

**ICANN Singapore Meeting
Registrar Stakeholder Group Part 3
TRANSCRIPTION
Tuesday 21 June 2011 at 15:30 local**

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Man: (Thank you). Okay (Bobby) the floor is yours.

(Bobby): Okay. Thank you for inviting me to speak to you guys. And I guess the whole purpose of this session was to see where we go. I had passed Mason the Code of Conduct, which is kind of a document which is a summation of, number one, the document that Mason had drafted for the registrar stakeholders group based upon our meeting in Brussels.

The follow-up to that was the Statement of Commitments, which we introduced to you in San Francisco that Mason had gotten back to me with edits and changes and further questions. And then based on that, we came up with this Code of Conduct. So we wanted...

Mason Cole: (Unintelligible).

(Bobby): ...sure. Go ahead.

Mason Cole: Let me just give a bit more context. I apologize for not doing so before you started. So just to go all the way back, we've been working with law enforcement now formally since the Brussels meeting last summer. As a result of the - and that stemmed from law enforcement's proposals on contract amendments to the RAA right?

And so we engaged with law enforcement to help review their proposals, figure out what the best way to affect their proposals are and talk about operational limitations to some of those.

And as I mentioned in the GAC meeting today, we've come away with areas where we know that we have pretty broad agreement, areas where we know we need to do some additional work. And the question now is how to implement those things in a way where we know what to expect and (Bobby) and his colleagues can go back to their governments and say, you know, "Here are the things that you can now expect registrars to do to help us get rid of online crime." Do I have that pretty much right?

(Bobby): Yes.

Mason Cole: Okay. So where we are now is we have a number of different methods for putting those things through. We can amend the RAA, we can start a PDP, we can do the draft that (Bobby)'s talking about, which is - looks sort of like a Code of Conduct or a Statement of Commitment of some kind.

So I think that's where we are today. Is that right (Bobby)? And we've been trading language back and forth on the language of those - what would amount to what you commit to to us and what we commit to back to you.

(Bobby): Right.

Mason Cole: And then the question at this point is how do we put those things into place.

(Bobby): Right. Okay. Well what we have is, pursuant to the original law enforcement recommendations, there was two parts. The first part is the part that I guess we're discussing here that pertains to the registrars. And the second part actually had to deal with ICANN.

ICANN has actually just implemented one portion of it, which is the due diligence to commit to - or to do due diligence when a registrar is accredited. So in other words to do background checks. And I think they have subcontracted that out to World Check. I'm not 100% positive but that's what they had told me prior.

So what we're focused on here is the 12 law enforcement recommendations that pertain more specifically to the registrars. Now this Code of Conduct that we've spoken about are only 9 of the 12. And the 9 of the 12s are those which are basically agreed upon, some 100%, some with the condition that language needed to be changed -- excuse me -- either added, deleted, edited, so on and so forth.

So what you have here with this what we'll call Code of Conduct -- and you could change the name -- but these are the nine that were agreed upon starting in Brussels. What is not in here, because we acknowledge that it needs further discussion, is 3 out of those 12, which would make up the full 12, and those dealt specific with the collection of data, the validation of the data and the resellers.

So that being said, we are just trying to seek resolution on how to implement on what the registrars themselves have already agreed upon pursuant to our prior meetings and our prior documents that have gone back and forth. So that's where we are and we're trying to figure a way to come up with some tangible results.

And I had left the GAC meeting early but then I heard that there was something that the GAC had wanted as well. So I don't know if that's part of this discussion but - so begin there.

Mason Cole: Okay. Yes Michele.

Michele Neylon: Thanks. Michele speaking again. Always good to see you (Bobby). It's always confusing (unintelligible). Based on the conversations we had this morning, I think you realize that there is potentially an issue with respect to the - what this document may be called.

There's also an issue with respect to the proxy or privacy section here because it was obviously drafted based on the presumption of authenticated WHOIS data, as it were. So I mean for just in the - since this morning, I'm sure our solicitors have gone through this.

And it's just one thing I noticed was that it's - you should change - where is this? Where is it, 1b or something. Oh...

Man: (Unintelligible).

