

**ICANN Prague Meeting
Registrar Meeting 1st Session- TRANSCRIPTION
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(Pat): ...start the recording we're back, so we've got the ICANN registrar lia - oh they've actually undergone a title change, that's correct, Registrar Relations Group, Tim - well you guys can introduce yourselves because there's folks on the phone, so I will turn it over to Tim Cole and let him introduce himself and his team for those that are in the room and on the phone and we'll get going.

Tim Cole: Thanks (Pat), I'm Tim Cole and I work with the Registrar Relations Team, I think I know pretty much all of you and probably even the folks on the phone I hope. We're just going to give a brief update on the kinds of activities that we've been seeing and are involved in our team at the present time. And (Mike), Steve is going to talk a little bit about accreditation process and what's going on with that, what are we doing now with new applicants and how many and where they're coming from, that sort of thing.

And then I'm going to ask (Mike) to talk about some of the programs that he's involved with and maybe give some updates on some of those. And all three of us are here for questions if you have any so I think we're on until Kurt gets here so, you know, we'll take it like that and I'll turn it over to Steve.

Steve Gobin: Thank you Tim, so for those of you who don't know me yet, I'm Steve Gobin I'm part of the Registrar Relations Team, I am based at the Brussels (office) of ICANN. So I'm going to start with a small overview of the new applications just to say that it's now coming from all over the world, we receive and operate (several) applications a week. The country from which we receive more applications than the others is from China, eleven applications in 2011 for example, close to three in 2010 so a big increase on that front.

For the rest are coming from all over the world, including that I recently accredited registrars in countries where these registrars were the first, which is also a good thing. A recent change - so recent changes were made to the accreditation process last year and the year before, we started by re-updating the content on the ICANN Web site related to accreditations to make it more clear for any potential registrar applicant. We also created terms and conditions to better define the rights and obligations behind the application process.

And most of all we are now processing - it has been the case for almost a year now, we are processing additional due diligence checks on new applicants. We check for example if the applicant and the key people of the applicant have any criminal records or bad financial records so that we can ensure better that we don't credit a bad company or a company with a person having a bad record, thank you.

Tim Cole: Thanks, yes I failed to mention before, Steve Gobin works out of our Brussels office and handles accreditation applications among other things and now (Mike)'s working out of our Boston office, which I think is in your living room or...

(Mike): My kitchen.

Tim Cole: In your kitchen, that's - okay and so I'm going to turn it over to him to give a update.

(Mike): Thanks Tim, so recently my role has kind of been a little bit more clearly defined so I'm primary responsible for new registrar programs which generally involves implementing consensus policies for creating new policies with a lowercase "p" that we use on staff for things like transitioning the accredited registrar's names and other sorts of programs and procedures that are intended to both protect registrars and also foster competitive environment for the registrar marketplace.

So among the things that I'm working on right now, a couple I think that are probably the most interest to registrars are the registrar training program which probably a good number of people in this room have already completed and then the implementation of the Post-Expiration Domain Name Recovery, consensus policy it's PEDNR, you know, in our common parliament so I sometimes forget what the PEDNR stands for.

Anyhow, I'll give you a quick update on the training program, I think a lot of the people here I remember seeing in our recent - our regional gathering in Los Angeles and I gave a little update there and I'll sort of give an update update so everybody gets the most recent statistics here. So just as background and, you know, I'll try to keep this brief since most of you probably already know, but under the 2009 Registrar Accreditation Agreement all registrars required to participate in online training program that's created by ICANN that was done in consultation with registrars.

And so we went through all of that creation and consultation process and it was a, you know, pretty lengthy thing but we came out with what I think is a pretty comprehensive program that includes all of the really key provisions of the Registrar Accreditation Agreement and the consensus policies where we see the most sorts of compliance issues. So that's been live since about October of last year and we have now enrolled all registrars who are on the 2009 RAA in the program, so as of right now that's about 965 registrars.

To date we have about 63 1/3% of registrars that have completed the training program, which is up about 3% from my presentation in May, so we're still making progress. You know, I think maybe once you (reach) the program is offered in seven languages and that 1/3 of the people taking the course are taking it in a language other than English. So I think that's a pretty, I mean I think that hopefully - I mean hopefully our translations were good and that people are finding value in that.

But that's, you know, we're really doing our best to reach out to, you know, registrars who maybe don't have the close contact with ICANN that a lot of people in this room do. So we also have just a, you know, perhaps just our compliance team at ICANN also every one of them has taken the training program that was one of Maguy Serad's request - I guess it's requirement of staff that all new staff take the training program and all existing staff has taken it.

And so one of the other things that we've done and - so we had a number of registrars ask us, you know, can I have a few more people in my company take the training? You know, I found value in it, I would like, you know, for example my transfer team, I would like them to take the course or I've got other people on staff to take it. And so what we've been doing is we've been allowing registrars on sort of a trial basis to sign up additional employees to take the course.

And so by trial what I mean is that we're allowing registrars up to ten extra accounts into the training program and they're the initial learners in the system from each registrar don't count towards the compliance requirement, it's just really for their own value. And registrars who sign up have the ability to monitor the progress, so if they want to make sure that their employees are actually completing the training they can, you know, we can create an administrative account for them to do that.

