're going to issue our final report to the board December 31, by December 31. If you, if the group wishes to get inputs into our process, that factor into the proposed draft recommendations at issue in mid-October, I would suggest getting that input to us no later than mid-September.

So that's a rough timeline, we're here to listen and the floor is open. Back to you, Magaly.

Magaly Pazello: All right, thanks Brian. Just by way of clarification for those of us who have issues without all these wonderful acronyms, what exactly is your purview?

Brian Cute: Sure. The Accountability and Transparency Review Team is set up under the Affirmation of Commitments. Part of the Affirmation of Commitments set up a series of periodic reviews for ICANN. There are four specific reviews identified, one was accountability and transparency, this is the second such ATRT, one was on WHOIS, one was on security, stability and resiliency, and another which has not been undertaken, it was consumer choice and competition. That review's going to be undertaken once the new TLDs have launched. So there have been three prior reviews...

Magaly Pazello: So yours is transparency...

Brian Cute: Ours is accountability and transparency.

Magaly Pazello: Okay. Okay, so this is the second accountability and transparency, and are there any boundaries on this, or is this across every single aspect of ICANN's activities?

Brian Cute: Paragraph 9.1 of the Affirmation of Commitments sets out our scope. Board of directors, public participation, the role and effectiveness of the GAC and, Alan?

Alan Greenberg: PDP process, cross-community deliberations, and one more thing that I can't remember.

Brian Cute: And lastly we are going to have to provide recommendations on the review process itself, whether it's working, whether it's not, how it can be made more effective. That's our scope of work.

Alan Greenberg: And we are also charged with reviewing the other two review implementations, so we are looking at the implementation of the WHOIS and the SSR review. We're not allowed to make new recommendations, but we have to judge whether ICANN has taken them seriously (unintelligible).

Magaly Pazello: Okay, thank you. I'll open the queue, anybody want to jump in? Or do you all think that ICANN functions with fantastic accountability and transparency? Okay, that was a leading question, sorry. Nobody has any questions.

Brian Cute: We have a number of questions in front of you, what's really important to this team has you might imagine, is that any conclusions we reach be fact-based. As you might imagine when we go around the community from constituency to constituency, advisory group to advisory group, we hear a lot of different concerns, we hear a lot of similar concerns.

Concerns are concerns, but if you have a serious question about accountability and transparency, we need to see data and facts. So if there are specific issues related to these questions, we'd love to hear from you, and certainly if you can point us to documentation that provides the basis of those concerns, that's really important.

Magaly Pazello: Alan, go ahead.

Alan Greenberg: If you have no other comments, question 14 asks "Do you operate transparently and accountably?"

Magaly Pazello: I'm half-tempted to reply to that, but I won't.

Man: Magaly?

Magaly Pazello: Go ahead (John).

(John): Well actually in direct response to that I'd say that we probably are more transparent and accountable than many of the other groups because this group is largely composed of people who are commercial competitors. And you know, so there's a certain protocol of the way that they keep an eye on what we're doing as a group and how we're interacting with each other.

I hate to come in when the movie's halfway over and ask what's going on, but this independent expert, what sort of a person is this independent expert, what sort of qualifications do they have or, you know, is this going to be someone we've all heard of before?

Brian Cute: So we've put out an RFP, and we're just developed criteria, we're going to be looking for an independent expert who can advise on the PDP process itself, that will be the scope of work at a high level. We'll be looking for expertise and understanding of policy-making processes. Some familiarity with ICANN and the PDP itself will be an important criteria. We have a very short period of time, this expert has probably about a month and a half to two months given our calendar to do a review and provide a sound analysis, hopefully,

But typical criteria in terms of experience, CVs, diversity, and understanding of policy-making processes more broadly are among the criteria we're going to look at when selecting the expert.

(John): Well, good luck with that because I, you know, I mean in general familiarity with ICANN and independence are two things that, you know, are intention with each other.

Brian Cute: Well understood.

Magaly Pazello: Okay, anybody have any other points they want to raise? Volker?

Volker Greimann: Yes to question one whether the PDP process is effective, I think the process in itself is effective and it's one of the best processes that we have for making policies that ensures that all the communities are heard and can get their viewpoints across, to find a compromise among the stakeholder groups, and in the end reach the best result that is acceptable to all.