Michele Neylon: Yes sorry. Yes there's this 1.1b, "Registrar will ensure authentic WHOIS information is (immediately) published" That's impossible. Registrar can reveal the information that they have. There's no way for us to know it's authentic. That's one I'd have issue with.

The - our solicitors are also telling me as well that the - while publishing all officer data may be permissible under U.S. law, it'd be problematic under Irish law. But personally a lot of this stuff as you know anyway we're doing, so I'm not overly traumatized by it.

(Bobby): Well I guess the one thing that I wanted to stress is that this is draft and we're hoping with, you know, the comments that are here today you'd come back with a red line so that we would have further documents so we could whittle away what we can agree on and get the golden nugget of those short term tangibles.

And then if there's language such as you're referring to, which may need to be deleted or may need some legal caveat or needs to be changed, then, you

know, we would definitely want to do that. So the bottom line is I would encourage that this is just a draft. And if there's something, you know, we're looking for things that we can agree upon 100% and then go from there.

Michele Neylon: Yes (Bobby) I'm really struggling with - so by the way in the main - the whole, you know, the bulk of the document looked pretty reasonable to me is that there was lots of, you know, quite comfortable stuff. You know, at a high-level, the kind of use of proxy or privacy registrations probably need some massaging from my perspective.

But that Section 1, that, I mean, you know, it's kind of where to start. What - I don't get that basis of a registry agreement as a basis, but I got to put that to the side because I think you want to be practical. I think we heard great stuff in the GAC today from my perspective about, "Hey give us something for November." So that's great.

You know, and you said the same thing. You know, I think that we can and should do that. You know, one has so many problems with it for me and I, you know, how can we be most constructive here today? You know, you want me to just sort of start in on that with, you know, talking about that for you?

(Bobby): Thinking about one, commitment to cooperate?

Michele Neylon: Yes.

(Bobby): We can take that out.

Michele Neylon: So I mean just says, "Will take reasonable" - but, you know, it was - the big problem here is this is anything from anyone, right? I don't know all of a sudden why you're concerned about anyone. You know, let's, you know, why doesn't this only talk about law enforcement?

So to me, you know, it's an easy (frame). If it's coming from law enforcement - and you'll - in some way you - (broadly) the law enforcement community will help us determine who law enforcement is, then all of a sudden this is looking pretty friendly to me, that's what we do anyway as you know.

But when this says, you know, "anyone," well now I've got (Steve) Metalitz bringing every intellectual property problem he has to me and I've signed something that's created some, you know, duty that I'll never meet. And I mean, you know, again, I just - where did that come - I mean it - I feel like we've talked about this point so many times. You know, why was this so broad and not limited?

(Bobby): Well we just included it because it was something where we wanted to provide an opportunity, you know, to - for reporting, for law enforcement. This is a law enforcement document. It's not for anybody. But again, it was just a preamble. If it's something that's not agreed upon, then it's not agreed upon and it could be taken out. Period.

((Crosstalk))

Michele Neylon: You know, I'd be thrilled to do it - to do, you know, I'd be thrilled (to turn) that section, you know, but it highlights the place where, you know, again some of you and I have talked about before. You know, you really have to help us in order to do this stuff.

And I think it just puts it on a real fast downhill track to success to somehow - wouldn't even say validate who law enforcement is, but there's some, you know, I'm okay if you tell me or Interpol or whoever you say is blessed, you know, if somebody calls me and I can refer to you, to some group, and say, "Should I answer their questions?" You tell me I should, I'm going to answer them.

But somebody's got to do that for us. Otherwise I just don't see how you're going to get what you want.

(Bobby): Right. Okay.

Michele Neylon: Okay you'll do that?

(Bobby): Okay I will take that part out and okay and I will help you do that as well.

Michele Neylon: Awesome.

Mason Cole: So part of the issue I think we're struggling with is how to embody this right? Because you're looking for enforceability...

Michele Neylon: Yes.

Mason Cole:right? And it - this is what I think you and I talked about the last time, which is how do we get from where are now, which is a list of actions that you would like registrars to take with you, to the ability for you or ICANN or whoever to say, "You're not doing that, and you need to do it per our agreement," right? Because that's the - I strongly suspect that's an agreement that a lot of registrars are going to be - or at least their lawyers are going to be hesitant to sign.