So to date we have 17 registrars or in some cases they're families of registrars and, you know, I didn't count the families - it's 100, so there have been 17 registrars or families of registrars who have signed up for this. You know and you haven't really widely spread the word about it because we're still kind of in this trial phase but, you know, by all means, you know, I welcome anybody who's interested to either see me here or just send a note to registrar-training@icann.org if you'd like to sign up.

I know we've had a total of about 83 what, you know, we call voluntary learners in the program so I think that - I mean I think the result is that we're getting sort of a better educated and more compliant general market place, so I think that's a good thing. Ultimately our goal is to make this not a trial program but, you know, what we're finding is that most registrars don't usually need more than ten accounts so, you know, we may just sort of stop calling it a trial and, you know, open up the invitation and say anybody who's interested, let us know.

But that's sort of the case we just haven't, you know, as I said we just haven't broadcast it, so that's where we are with the training program. And then just a really quick update on the PEDNR, so this went through the GNSO policy development process and the working group came up with a series of - depending on how you count them, 13 or 18 recommendations basically dealing with what happens to a domain name once it expires.

And, you know, the general intent was to make sure that registrars are better informed and that there's some level of predictability in that, you know, I think there's a pretty good understanding that registrars aren't all going to adhere to exactly the same practices, it's a competitive marketplace and so this is one way that registrars differentiate themselves. But it was just an intent that, you know, there's sort of a minimum standard of what registrants can expect will happen when their domain expires.

And some of these things are sort of common sense, like sending renewal notices before the name expires and sending information about how to name after it expires if it's still available for renewal. So there was a - and this is something sort of new, there's an implementation review team that's mostly people from that original working group on the GNSO and so they've been working with me mostly to sort of shape how this is going to be implemented.

And so I mean as we - I mean as I speak almost, I'm in the process of sort of drafting up what those recommendations from the GNSO were and turning them into a policy that's something that looks a little bit more like contract language, only more cleanly enforceable. And then the process would be after we, you know, internally on staff all sort of invented this thing, we'll take it back to that implementation review team and say, "Is this really what the GNSO had intended when it, you know, when it brought this policy about and if not, how do we make it more true to the intention?"

And then from there, you know, if we need to make revisions we will and then of course there will be a public posting and public comment and go through the traditional cycle of that. You know, and if necessary make any changes and then that's how a bill becomes law, so that's kind of the short version and that's I mean that's where we are right now. You know, I'd be happy to take any questions but Marika is here from our policy team and so if you've got really specific questions about the policy or the process, she'd probably a better resource in terms of how we kind of got to the implementation state, you know, the real policy works.

So she's going to speak a little bit later, so I won't say too much more about that but, you know, and so I guess just kind of merging my two topics here, the training program doesn't currently talk about the PEDNR because it didn't exist when we created it. There's also been a couple of amendments to the inter-registrar transfer policy since we implemented the training program. And so what - so the plan is we're going to update the training program all at once, we're going to put PEDNR in there in the transfer policy changes.

And, you know, there's already a disclaimer at the beginning saying, you know, this is current as of when we did it but might things change. And so we're aware that people are eager to get new information about these sorts of things in the training program, but considering most people have already taken it, you know, it probably doesn't matter much.

But we will send out notes to everybody on the training system when there's new content added, so if people are interested in learning about what changes have been made, they'll be able to log back in and, you know, retake that section of the transfer policy or just the subsection so if they're, you know, want to get those changes, they'll be able to do that. So I think that's about it for me, if there are any questions for any of us, we have to entertain that now.

Man: Quick question for Steve, you mentioned that you guys have had some registrars that were new registrars in new countries, are you able to talk about what countries those were?

Steve Gobin: I don't have the list in front of me but...

Man: Sorry to clarify, I think you said new countries where no registrars had shown up before, so...

Steve Gobin: For example I recently accredited two in Honduras a bit before I accredited the first one in Morocco. There was also an East European country I think Bulgaria or Romania - not sure off hand which one. Right now I'm handling an application from South Africa which will be the second one in that country, same for Lithuania. Now you can always check the list on the internal Web site and you can sort out the list by country and you will definitely see there that there are countries you didn't see before.

- Man: Yes I actually have a similar question Steve maybe, what percentage of folks that applied don't get accredited? Or I mean is there, you know, just a, you know, as a...
- Tim Cole: You know, I think I'll answer this one because actually I'm the final person to sign off on the applications, but essentially no one gets to the point of sign-off that is not qualified. So we don't actually have, you know, raw statistics of how many get turned down, basically there is usually a problem either with, you know, a principle associated with the registrar applicant that is not qualified based on the policy and/or financial or other terms.
- And so we tell them you need to do this or you need to satisfy this or you need to change this before we can consider you for accreditation and then they usually go away and/or they fix it and come back. But so it's a little hard to say, you know, we don't really have a list of no's because we don't really get to the point of no, I mean, you know, we just tell them we can't proceed basically.
- (Pat): Okay, you know, thank Tim, (James)?
- (James): Thanks, so the question regarding the implementation review team and some of the new policies that are coming out, first are there any registrars that are on the IRT? Because I remember that being thrown around but I don't know is anyone there, you know...
- Man: (Unintelligible).
- (James): So who are they.
- Man: You identify yourselves.
- Man: So sorry, I guess I'm - what is - I was ready to have you finish and say IRTP, but - so what is the IRT because I'm not...