However, I think that when the PDP process is circumvented or when there's other avenues available for certain stakeholder groups that, for example, could go directly to the board and have the board make an interim decision, then the incentive for those stakeholder groups to reach consent in the PDP process is greatly diminished and therefore may lead to the perception that PDP process is flawed.

So it might be beneficial to close those effort avenues to ensure that the PDP process is as effective as it can be and that all groups that participate in that process are properly incentivized to come to a decision or come to a compromise solution.

Magaly Pazello: Put myself in the queue and I'll come back to you Alan. Actually I was looking at the questions there, I mean one that does kind of leap out to me is with respect to the public comment process and whether that's functional or not.

The one comment I'd like to make personally is I think part of the issue there is even when a body of work, be that of PDP or anything else which is open to comment, can have a direct and tangible concrete impact on stakeholders. And I mean stakeholders in the broadest possible sense.

Sometimes it's couched in such highly technical language with such horrible acronyms and ICANN-ese, it's very, very hard for an outsider who is not involved in the day-to-day circus that is ICANN to understand what the hell is being asked to comment on.

So you see comment periods, I think there were two weeks simply on stuff related to IANA, in one case I think there was no comments received and in the other one there might have been two. And, you know, people have no idea, there's no context given many of the times, or the context that they give is so ICANN-specific, it isn't kind of, okay, this work is about how easy it is for you to choose a new domain registrar, you know, in relation to domain transfers.

There's a lack of plain English or plain French or plain Spanish or whichever language you want, it's very, very hard for people to actually get involved, to engage. So you end up in a situation where I go to three ICANN meetings a year, and as much as I love looking across the table at Olivier, because he does, he always does dress up nicely and everything, it's always the same people, you know, the same group of people who turn up time and time again, and how do you actually get new people to come into this entire thing, to engage actively.

I mean, there's a lot of stuff being talked about by the new CEO with respect to outreach and engagement, but he seems to be focusing on governments and big business, there doesn't seem to be anything with respect to, you know, the mass unwashed, I suppose. I think it was Alan who was next?

Alan Greenberg: Yeah, I have a follow-up question for Volker. You say the process is working. One of our questions we're raising is what does working mean. PDPs in my experience end up having one of three types of results. They either, you know, come up with good recommendations on whatever the problem is that was a problem, or the group can't really come to real agreement and they

end up with some very wishy-washy results, or they stalemate. Are all of those good outcomes, do you consider all of those working?

Volker Greimann: Well, as we've seen in the various presentations during the GMSO that we've seen, only the one PDP of the last two years came out in a real stalemate, and that was a very contentious issue on vertical integration where a lot of interest was there, a lot of parties to keep the status quo so they had no interest in changing anything, and others wanted to change the status quo. So you had very diametrically opposed positions, which was hard to come to a compromise.

However, I think answering your question directly, all three results can be a successful PDP and can be a successful result, even a PDP that comes out in no change can be a proper reflection of the opinion of the community that the current situation is good enough and that the proposed alternative would not improve on that. So yes, even if the PDP does not produce any results, that can be a desirable result.

Magaly Pazello: Olivier?

Olivier Crepin-LeBlond: Thank you very much Magaly, Olivier Crepin-LeBlond, ATRT Two, just wanted to follow up on your comments regarding the public comment process. Would you have any recommendations as to how to improve it? We're aware there's a problem, what can you do to improve this?

Magaly Pazello: Thanks Olivier. I think one of the things is investing in, you know, simplifying the language and providing a more kind of non-ICANN context. I mean the context, the impact on these things, I mean it's, a lot of the time it's technically correct what's there, but it's not easy for somebody to look at the list of public comments and to actually understand what the hell it refers to. And IRTP party, PDP, prime example, I mean most of the people in this room probably know what that refers to, but ask my mother.

Now, okay, my mother's a bad example since obviously all her domains are managed by me, and I provide all her customer service, but you know if you want to ask, somebody could be impacted by that, just simply who would love to put their input into this, and we see people complaining about how ICANN does certain things and those terrible people and ICANN are kind of breaking whatever.

Maybe just to look at you know, the, in the UK they have the Campaign for Plain English or I can't remember what the hell it's called, you may be familiar with it, they do a kind of quality mark on websites that meet that standard. I don't know, is (Kelly) here? (Kelly), you're down there, (Kelly) has experienced a (unintelligible) Gordon could speak to that, Gordon was a non-exec director of (unintelligible), I want to throw that over to you guys, and then back to Volker.