You know, there are other avenues, right, we could - we could amend the RAA to do this. We could do a PDP. I understand that you're in a bigger hurry than that, but I want to get other registrar input on this. I mean there's - yes Tim you want to start?

Tim Ruiz: It seemed to me that, you know, the GAC was pretty clear that they needed something by November. And law enforcement as well because of the Summit that will be being held there between the U.S. and the EU. And that

from the GAC's perspective, you know, what would be acceptable sounded like a - basically a best practices that registrars would agree on.

So, you know, instead of looking at this as a document of commitment, which that word alone will probably cause a lot of consternation with the lawyers, general counsel and most of our companies or CEOs that are here, instead look at this as a best practices document. Look at those things that we can agree to as best practices that - nonbinding voluntary best practices.

Let's get to that first. That's something that we can have by November and then continue to pursue, you know, more commitment, something that can actually be enforced by ICANN, those kinds of things, beyond that.

And I'm not saying this will take 'til November to do and then we carry on, but I think we can come with a lot shorter time period to a best practices document so that we can continue to carry on. Maybe you have something else by November.

Michele Neylon: So I got to tell you I would sign this afternoon two through nine. Sign it. I mean, I don't see - so, you know, I'd be interested, Tim, in what, you know, I think one we just talked about, two you got to poke out a bit because - or like the sort of Section 1 there because it's, you know, the proxy and privacy registrations because there's stuff implied in there.

But two through nine, I mean I think that - first of all I think it's stuff I've already kind of agreed to. Second of all now we're, you know, we're going so far to giving the GAC what they've said desperately they need, right? Giving (Bobby) what he said they need...

Tim Ruiz: I'm not arguing with that. Yes I - okay I'm not arguing with that. I probably would agree with two through nine. What I'm saying is we just reframe what we call this.

Michele Neylon: Oh totally. Totally. Yes.

Tim Ruiz: That's all I'm saying.

Michele Neylon: Yes.

Tim Ruiz: Yes.

Michele Neylon: Voluntary operating procedures. I was thinking about a title when we were having that whole Code of Conduct argument. You know, we just remove every reference to "Code of Conduct" and replace it with "Voluntary Operating Procedures."

And (Bobby) just so you understand the background there, you know, that - I don't think we talked enough about the history in that GAC discussion where we were kind of losing people.

Back in 2000 there was a move for a Code of Conduct amongst registrars. While that was being debated, it got embedded and all of a sudden it, you know, it had sort of this special legal meaning that had other implications to it. And so because of that it became a toxic concept. But as long as we stay away from those words, the ideas are fine.

Tim Ruiz: And so just to kind of finish my thought along those lines then is just, you know, things like "registrar agree." You know, if we can kind of rephrase some of that so it doesn't sound so much like a contract and more like best practices.

Mason Cole: (Unintelligible). Oh I'm sorry wait. (Bobby) did you want to jump in...

(Bobby): Oh no. Go ahead. Go ahead.

Mason Cole: Okay (unintelligible).

Man: Thanks Mason. On Principle 2 through 9, I wouldn't have an objection with the - I do have an objection with the way a lot of these provisions are specifically written, and I couldn't agree with them.

So for example on number four we'll display on our main Web site the name of our company's executive management personnel. Does that mean on your storefront? That's our main Web site. So clarity around that is what I would...

Man: Well...

Man: ...need to see in order - before I do that. So I'll provide these comments separately but I just...

Man: Yes, yes. What I was - so I was looking at stuff like that. And I think that there's enough, you know, main website. It's not main Web page. I'm just trying to sort of say I don't know that anybody's going to come to you if you have an "about" section on your Web site and say you're in violation there right? That would be my question...

((Crosstalk))

Man: ...practical level.

Man: Yes.

Man: I don't, you know, we'll all serve ourselves not to kind of, you know, really get nitty like that because - and I'm not, you know, I hear what you're saying. I totally hear what you're saying. But I think we're - I think there's a real opportunity here. And so I'd kind of...