(Pat): And then second question is and I see Marika in the back, we may need you to come to the microphone if you have a moment please, because I know that that will help shed some light on this. So the question is where is the IRT, who are the registrar participants, are they meeting regularly and what's on their agenda? And then the second one is how does that play or overlap with the standing committee on improvements which I think one is - I'm getting confused here. So because we're on one, (Christen) and I represent us on the Standing Committee for Improvements, but I don't know who's on the IRT.

Marika Konings: So what do you mean with IRT that implementation review team?

Man: Yes.

Marika Konings: That specifically relates to the recommendations of the Post-Expiration Domain name Recovery PDP, so basically that was a group that was created as well on the recommendation of the working group itself that should be there to provide, you know, a liaison with staff in case there would be questions on, you know, what was intended with the recommendations or if there would be, you know, small details regarding how to implement certain things to console back on those issues. And I think (Mekala) is on there...

Man: We all just now had our ah ha moment.

Marika Konings: Yes, okay good.

Man: Yes we do remember that, it was a temporary thing I think that the way it was described there just a moment ago, it sounded like there was this other body that nobody knew about...

Marika Konings: Okay, no...

Man: ...okay, I remember that now.

Marika Konings: ...and as I understand there have been some exchanges on the mailing list and they've asking for some clarifications on some issues and I'm assuming that, you know, once there's a draft of (limitation plan) that will be shared with that team as well probably before that gets...

Man: But once PEDNR recommendations are implemented that just evaporates, that goes away.

Marika Konings: Right.

Man: Okay thanks.

Marika Konings: Exactly.

(Mike): I guess this would probably be a good time to augment this discussion a little bit, as all of you know we recently implemented the first set of IRTP Part B changes that included the creation of the transformers to actually contact the (T-Act) and also the obligation of a losing registrar to send an FOA during the transfer process that didn't - it was option regulatory and then there's a couple of language pieces, but there are more changes coming.

There's been quite a bit of activity at the GNSO level with regard to transfer policy, there's another set of recommendations that have been approved for Part B that we'll - we will be putting into the implementation stage soon which will consider determining what exactly they're basically exact language so there isn't a lot for us to determine what needs to change or what, you know, what needs to go out in terms of an implication process.

But, so this will be one of these where we'll need to determine what's a reasonable length of time to give to the registrars. I think we'll probably consult in (unintelligible) the ExCom or whatever, just to get sort of a feeling for, you know, is this a 60-day, is this a 90-day, is this a 30-day preparation

period necessary based on the extent of the changes that may be required? But so those are our group and then there's more coming from the Part C group, so it's, you know, wherein in the past we might go four or five years without any changes to announce to all the registrars and to implement, now we're - we seem to be having something every couple months or so.

So I just want to caution you to be sure to keep your lines open with ICANN and make sure that your primary contact information is up-to-date so that when we send out these notices there's no, you know, there's no real question that you get them and that you know about them. So that's just one thing I wanted to say, I think Marika will talk during her session a little more about what the nature of some of the things that are coming down are - any other questions for any of us?

(Pat): Yes (Tom), go ahead.

(Tom): Well actually I just wanted to ask what kind of changes are coming through now, but if that's something Marika Konings is doing later on I can wait for it.

(Pat): Any other questions for Tim, Mike or Steve? Okay...

(Mike): Just one more, so Steve Sheng of STAFF asked me to make a plug for a working group in, you know, I'm not sure if working group is the right term because it's not a GNSO initiative but, you know, it was seen on the ICANN site posted about a week ago there was a request for people to volunteer on this variance in the roots project and so do you know their looking for - and so I'll just tell you what they're sort of looking for.

It's not necessarily the usual suspects and so, you know, it may be you have somebody, you know, within your organization who might like to kind of get involved in ICANN, this might be sort of a good thing for the right kind of person. So I'll just sort of tell you what he suggested to me the right kind of

person might look like and he, I mean he asked me just to give him some names so, volunteers watch out.

But so they're looking for people who have experience in EPP technology and operations, registrant interfaces, registry interfaces, being an interface to ICANN contractual compliance. And by the way, I think when he said registrar and registry interface, I think he means people not the (control power), so if you're, you know, if you're a person who deals with registries or if you're a person who deals with registrants, you know, a person that deals with compliance.

And finally experience with dispute resolutions, so if you know of people who might fall into one or more of those categories, they're looking for you. And so just check, you know, I know a lot of stuff got posted recently to the site, but I think it was just last week that this announcement went up saying we're looking for volunteers and I think that, you know, for people enjoy this kind of tech stuff, I think it might actually be kind of fun so

Man: We'll send a link around for that announcement.

(Mike): All right, so I've done my job here and I made the plug for that.

(Pat): Cool, thanks Mike. I'd also just like to say that we missed Mr. Cole at the last ICANN meeting so it's good to have him back and give him a round of applause. What was your streak - how many in a row?

Tim Cole: Well that was the first one in almost eight years that had done this job so thank you very much, I can see now and my back is doing better, so thank you all.