(Kelly): I have been asked could I put our contracts into plain English, I explain probably not, because (unintelligible), contracts, it's very difficult. There is a standard, but I've not seen it yet.

Magaly Pazello: Volker?

Volker Greimann: One thing that might bear looking into is not how to get to public comments but also how the public comments are then summarized and interpreted. For example, if you look at various comments from the comment period that ended the last year, looking at the summarization and the interpretation of the public comments that were sent to us, they are then prepared for board consumption.

There, it seemed to me that some of those public comments, there was a certain tendency in how certain comments were treated and how other comments were treated, so that the board decision led to in a certain way.

For example, the strawman comes to mind, if you look at the public comments and how the public comments were summarized, there was a very clear tendency that a certain result was favored. At least, it seemed that way to me.

Magaly Pazello: Alan?

Alan Greenberg: Volker, thank you. You just gave one example, if you can take a little bit of time perhaps later and document in a note to us a couple of examples where you saw that kind of, may I say bias or choosing to ignore certain things, it would be really helpful. If we're making any strong recommendations, facts and documentable things that are a lot easier than, perceptions matter but facts are more compelling.

Magaly Pazello: Brian?

Brian Cute: If I could try to stir a little bit of comment. One of the issues we're focused on and we're hearing a lot about is cross-community deliberations and in fact under our charter, under the ASC that's an issue that we have to look at, the dynamic of that.

Among things you already know is, you know, with respect to the PDP process, GACs' advice or input coming into that process, when does it come in, how does it come in, a known issue. In the past a lack of participation although it seems as though there's been some progress on that front in terms of ALAC's participation in the PDP.

This is a critical issue that we're hearing a lot about, we're going to focus on, would be interested to hear your views about how well cross-community deliberations are working on the one hand. Are there other issues we should be aware of, and do you have suggestions as to how it might be improved?

Magaly Pazello: Anybody else have anything to add? James? Crickets. Okay, thank you. So where can we submit comments on all this?

Brian Cute: We have a public wiki within the ICANN website. If you go to Accountability and Transparency, ATRT Two is identified, we have a public wiki link there. And that's where you can submit comments, again, anything you have to offer by mid-September would be a good time to factor into our proposed draft recommendations that come out in October. Then you'll have a second bite of the apple for public comments on those.

Magaly Pazello: Alan?

Alan Greenberg: We just realized today that the public mailing list we've been talking about sending things to was never set up, it will be set up toward the end of today and it will be on our wiki.

Magaly Pazello: Thanks guys. Oh, Olivier.

Olivier Crepin-LeBlond: Thank you very much, Olivier Crepin-LeBlond. Just a note, a formal note to ATRT Two chair, that our sheets don't actually have our wiki address, and that might be something we might wish to use...

Magaly Pazello: Okay, I think, if Brian or one of you wants to send me on links to those.

Olivier Crepin-LeBlond: That's what I...

((Crosstalk))

Magaly Pazello: I can forward it on to our list.

Brian Cute: We'll send a link to all the ACs and SOs. Thank you very much for your time.

Magaly Pazello: Okay, thank you. Next up we have Mr. (Tom Barrish).

Okay, (Tom) is going to be talking about the Registrar Stakeholder Group bylaws.

We're just sorting out a few technical difficulties. (Tom) do you want to start off?

(Tom Barrish): If you're on the registrar list, I sent out an outline of my notes that I'll cover today. I don't want to necessarily, yeah. So in those notes I basically describe the process we've followed so far to revise these bylaws. And all of you have participated in one way or the other, you've seen the survey that we've conducted, last December and January. The proposed amendments were circulated on July 2 and there was a healthy debate on July 2 about those amendments.

What I want to talk about is certainly what my philosophy was going through this process and some observations about it and then in terms of what the next steps might be.

The existing, for example, I think every meeting someone, has been a comment, an offhand comment by someone saying "Oh, that bylaw's obsolete," or you know, "That bylaw should be changed." And it's stayed in place because I guess there wasn't a formal effort to overhaul the bylaws, and it occurred to me maybe that that's not the right approach to this.