Man: I support the opportunity. I just said - at - I wouldn't sign off on this document right today, which is the declaration you made. So I don't know if any other people feel that way.

(Bobby): No and we said that. This isn't a document that's to be signed today. We need your red pen to go through it. And that's when, you know, we will revise it and then go forward. We don't care what we call it, Code of Conduct, you know, Mickey Mouse, we don't care. That's not the point. The point is, is that it's something that will be done and can be implemented and that a tangible result will come from it. And that is the bottom line.

And we know you're the good guys. You know - we know you're the ones here, but we also want to make sure that the ones who aren't here and the ones who are causing us the problems, it would, you know, be implementable upon them and binding upon them. And how we do that, that's, you know, that's what we need to do.

Mason Cole: I just have a question from one of the remote participants. (Rob Golding) wrote, "Why would any of that need to be published on a Web site? The details are already in the correct database in the - in terms of the UK, the company's house?" I'm assuming he's talking about wherever corporations are registered.

Man: So next to that's (unintelligible) can answer for him. I think the issue is that's not the case in all countries. And so in order for law enforcement to get in touch with someone at that registrar, they want it published on their Web site.

Man: (That be okay)?

Man: Thank you.

Man: I thought this was an interesting comment that was brought up at the GAC as well about their appreciation for our need to new - not do things that are kind

of - make our lives more difficult and that they're trying to work to create incentives for people to be good actors.

And I - that's one of the things I guess I'd request from you guys is, you know, how do we get the (unintelligible) pat on the back for doing these things? And I think that, you know, and I guess it's a question for ourselves as well about what this means and how we can be seen as good actors.

But if you guys have additional ideas about what - things that you can say, "Hey thank you for coming to the table on these things. Thank you for signing on to this voluntary operational procedure," and because of that we're going to give you a gold star or, you know, put a list of people that have - on our - on the (unintelligible) Web site that have said, "We will follow these things," so that we get to be seen as good newbies.

(Bobby): No actually I had said that to Mason. I said, you know, if there comes a point in time when we can agree, even if, like I said, you know, there's 12 out there, there's 9 that we perceive to be as all in agreement but if out of these 9 there's only 5 or 7 but it's iron clad, we've all agreed upon that and, you know, there's - sign up to it, then absolutely. You know, the gold star going to the GAC, going to the EU, U.S., this is what's being done. And further more, this is how it actually has been implemented," you know, or has begun to be implemented.

And, you know, with that is the time table of, "Okay, you know, we have these other outstanding issues. We do need serious discussion about those. And there is some time table for that or a mechanism also developed to work on that as well."

Michele Neylon: Just a couple of things. One, first off, apart from nitpicking a bit on the wording, which we're bound to do, I would agree with Elliot that I wouldn't have any issues with signing a document of this nature. It would be helpful

probably for you on your side to give us some guidance as to what you were expecting.

Say for example (unintelligible) point of contacts, because I know you did that with me because I asked about you specifically. But I'm not sure if other registrars in the room are aware of the kind of stuff you'd be looking for.

And the other thing I suppose is that while having these wonderful conversations at ICANN meetings is great and helpful, it would be helpful I suppose if we actually had timelines as to when we could actually move forward with these things in-between the two rather than having this thing where it was a sudden spurt of activity and dialogue at an ICANN meeting and then nothing for three, four months and then it's the same thing again. And I don't know I'm - I mean as much as we love chatting to you, it's kind of getting a bit pointless at the same time.

(Bobby): No - well I think that's what came out of the GAC meeting today was there's supposed to be a timeline. I'm - had missed that part, but was there...

Man: Yes.

Mason Cole: They - their expectations are that they would like to see - we gave them an update on - after Brussels when we deconstructed all the proposals and what could be done near, medium and long term. So they just wanted - they wanted that basically.

Man: Yes.

(Bobby): So I could talk - we can talk about that now together - a timeline on, you know, what we would like to do. So - all right if - do we want to start with this document right here? And that could be where we, you know, you guys redline it. You know, you already mentioned a couple of things. You know, redline it, bring it back, then we come out with a new document.