(Pat): So I guess we're - are we waiting for Kurt?

Steve Gobin: Yes Kurt.

(Pat): We can wait, you know Tim one subject that did come up that I wonder if you or the team might be able to talk to is what sort of operational plans you guys are putting in place in the anticipation of new TLDs? And what areas do you think need to be looked at in terms of streamlining the process for - specifically registrars obviously when we start to have the opportunity to become accredited for, you know, hundreds of new gTLDs, are we working on a process that streamlines that and that was one of the topics that had come up with the group.

And I know it might be a little premature to have, you know, a lot of specifics around that, but I just thought, you know, in the time as we're waiting for Kurt and then we could just have a conversation about that.

Tim Cole: Thanks, good topic to cover, you know, a lot of the activities that we have been undertaking within our part of the organization has been to enhance a lot of the automated or electronic processes where we're working on automating the accreditation application for example because we expect an influx of those kinds of applications. But we're also, you know, trying to go to a paperless system and working with our application folks.

You know, there's still some question about what the status of appendices will be once we have, you know, a few hundred or a thousand TLDs and over a thousand or a thousand plus registrars suddenly the complexity to that is quite enormous. And so our goal is to either find a process that satisfies contractual requirement but that actually doesn't require a lot of paper to fly around. And so we're talking - we've got applications looking at possibility of, you know, just creating sort of an online form with all of the TLDs and you just go in and check which ones you want and then somehow that becomes an authorizing process for example.

But we're also talking - and I suppose this will, you know, you guys have been having discussions about RAA amendments but of course that is

removing that whole appendix requirement is a key amendment that all parties are in agreement with, so but, you know, that may not happen soon enough.

So we need to prepare for both contingencies, so we're definitely plus we've been - there has been a group I don't know how active it's been recently but, you know, that was some registries and some registrars and someone from our registry and (Mike) from my department here that were talking about some of the potential means of doing some of this stuff.

So, you know, we've been staying on top of that as well, so we've been doing a lot of streamlining, we've been - we modified the data escrow process a bit so that - not the formal policy or program but we now whenever any registrar is approved, in addition to signing the RAA, they have to sign the RDE contract.

So they are already immediately enrolled in the RDE or they have to enroll with a third party, either way they have to do it before we will finalize their approval. And then we now have a mechanism for tracking exactly when they hit a certain number of names and then we will say you're obligated to start filing now. I mean we give - I think we give them 60 names or something before we say you're, you know, you're obligation starts, but it's not 1000 names before the obligation starts.

So some of those things are just designed to make sure that as things get more complex we can just - we don't have to increase our staff commensurate with the size of the increased responsibilities as long as we can automate more things and create - do things more smartly. But we love to hear from folks about the kinds of things that you think, you know, we should be doing that we need to be doing because, you know, we can't guarantee we'll think of everything, so obviously if you guys have concerns or ideas or thoughts, please share them with us.

(Mike): Yes thank Tim and, you know, I think from our standpoint any sort of improvements on the paper side of things and also, you know, I've said before I think, you know, trying to do more stuff in the radar system and make that more, you know, interactive and you saw we're already starting to do that. So as you're gearing up and doing this stuff, if you need feedback and input from the group, just folks will be more than willing to provide it because obviously it's going to benefit us in the long run.

And you know, I mean we created radar on, you know, our watch here and we did it in large part to be a resource for registrars and for registrar applicants that that part of it has never been fully developed. But meanwhile, you know, the company is continuing to look at different sort of contact management systems and things like that and they consider sometimes replacing radar with some system like that but until that happens, you know, we're committed to making it as useful and helpful as possible, so if you have recommendations or requests please let us know.

I mean I can't say that we'll get to it overnight because we're competing with a lot of others for limited resources, especially in our IT development area but it would be really good to hear. You know, in your time of using radar you've discovered something that would really be helpful but isn't there, or that's there but it's not as easy to use or something, please let us know and we'll take a look at it.

(Pat): Great, thanks Tim, (Mike), Steve - I noticed Kurt snuck in - Kurt if you're ready for us we're ready for you if you want to take a seat at the front. Welcome Kurt, so we got some folks on the phone as well as in the room, thanks for making the time as usual. So we've got a couple of topics for you, I think we want to go through - maybe starting with the RAA, just where we are with that. And then, you know, just talk about new details as well, so two small late, late topics.

Kurt Pritz: I don't know how to really start the discussion about the RAA, so where do we think we are? I think the - so the uncertainty for ICANN in this is that we're talking to a small group of registrars - a core group that's even really smaller and so that they're really dedicated a lot of time to being on call as well as on the phone at 3:00 o'clock in the morning all the time. And so I guess we want to understand that what's happening in those negotiations reflects, you know, how does it reflect the (fence) of the registrar stakeholder group.

And so where are we are on paper, where we have a grievance on paper which is in the substantial number of areas that reflects the - I don't know if it's the consensus of the registrars or agreement of the registrars or, you know, or what process that is that gets from our paper writings where we agree to endorsement by this, they called a group.

(Pat): Kurt if you're comfortable to start, I've got (James) for now, anyone else?

(James): This is an adult topic apparently, so quickly a request, you know, ICANN put out STAFF about their draft RAA as well as a number of supporting materials that registrars have sense responded with some edits as well as some supporting material.