It may not be as efficient, but any individual member of the constituency can offer a motion to change one or more parts of the bylaws. So rather than having to say "We're going to change all the bylaws, they haven't been revised for years," you know, we should probably encourage individual members to propose motions to change a particular clause in the bylaws they're not happy with.

And that way we're not, you know, get stuck down into a 12-year WHOIS type of PDP because it's all or nothing in terms of revising the bylaws.

So I've proposed six. It's not meant to be a comprehensive overhaul of the bylaws, it's just six issues that I've gleaned from the survey and so forth. You can probably identify more of your own, in which case I would suggest you offer those as a motion, as a new amendment to the bylaws, and if we can catch them all in this round, great, if not, then, you know, we can catch them in three months or six months.

But I think that divide-and-conquer approach will allow us to at least move forward on some of these issues, even though we don't have a perfect 2013 version of the bylaws. Any comments on that? Anyone disagree? Cool.

Magaly Pazello: Sorry, (Tom), I was actually going to ask a simple question. So for example, let's say at the moment we have a situation where we have to follow this rather long, protracted process for elections. So it would be possible for a member to say "Look, this isn't sane, can we shorten the timelines on this so, decide this, you know, if somebody's running unopposed, that we don't have to actually look through the entire process?"

(Tom Barrish): Right. So that would be, you know (Matt) suggested I review the rules of procedure, which I have, and it's very clear that any member of the stakeholder group can propose a motion that, for any number of things but one of which is a change in the bylaws.

So if there's one little bit you don't like in the bylaws, you should take it upon yourself to propose a motion to change that. Right? And I think that incremental way, we'll move forward. Because it's otherwise, it's an all or nothing affair that can drag on for months.

Magaly Pazello: Okay, thanks for the clarification. We still have Mr. Bladel?

James Bladel: So, maybe I'm not fully understanding this, but so we're suggesting we kind of take an iterative approach to reforming our bylaws? This part of the conversation?

(Tom Barrish): So I've proposed six amendments.

James Bladel: Yes.

(Tom Barrish): So we had a healthy debate.

James Bladel: Yeah.

(Tom Barrish): And it was considered informal because I had not received endorsements yet per the rules of procedure, which I have now received, right? And now we can, now the secretary can publish these amendments for formal debate. So out of that debate can come from the amendment to what I proposed, it could be unfriendly amendments, there could be unrelated amendments.

James Bladel: Okay.

(Tom Barrish): Right? So

James Bladel: We could accept these individually or as a package or...

(Tom Barrish): Right. So the way I understand the rules of procedure, each amendment is voted on separately.

James Bladel: Okay.

(Tom Barrish): It's not one vote for all six, it's six votes right now.

James Bladel: Okay.

(Tom Barrish): If you guys want to propose four more, we'll have a ten vote.

James Bladel: Okay. So the only concern I had, and I don't know, I'm not as close to this as you are so I don't know how real this is or not, but at some point, GNSO, we may all have to look at the definition of our stakeholder groups or our constituencies, and what comes out of this process is going to determine whether, you know, we're an integral constituency in the next life of the GNSO, right, or we could be something completely different, or we could be mixed in with brands or mixed in with hybrid registries or whatever. I mean, all of that is going to determine on how well we do this part, right? And how quickly.

(Tom Barrish): Could be, yeah.

James Bladel: Sorry, so I mean, this is important stuff, this is pretty dry, I understand, but I'm trying to like get everybody out of their lunch food comas here, this is like scary stuff. We could be like written out of existence if we don't do this right.

(Tom Barrish): And maybe you could address, you know (Tim) had some comments back in July 2 about we might be violating our charter, let's be careful we don't, can you talk to that a little...

James Bladel: Yeah, so, and that was kind of the basis of what my concern, and I don't fully understand where (Tim) was going with that and I was hoping that he could be on the call. But I think it's more along the lines of, you know, we have to have a defensible charter, you know, now, and in the next round, otherwise it could go, it could be smacked down and then the Registrar Stakeholder Group would be...

(Tom Barrish): And are the bylaws our charter or is there another document?

James Bladel: So I understand that to be a different, you know, I don't know, I'm not going to answer. But remember, like does anybody remember, there was a sort of an

issue with the NCUC about two years ago, and some different, you know there was a couple different groups calling themselves the NCUC or something like that, and they were all kind of wrestling for, yeah, okay, so that could happen here.