Do you have a time table or a date for when you think you can redline it by?
Do you have your edits?

Mason Cole: We could probably (have it for you) by five o'clock, don't you think?

Man: No.

Mason Cole: No I don't know what we can commit to. Let me see. Why don't we have it back to you by the - sorry do you have that?

(Jonathan): I was just going to say, would it make sense if we sort of split off in terms of having a U.S. and a European review because I think there's certain implications where they split out and come back to amended copies. Because I think it's going to be difficult for us to agree on something that will fit all of us together.

Mason Cole: That's a really good idea. Sorry (Jennifer) did you have your hand up? No? Okay. Yes. Go ahead (Rob).

(Rob): (Bobby), how do you suggest we handle those of us that may be able to sign some of them and not all of them? So, you know, I'll give you an example of ours is the, you know, the - and maybe the wording changes but the operational and corporate (unintelligible) is one of our registrars incorporated in the Barbados for tax reasons.

If you're looking at whether management is - you could actually (serve) something, the Barbados isn't going to help you. But I can't disclose that on my Web site. That's got to be my official address in the Barbados for tax reasons obviously.

(Bobby): Right.

(Rob): So that would prevent me from signing the whole agreement but I might be happy with others. So do you have any thoughts or - I don't know if we can just brainstorm that because I get the intent.

If we could publish it privately to you or put it on our Web site in an address, you know, if it was, you know, domainname/lea, the information you wanted on all registrars, that'd be easier for us. It is making stuff public that I think, you know, we run into problems with sometimes, because our, you know, with a million customers who get inundated with requests.

And I'm happy to give you some of this information. I'm not sure I want it public or easily accessible. In other words if I have published an (abuse contact), our customer - like, you know, our - we handle customer service through chat and phone, not e-mail. And so it's a web interface to customer service. All of a sudden I'll be doing thousands a day of emails potentially to - because that's the only e-mail (contact) they have for us. You see what I mean?

So is there any way to make this less public and still get you what you need?
So...

Man: I don't know did you want to...

Mason Cole: Yes I guess I just have a follow up from (Rob Golding) on the previous question he asked. He was referring more to the list of directors and shareholders than the actual office location.

He said, "Being able to get in touch with someone at the registrar is not the same as requiring a list of shareholders directors, executives to be published on a Web site. These details are specifically not public except by going through the correct channels and procedures. Having contact information on a Web site is both sensible business practice and an existing RAA requirement." So Section 4 is superfluous and needs removing.

Again I'm just quoting from one of our remote participants.

(Bobby): Okay. Well I think to partially answer your question, I think what needs to be done is if you can go through, you know, the document, you know, whether you want to split it up with EU, U.S., however you want to do it, give us the edits, and if we can find amongst those edits a few that everyone agrees upon 100%, even if it's three or four, then we go forward with that.

And that's I guess what I'm looking for at this point. For things we don't agree upon, then, you know, we would set more time tables and more edits and more discussions versus - so...

(Rob): Okay. Well maybe one of us and one clause. So I'd love to find out where the deal was at. I can't agree with this one clause we'll take the other seven or the other eight, you know? I got - I want to hold the whole process up where that clause comes out if 99% can agree. You know what I mean? I don't know what the solution is. I'm just saying, you know, to give unanimity is painful and - but to get most is easy. Easier.

(Bobby): I think the problem is, you know, and this become difficult. I don't think you're ever going to get - there's always - going to say you're always going to get someone who just isn't going to agree upon one particular part of the language maybe because of an interpretation maybe because of a national law, maybe because of people who aren't here.

And I don't know if it's not unanimous but it's consensus or majority or overwhelming majority or 2/3 or 90%. So I don't know - like for the (abuse) to me - I see what you're saying, and that is appreciated. Of course we always appreciate people who want to help us but limit to us.

But unfortunately with some of these things, it's an abuse contact, a lot of the operational security committees, some of the community and some of the

other people will need that information because they're the ones doing more work than we are sometimes necessarily in this community.

So I don't know. That would be an issue to be resolved. So - and we were basing the abuse contact on the SSAC recommendations.