Yours went out on the ICANN announcement page, ours went out on our constituency page and we've been blogging and tweeting it and everything, but is there at least a way to get the link to that registrar constituency page containing those materials out through the ICANN announcements? I think that more folks want to see that and in the interest of balance I think it would be good to have both sides going out through the same channel.

Kurt Pritz: Yes we could make an announcement about the workshop that we did here and put it on the announcement page and use that for an agree- reason for creating like a clutch page to put links to all those kinds.

(James): So we're linking to where they live now or...

Kurt Pritz: Either of those is fine.

(James): Okay, all right thank you.

(Matt): Yes Kurt I was wondering one, you know, one of the things that I think in our conversation with - well it is exciting to a representative from (Pelier) talking about the progress that we made in the public session. I think it was gratifying.

Because we have made a lot of progress and I was interested in what you have been hearing about whether or not, you know a lot of the progress that we have been made in some of the 10 places where there is a lot of agreement given the complexity of the issues that remain with verification and retention.

You know whether it makes sense to kind of take home some victories on those points and kind of move forward, you know, or not and try to get the purpose.

But I was wondering what you have been hearing in the conversations you have been having since you showed up.

Kurt Pritz: Gratefully little. So are you suggesting that we harvest the agreements? We have them and publish an agreement with those and keep going or are you saying that we use the, you know, court of public opinion here to help us say that significant progress has been made.

(Matt): I guess I was interested in what you had heard from people? I would give two data points as to what I had heard at least in the public session and in the kind of less public but still public session that we had, the engagement that we had with LEA folks.

And you talk to a lot more people than I do so I thought you may have some additional insight.

Kurt Pritz: Yes you would be amazed who I don't talk to. You know really I haven't heard that much and I don't know. My life at ICANN anyway is based on hearing criticism or negative comments.

I think that we should take what we heard from law enforcement because we heard a couple of versions of it still of how it could go by verification. Pick one that is amenable and see if it can, you know, go back to them and say, okay this is what we heard you say. Let's close on this.

I don't know. I think there is some goodwill about what is going on and where we are right now and maybe we can get to, you know, an agreement on what would be adequate for who is verification that would carry the day and then close it.

(Matt): Yes. Elliot.

Elliot Noss: Kurt I want to go to a couple of form issues to maybe - so I will say I am speaking for myself, you know, because I thought both (James) and (Greg) were light on a couple of things.

You know you think your light at ICANN is about taking criticism. You know I should, you know, try and be a registrar for a meeting because if you can believe it, it is worse.

So for us - for me I think one of the most frustrating things about this negotiation and, you know, I hate that you have to be the one to hear this and you know I always find you do a noble job of the pin cushion role.

You know for us one of the frustrations is, you know, that it feels like that it is not just law enforcement or GAC or intellectual property who are beating

down on us but it is really appeared to me in the last, you know, the last rounds of negotiation that it is staff that is beating down on us.

And that manifests itself in a bunch of the extraneous - now I won't say extraneous but in a bunch of the staff specific mandates or points or elements that have come in to the agreement with very general, deeply scary language.

And so once we see that and it feels it stacks against us too, well now there are a couple of other problems. You know it does feel like that is posting of the agreement was negotiating in the court of public opinion against us, bad form, bad form.

We should be in this together. And it does feel in the tenor of the negotiation as if when staff is taking a position they are justifying it on the basis of law enforcement forces us to or the board says.

And, you know, a lot of that stuff Kurt just isn't so. And so, you know, if you really, really, you know, if staff really, really wants to get this over the finish line.

You know, I have been involved in a lot of negotiations in my life and generally when there is not a spirit of trust and good faith in the negotiation it is not successful and I would say to you right now that isn't the way it feels.

So I mean I really encourage you to look at some of those form issues because they are distasteful. And I am happy to go offline and go deeper and be specific about some of that stuff but it is crappy. Thank you.

Kurt Pritz: So to me this has been - I have been through a lot of negotiations too and this has been one of the most confusing, difficult ones and to me difficult because it is confusing. I don't know how to negotiate away from the law enforcement, you know, asks or in a third party without getting some buy-in.

And the way we are approaching the - sort of the recrafting of what is policy and what is not and how we amend the agreement in the future. I don't know so to me...

(Elliot Noss): You mixed two points though. So you did put a finer point on what I am saying because that is a bit away from it.

You know the first is that staff has introduced a bunch of additional, very contentious points for registrars. So when that happens all of our energies are moved away from these already incredibly complex issues of verification and validation.

So now that is just mucked things up, okay. So that is, you know, even though that is the staff only position. The data board position and aided LEA position and aided IP position it is a staff position and that is very complex to introduce into these negotiations.

And the second point is, you know, I mean one thing that I do in a negotiation is I don't enter into it unless I am dealing with a decision maker. So you could say what you said about LEA. I can sympathize with it but at point get out of the way.

You know because, you know, I think what we should be doing together is identifying but these are incredibly complex issues that are not necessarily amenable to a short path solution other than one that is slightly feel-good but introduces a lot of damage in other ways.

And we are not working together on that. What we are being done is, you know, my boss is telling me this, I can't, you know. And you can never successfully conclude a negotiation like that.