There's nothing that says now just because you have a registrar contract you are automatically a registrar and it's a pass/fail, because there's a lot of hybrid organizations being proposed or vertically integrated organizations, or we're just trying to head that crisis off, you know, now and I think, so I really encourage not only getting involved with this but we do it quickly. And I encourage myself to get smarter about this so I can answer your follow-up questions, because I don't have those answers.

Woman: To the point that the bylaws define our charter, there's a separate document. Elliot?

Elliot Noss: Yeah, I want to follow up on James' point, first just some background. I think, James I think you were referring to that whole you know IOC-led thing inside of non-commercials where they wanted to have a separate non-commercial group and try and split and vote that non-commercials brought to the GNSO.

You know, on what James is talking about, I made extensive comment in the survey that (Tom) put out that didn't really make it into the process and I think that's appropriate because what I was saying was a variation of James' point, which was, you know, that this discussion is great, I think it's useful, but I think it's missing the much bigger issue, the one that's much more germane for us, and that is this what is a registrar point. And I do believe we have to get out in front of it.

And James I would say to you I don't think we can look to this specific process that (Tom) has done all this good work on and that people have you know sort of input into. It doesn't address this problem at all, and I think we have to address this problem separately,.

And let me put a finer point on the problem. I think that the most important thing in GNSO reform is we've all been sucked into a bit of language historically, which is contracted versus non-contracted parties. That was a convenient description of the previous GNSO reform that no longer applies, I would argue. And I don't think we should be bound by it in the way we are approaching what is a registrar problem.

You know I think James what we have to do and you know, I'm happy again for Adam and, you know, and you know I mean we and all the registrars in this room who deal with end-users, who sell the domain names to end users need to get together and possibly re-define the constituency. And maybe that does mean we break into two different groups.

And I think we have to do that now and I think the question is going to be, you know, that we'll have to, you know, the people that are interested in that issue, which I would argue is the vast majority of people in this room and the vast majority, you know the 99.9% of G's under management, you know if we're looking at it from a names perspective, you know we're going to have to make a decision as to whether what we want to put into this room is that we reform our bylaws of what this existing registrar constituency is such that it relates to entities, registrars who provide names to end users, or whether we step outside of this room and define something new.

Because I can tell you, you know I think it's absolutely right, you only vote in one constituency. And I can also absolutely tell you, the only constituency I want to vote in is one that deals with registrars who sell domain names to end users.

You know, we've already had some smaller issues inside of this room where some registrars had different interests that weren't necessarily those of registrars who primarily sell to end-users. I think that's been fine, because it's

been small and bounded. But that is not going to be the problem going forward, so you know, we do need to make a decision.

I think it's going to be a little bit tougher than this but we should do it, we should at least start to talk about that and you know Magaly and Jeff, you guys really have to, you know, to help us with this where we talk about how we're going to deal with this. Because it's either, again, you know, this group reforms itself and slightly narrows its charter or, you know, a bunch of us need to pick up our toys and go play in another sandbox.

(Tom Barrish): I assume that process matters, how we approach this. It says that...

Elliot Noss: You know...

(Tom Barrish): ...it will be up for public scrutiny, did we follow our defined process, is that better?

Elliot Noss: Sure, but I think, you know, I think that form follows substance, and of course, you know, you can't do anything that's just made up and, you know, just completely violates process. But I think we've got to not be bound by our process, there's so many areas as we saw in our previous compliance discussion that are open to interpretation. And I think we need to figure out what we need as a group and really push forward with that.

(Tom Barrish): And I think that's a good point, but we also, I think it would be helpful to get some input from Mike about what staff thinks the process, once they make their decision are they going to have to publish it for comment like the registry bylaws were published. Is that a defined process according to staff or is that not exist for registrars?

(Mike): So this is (Mike), this is a little bit outside my area of expertise but I did a little bit of research on it previously. And so I understand that there's a board approval or confirmation process involved when a stakeholder changes its

charter. There is the process though for changing the charter is not spelled out in ICANN's bylaws, so there's been some staff process (unintelligible) the registries have done, and so you know my understanding is it would be sort of similar to that but I don't know much more detail other than that.

Woman: (Unintelligible).