So I mean that is all about tenor and form, right? So, you know, I really - I mean you got to take this stuff on but your staff have to take this stuff on.

Kurt Pritz: So I didn't think I was mixing two issues because some of that complexity led to the introduction of some of the - well the big term that we are not mentioning that we find so onerous.

But that is all linked in with how the registrar has changed the agreement and taking a lot of things out of policy development. So to us a lot of those things are linked and that is how they came about.

So one problem I have with the negotiation is that, you know, I talked to (unintelligible) a lot and nobody else. And I don't know if - and 90% of it is over the phone so another part of this I would like to see is one, participation of more registrars at the table and two, is, you know, at least from, you know, doing some face to face.

So the discussion over the phone especially about these really hard things, you know, just boils down to well, here is our idea for addressing this. Well we hate that.

And there is no discussion of why something is there. It has been really tough because there have been a low number of registrars and there is no face to face discussion.

Man: Just one point I want to add for you to think about in that regard. Look I think that these guys have done a really good job of coming back to the constituency as possible. I am not saying you are not saying.

I mean I don't feel like, you know, you don't want to be dealing with the herding of cats in that negotiation. I wouldn't if I were you.

The second is I don't think you can compare the number of times that at least what I am hearing when we are being told sorry, we can't talk about this. That is somebody else's position.

You know I think there are very, very few circumstances where we are putting that out. So, you know, I think that that issues which is always frustrating negotiation is overwhelmingly coming from you guys not from us.

Board says we have to. LEA says we have to. And by the way, when we go back channel on those things they are more often than not incorrect. So now you guys come to the table with broken credibility on that stuff and is just, you know, it makes it all just look like a negotiating tactic.

Kurt Pritz: So I have got (James) and (Christian).

(James): Thanks (Matt) so I will put a real fine point on it and if replication I heard yesterday I think that it was characterized as a compliance tool. Now I am hearing I think it is linked to something we are asking relative to policy. Where is this coming from? And what is the justification for that ask?

Bottom line, I don't get that. I can't follow what is being said versus that being included in the draft.

(Matt): (John) I am not the best one to answer that. It comes from - it stems from I believe the process for changing the RAA and we are going to get policy development in the GNSO out of that.

And so if there come a set of circumstances where the agreement needs to be reformed in some way and the GNSO path isn't available anymore there is a path for reforming it.

Man: I will concede that tearing up the agreement is changing the agreement.

(Matt): Yes (Christian) and then (Greg).

(Christian): I wanted to take the chance to tell you that although it might look like there are only two or three people talking to you that is not true because we have a tremendous amount of discussions going on in the registrar constituency group.

And I personally have the feeling that it is actually good for you to talk only to two or three people because I would actually personally shout to you because I have so many, you know, weird thoughts about what is going on here.

Many of the suggestions let's say that way are so not understandable for me. The things which are so U.S. centric especially, things which conflict with foreign from your point of view foreign but for me my governmental data privacy rules suggestions like we should check addresses like this and that where half of the world it wouldn't even apply.

And then guys that do the negotiation, the negotiation team says to me, well it is our task to tell the ICANN staff about foreign laws.

And even the law enforcement guys, you know? I said, I told that I had spoken to some Interpol guy and where was it? Los Angeles I think and he made some suggestions what he wanted to have and I talked to him and said, you know, this is not allowed in Germany. You can't do that. And he said, oh really?

And now I mean he was from Interpol, even European. So are we the guys to teach you and the law enforcements what the laws are and what you can do and what you can't?

So actually I am sometimes really mad and I am happy and I think you should be happy too that this is channels to some more decent guys that I am or

(unintelligible) maybe and they are a bit more calmed down about this. But be sure that everything they say is in the quite broader group of people.

(Matt): I think that was a compliment thanks.

Man: Not to me. I've got the mike though. I've got (Greg) and (Joyce). (Greg)?

(Greg): Just help me because I am still a little bit confused because I thought (James) posed a great question and it was about the replication as a solution for the inability of a GNSO policy, an open process to work.

And I guess there - I guess help me because that kind of suggests - the thing it would suggest to me is that or contemplating getting rid of the GNSO. We are contemplating the fact that we have just decided that the existing policy development process is so broken that it shouldn't be used.

And that we are going to create a new mechanism that circumvents it and I can't imagine that they have got to be wrong on that. But that is kind of what it evoked in my mind that we create this alternative tool where we can just tear up the contract and kind of get something new. So help me understand how that works.

Kurt Pritz: I am not sure. What I was saying is that in the new amendment process which isn't quite done yet but appears to be done. In the old contract there is an amendment process that involves the GNSO creating amendments and then essentially creating any amendment they want and voting 2/3 and having it approved.

So we are getting rid of that and we are changing the process to make it a registrar approval of amendments.

(Greg): So how does that have to do with replication? How does that factor into that?

Kurt Pritz: So there is - so there is, you know mechanism for reforming the contract. I don't really want to have a contract negotiation here because...

(Greg): I am just trying to understand how they connected? I think that was to (James') point because we are interested in that.

Man: Exactly. Where did it come from?

Kurt Pritz: It came from that. It came from, you know, creating an ability to revisit the contract as the market conditions change and it doesn't make that formal agreement doesn't make sense anymore.