(Tom Barrish): We have a rules of procedure for these amendments, do we want to follow those, do we want, are we suggesting this is, we don't know if anyone, no one knows if there's another document called the charter. Right, we're going to verify that?

Woman: Yes.

(Tom Barrish): So apparently if someone wants to revise the charter that would be, they can make a motion for that, propose new language, or form a working group to debate what that should be? What should our process be or next steps be going forward?

Man: I'm looking to the guy in the suit and tie.

Magaly Pazello: Gee, thanks. I think the obvious first step would be to see if we can track down what the original charter is. We obviously can't put ourselves in a position where we propose something that's in conflict with that, I mean based on what (Tom) and others have been saying or have I missed something?

Elliot Noss: Yeah, I think you have, I think that the just in the, I think that we, this is about looking at our charter and re-defining it. I mean I think that, you know, we have a charter that was driven primarily in the 1999 context of encouraging, you know, we went from a world of monopoly and a single registrar to a world of competition, and so much of the original charter was focused on making sure that the big, bad monopoly didn't crush the competitors.

And there was no sense of a concept that, you know, that a registrar was anything but an entity who sold domain names to end users. You know, that's something that's evolved, so you know we're in green space here. You know, we're really, we've got the machete out and we're hacking the vines.

Magaly Pazello: Okay. Not too sure what the next step is here, really.

(Jennifer): I think the next step here is to (unintelligible).

Magaly Pazello: I think that probably makes more sense. I think what (Jennifer)'s saying makes more sense, I mean if we can, look at the current, what the current document states, then we can see what potentially needs to be changed and then put together some kind of working group on that.

However, it's a simple thing to be able to address some of the existing bylaws, but I don't think there's any reason for us to delay doing that, because surely the severe brokenness of for example around the election process is something that causes us more headaches than it actually resolves.

I know from my previous experience as secretary that it caused me more headaches than I could have done with (unintelligible) one to two to escape the chair and couldn't, you had to wait. How long did it take us (Matt), four weeks, something, end to end? It's a bit silly.

Elliot Noss: I agree with that and I appreciate that we did kind of have to root for you to take this position and, but you know, the one thing I really want to just caution us, I think what you've said is right. You know, there's such a human condition whether it's in politics or in business or in a situation like this, to avoid the big hairy problems, and this is a big, hairy problem.

And I really think that what we can't do, you know I feel like this is, you know, I've talked about this in a few different meetings, now this issue and I just feel like we're out of time and we need to take up the cudgel around this big, hairy problem. It is scary, it is green space, it is, you know, undetermined in the way the staff will feel about it, it is undetermined in the way the board will feel about it. And it's undetermined as to how we in the room will feel about it.

But I think that we just can't be you know afraid of it any longer, and it's natural for us to be afraid of it but I think we don't have the luxury anymore.

Magaly Pazello: Elliot, I hope you will be volunteering to help with this.

Elliot Noss: I will be volunteering people to help with this. No, I'm certainly going to, you know, I'm going to try and lend a hand around this, yeah.

Magaly Pazello: I think one of things is with regard to actually a lot of the volunteer work in general, I mean not just specifically this, I think one of the things we do need to do a slightly better job of is getting people who have a lot of, a wealth of experience and knowledge, being able to tap that without dragging them into an 18-month PDP or whatever.

Because, you know, it will, I can understand that Elliot might not want to commit himself to an 18-month PDP, he'd be more than happy to throw (Graeme) or somebody else in, but (Graeme), no disrespect, wouldn't have some of the knowledge that you have. And being able to get that I think is very, very important.

I mean we can discount and disagree, of course, but you know getting it is a good start.

(Tom Barrish): So the big elephant in the room here is there are current members who have been very active over the years that probably don't qualify under your new definition, right?

Elliot Noss: May or may not...

(Tom Barrish): We have to say, do they get grandfathered, are they out, do they have a special new group that they form, so I think that's the main point of contention for some...

Elliot Noss: No, no, I want to, so what you say is fair but I think what you did now there is kind of go to well, let's talk about the edge cases. And I think where we really have to start on this issue is what's the core before we determine what the edge cases are.

I mean, you know, I put out a simple proposition, and I'm happy to put it into whatever form that's useful into this room, that you know the we need a constituency that represents the interests of registrars who sell domain names to end users, who are responsible for other third parties' contractual compliance, who have the interests of a broad set of Internet users at their core.