(Greg): Who did it come from?

Kurt Pritz: Oh it came from ICANN.

Man: And again just a reminder, two reminders to everyone. Number one, what was posted is a draft so we are still like I said yesterday or Saturday or whatever day it was. But there is stuff obviously that we want taken out of the draft and there is stuff maybe that will end up in the draft.

So I agree I don't want to get into a back and forth specifically about things that when we get a final "negotiated" (unintelligible) that is hopefully it will be out of there from our standpoint.

The other reminder is we do have folks on the phone so when you are speaking please make sure to state your name so folks on the phone know who you are.

So I have got (Joyce) and I have got (Jeff). (Joyce).

(Joyce): I don't know what ICANN's contract with the government or with any other departments are or what kind of application that ICANN has? But the way that - and there is so much pressure from the law enforcement LEAs.

I am kind of surprised that I also had a question that if ICANN really required to listen to all the departments from the governments? So next time if the Department of Agriculture comes in and says you have got to have this compliance means you have got to have that compliance law put in?

If ICANN go into listen to them and then you put it into part of contract, our compliance. And the way that it is going is really scary because yesterday I heard that the registrants says that they are the ones that only (unintelligible) so they should have lots to say in terms of the compliance issue and everything.

So it makes me think that if you own (unintelligible) car or a BMW car and you buy the car from the dealer. So you should have something to say with the contract (unintelligible) manufacturer.

I always believe the contract is between two parties that defines (unintelligible) but our registrar contract with ICANN and there is so much influence, so much impact, so much pressure from every walk of the society.

Everybody wants to have a say about this compliance, this contract and I can understand and sympathize. I can (unintelligible) they have been picked so much pressure and I just hope that I can stay firm and just make sure that the contract is really a contract but not under so much influence from the outer party.

I understand that open organization I can open to the topic comments and everything but when it comes to the last words put in on the paper you have to really be careful about that. That is just my comment.

Man: Thanks (Joyce). I have got (Jeff McCaley) and Elliot. (Jeff).

(Jeff McCaley): Thanks. (Jeff McCaley) here. So, as a member of the negotiating team as well I can sense your frustration Kurt. I have a question for you.

You stated, you know, that ICANN has this issue that you don't know how to get past the law enforcement recommendations and, you know, they have asked for these 12 and, you know, how do we get past those recommendations and I guess you could say the demands that they have?

And you have from people here that what we are hearing from law enforcement is different and, you know, that is sort of back channel talk. So you have all the registrars in the room here, you know, not just the small group in the negotiating team.

What do we need to do here as registrars. You have this whole group. What do we need to do to move that ball ahead? Because we are stuck at this point where, you know, you are saying, you know, you have this limited power in the negotiation because you have these demands.

And we are saying, hey we are hearing different things and we want to do it. You have the main group. What do we need to do to move the ball ahead and get past that point?

I mean help us - what is it? Help us help you. I mean what do we need to do to close this? Because, you know, we all don't want to spend our eight hours on phone calls and getting all the abuse for not having something done, so let us know.

Kurt Pritz: Now I think if there is an opening from this meeting or a change, you know, we try to take advantage of what was said during the topic and what (Benedict) said about his model and say, okay we will take elements of

(Benedict)'s model and back off the verification request from (Bobby) somewhat and here is a plan and try to sell that.

I know I was talking to (Becky) last night about, you know, trying to take all this (unintelligible) and say, okay this is what we heard. Let's close.

Man: Yes thanks I have got (Michaelly) Elliot and then I am going to put myself in the queue. (Michaelly)

(Michaelly): Thanks. A couple of things, just with respect to the community's expectations with next steps and moving forward on this. Because we went back several months ago certain false expectations were set by everybody with respect to the time lines for these negotiations.

It would be helpful to understand Kurt what you and ICANN staff's position is on this so we are all on the same page. Because the last thing we need now is for people to be suggesting that a particular timeline exists or doesn't exist. But just so we actually know where you are at with this.

Of the other thing as well is the outgoing CEO made certain statements with respect to the outcomes of these negotiations whilst they are still ongoing. But personally I view that as something which is done in very very bad faith and I would hope not to see that kind of thing in the future.

Man: And you could - I didn't understand the last comment.

(Michaelly): The outgoing CEO and just so we are clear that is (Rob Beckstrom) as opposed to any of the CEOs that float around this meeting, made several statements in public interviews with respect to the outcomes of these negotiations. In other words, certain changes.

Now the problem is it is an ongoing negotiation. Therefore from my point of view I can't obviously speak to all the registrars. I can't speak for all the registrars I can only speak for myself.

But to me I view it as being in incredibly bad faith. I mean it is one thing for somebody to say, we would like to see certain things or whatever that is fine. But to kind of making out that you have actually already...

Man: The table so (Stephan) welcome. Thanks for gracing us.

Man: (Elliot).

Elliot Noss: Thanks. Kurt small point from yesterday's dialog around the negotiation. You know the screed from PayPal was both passionate and surreal so one of us went up to Mr. PayPal. I think his name is (Bill Smith) but I just don't want to get it wrong.