And then I think, you know, we need to really start with okay, what does that constituency look like, and then I think quite rightly (Tom), you know, we can deal with the edge cases and then follow that. So I want you to hear me sort of agreeing with your point and maybe just moving the causality a bit or, you know, the steps.

Magaly Pazello: Okay, thanks Elliot, (Tom)?

(Tom Barrish): Well, no, I think this has been very useful and so it sounds like there's still some interest in trying to fix some of the broken parts of the bylaws, and so we should probably follow the rules of procedure to open up that debate, have people propose some other amendments that I think need addressing in the bylaws, and it sounds like we need a whole new working group to be

formed to address this bigger issue. Right? So you need someone to volunteer to lead that.

Magaly Pazello: (John), go ahead.

(John): I just wanted to say that, you know, I agree with what Elliot just said, and not representing the registrar that has, you know, retail customers. You know, there's real requirement to work the bylaws around, you know, what are unusual cases relative to everyone else in the room, this has always been an organization, a group of people where a good idea is a good idea regardless of whether it won a vote or had a vote as long as it had a voice.

Magaly Pazello: Okay. Want to take it?

Man: Sorry, I have a stupid question. Elliot, when you say registrars that sell domain names to end users, what does that mean?

Elliot Noss: Yeah, I mean I think it means, you know, what it says on its face that they are generally third party, that they are third parties, that they are not, so not to be clear, I think you know, just to take away any personalization of it, you know, my description fits a lot more or what I think in the future you know gets separated in interest, there's a lot more you know (John)'s situation than your situation.

Your situation where you know, you have registrars, they are third parties, they happen to line up with the ITC and I don't like that, that's different. Maybe that's, maybe we should catch that, maybe we shouldn't, I don't know, but you know, I'm dealing with the bigger issue. Which is...

Man: That's what I thought, but then I heard (John) say something about retail, and then, it just...

Elliot Noss: I think it was just a...

Man: I just wanted to make sure that, you know, what I thought you were talking about actually was what you were talking about.

Elliot Noss: Okay, yeah.

Man: Got you.

Magaly Pazello: Okay, anything else on this? Okay, well, okay, who would like to volunteer to spearhead this movement?

Elliot Noss: (Adam) went to the washroom in advance of you asking that question.

Man: Boy, that's pretty gutsy, just to leave your fate in someone else's hands.

Magaly Pazello: Are you able to delegate your staff to do these things Elliot when they're out of the room?

Elliot Noss: Absolutely. You know, really, I mean here I think you know, it just you know what I'd love to see, and I don't mind just taking a very active role in this, maybe leading it. You know, I'd love to hear from (John) and from (Jeff) and from (Jen) you know, the other large third-party registrars and you know, then from others, I mean maybe there's a straw man around this, we could maybe get a sense of you know, what people are thinking. But you know, I'd love, you know James to say, you know, yeah I'm really interested in this and (Jeff) to say, and (Jen) to say I'm really interested in this.

And, you know, others who are similarly sort of going to deal with this. Unless who's leading it and the more the, you know, is there kind of a, you know, an under-swell for it.

Woman: I agree with Elliot, and I volunteer to assist with leading the charter.

Elliot Noss: Oh, awesome.

Man: I'm volunteering as well.

Magaly Pazello: Okay, so that's two. So we can have...

Elliot Noss: We will be deeply involved, (Jennifer), the royal we, deeply involved.

Man: I think it might be very interesting to join Elliot in that effort.

Elliot Noss: By the way, it's so good because he just put me in front of the effort as he joined it, that was awesome. I want to call out that smooth move right there.

Magaly Pazello: Anybody else want to volunteer to assist in this effort?

Volker Greimann: I throw my hat in the ring.

Woman: Thanks, Volker.

(Mike): So in the spirit of volunteering, this is Mike, one of my co-workers, Rob Hoggarth, the Policy Department, you know he can be a point person for things like amending the charter, so I'd be happy to volunteer him since he's not in the room.

Magaly Pazello: Marika has already suggested we liaise with them, so we will be doing that. Okay, I think we might want to wrap this up since we have to migrate to meet with the board, it's in Hall 6, which is where the opening session was yesterday, so that means it's all the way down. So you go out the doors here and you turn left, and keep on walking. So I think we can close the session out and stop the recording, thank you.

END