Afterwards and suggested, you know, these are great points. You know can I now negotiate my end user agreement with PayPal with you? To which he of course demurred rather quickly.

So I mean it was fascinating to watch somebody call for something. And at one point you can say, I am speaking for PayPal. Do you want me to speak for PayPal which you rightly just looked back and didn't shake your head yes or no.

But, you know, purported to speak for PayPal when the last thing in the world that a large, with a dominant market position by the way a company would do, would be to negotiate, you know, bring third parties into their negotiations.

So, you know, I really found that deeply discrediting of that whole line.
Thanks.

(Matt): Thanks Elliot. I put myself in the queue. Kurt the question that I had was, you know, what we have said was we are going to negotiate the contract and once we have got a negotiated agreement anything that doesn't get in there that falls out of that we would go through the PDP process at the GNSO.

And that could be a fairly long list of items. So do you have any thoughts as to how we might attack that and prioritize that stuff and push it through the process?

Kurt Pritz: Attack the PDP process?

(Matt): Yes so anything that we don't get into the contract goes through the PDP.

Kurt Pritz: Why are you asking that? Are you asking that about specific registrar ask?

(Matt): Yes so my understanding was that the board resolution was (unintelligible) and anything that we don't get in the contract goes to a PDP. So have we - and it is a collective question. We collectively thought about do we just hand that stuff to the GNSO and say, okay we are...

Kurt Pritz: You know I am not sure. I think we move to characterize the board request which was a little vague as pending the result of the negotiation because we thought it wouldn't necessarily be beneficial to have a PDP occurring in parallel with the negotiation.

And so we sought to push it out and letting us finish. And so how that plays out afterwards I don't know but maybe (Stephan) can help.

(Stephan): Yes thanks Kurt. And I don't know if I can answer your question (Matt) because there is no set process. What I expect to happen as I know the GNSO Council is following these negotiations very closely as are much of the community obviously.

And I expect we may see some motions after the end results of the negotiations and that is the way it would happen and obviously there is no way to predict who might introduce what. But it is very clear that there is a desire to get some of these points that we won't get into the negotiations into the PDP process.

(Matt): Thanks (Stephan). (Mason)?

(Mason): I agree with (Stephan) that it is probably not easy to predict what the Council is going to do because I am sure every councilor has his or her own idea about how that should happen.

As a councilor my concern is anything pertaining to registrar policy isn't viewed as a big (unintelligible) PDP it would just be wildly complicated, take took long further frustrate the community.

Whatever PDP does arrive from registrar implemented community policy needs to be within the picket fence and dealt with in a reasonable way that the Council can actually manage the work because the Council is strange to say the least in terms of managing some of the work.

So, you know, it is probably for this group (Stephan) and (unintelligible) and I from here to assist the Council in its efforts to make sure it doesn't bite off more than it can chew.

Man: Yes (Mason) can I just add to that as well that it is also up to this group to give its councilors clear direction. It is not only up to us three to determine the course of action.

And, you know, the reason you have GNSO Council representatives is to represent this group on the Council and we can establish strategy together if we see motions coming up.

And obviously this is all hypothetical because as (Mason) and I have just explained there is nothing on the table. But if we do see something come up then we should strategize together to see what we want to do.

(Matt): Thanks (Stephan) and (Mason). Well we have got just about four minutes left. Kurt any other topics, questions for the group here or (unintelligible) the folks in the room? Yes?

(Mohammad): Thank you (Matt). I have a very silly question if you can excuse my knowledge regarding the (unintelligible) verification. Let me give you numbers and I will just ask my question.

In Africa continent we have a penetration of the mobile operator of 60% for the whole continent. But the name and address, the physical postal address is less than 10% of identification.

So the only way we can reach people in the continent is using cell phone in a market that represents - well the penetration of prepaid card compared to postpaid is representing 98%. It means people get cell phones without physical address and that is the only way you can reach them.

The postal office has no way to get numbers to these people and give addresses. In that situation how can you sort out the (unintelligible) verification process in terms of enhancement?

It is really a tricky, tricky question in that environment because physical address is very hard to address and the cell phone is volatile. There is no identification in it. It is less than 10% of verification of IDs regarding the cell phone.

Is that issue have been discussed and sorted out in the (unintelligible) verification process?

Kurt Pritz: I got that point. Thanks very much (Mohammad).

(Matt): Yes and I think that just speaks to those challenges that we have all had in trying to come to agreement on who is verification.

(Joyce) you have got about 30 seconds.

(Joyce): Oh okay just one more question about the (unintelligible). I can eventually want to credit those process (unintelligible) providers. You know I want to see that not anybody can just go there and say, I need (unintelligible) who is or (unintelligible) because we are talking about a lot of human (unintelligible) all over the world.

In many parts of the world, the countries that they prosecuted them. The main owner, the Web site is criticizing the government for something. So I just don't want to see any government with ask their support there say, hey go there and get (unintelligible) information.

So and if the practice service provider was subjected to any inquiry and then provide obligated provider information. I think this would be very, very dangerous. That is just my opinion.

(Matt): Great thanks (Joyce). Kurt thanks as always for your time. Guys we have got a 15 minute break and then we have got (Maggie) and the contractual compliance team at 11. So we will meet back here in 15 minutes. Thanks.

END