Mason Cole: Yes. So I guess ultimately the question is, are you guys open to having separate agreements by registrar to - so that it would enable (Rob)'s point - and (Ben)'s too, so the European registrars are comfortable signing one document U.S. (unintelligible) or is it every registrar signs the exact same agreement?

(Jonathan): I think my point was if - for people to go off and then to come back and see if we can find a happy medium for one fits all. Otherwise we'll - it'll take infinitely longer to get to the point where we have one that everyone can sign.

But on the contact point, because that seems to be an issue because it not just makes sense that if you subscribe to this that we - that a portal is provided whereby we can keep information updated and it should be accessible to your colleagues in different areas as opposed to enforcing something else.

Man: Well the - where'd (Tim Cole) go - or no (Brian's) on. What I was going to say is I think we could utilize RADAR for that. I mean, you know, RADAR - (Bobby) I don't know if you - are you familiar with what - so RADAR is the system that ICANN accredited registrars have to keep updated contact information in that - oh yes there's Mr. Cole.

So the idea would be that we would give law enforcement access to RADAR and there'd be fields in RADAR that registrars would be required to keep updated that that would be only piece of data that law enforcement folks would be able to access. Tim is that...

Tim Ruiz: Sorry I was back trying to correct a phone problem for our remote participants.

Man: Okay.

Tim Ruiz: But I'm not quite sure - are you asking if we could make RADAR available to law enforcement?

Man: Correct. In some sort of limited notion. So that would address (Rob)'s point about not having to publicly disclose all of that information. But if law enforcement agencies have access to it through RADAR, then it doesn't need to be publicly exposed.

Tim Ruiz: I don't - yes I don't see any - well...

((Crosstalk))

Tim Ruiz: ...let me - I can...

Man: Yes, yes, yes.

Tim Ruiz: ...speak for, you know, what my legal team is going to tell me about this, but I would imagine we would need to have some way to verify who gets that list...

((Crosstalk))

Tim Ruiz: ...and that sort of thing. But again just on the surface of it, I - it seems feasible but, you know, again not every registrar signed up for that, you know, put their information in RADAR with that understanding that that's how it was going to be used.

So I would have to find out from our legal staff whether or not that, you know, would be appropriate. So I can't say for sure.

Mason Cole: Okay. So I'm sorry. I'm sorry (Brian). And just one second. So I've got 10 in the queue I've got (Gray) in the queue and then (Tom) and we're going to cut it there because the registries are here and we're going to need to get going. So go ahead (Bobby).

(Bobby): Okay I won't belabor that point. I - because there's - the time is short. I think maybe if we can just come up with a time table here and then just go forward with that. So whatever you think - however you want to do the edits but it would - you would need a one document not two separate agreements.

So whenever we can come up with that, that would be great if you could give me a time table for that. And then a - kind of a time table for when we want to address the next issues. Maybe those are the medium term issues where these are things we agree upon in concept but we may need to tinker with the language a little bit.

And then the third thing would be the long term. You know, how much...

((Crosstalk))

(Bobby): ...time are we willing to dedicate or give ourselves toward resolving those issues.

Mason Cole: Okay. So we will have something to you by the...

((Crosstalk))

(Bobby): Okay.

Mason Cole: And we will re-identify medium and long term, right?

(Bobby): Okay. So by July 15 you will have what you - everyone agrees upon?

Mason Cole: We'll have as much agreement as is available to you.

(Bobby): Okay.

Mason Cole: All right? Okay Tim?

Man: Thank you.

Tim Ruiz: Yes I think that if the - if we're approaching this as a best practices document, then, you know, we have to be realistic that we're not going to have even probably within this group 100% compliance with 100% of the best practices and do we really need to have that as a starting point?

So I don't think we have to have to, you know, start off with a document that is 100% agreement on and that we all are compliant with 100%. It's best practices, so clearly there will always be some nuances there that are going to be difficult for someone in Europe or in (Rob)'s situation and whatever.

And I think if we can just accept that, then we're going to be able to move forward a lot easier and a lot quicker.

Mason Cole: Okay. (Gray). I'm sorry. (Bobby)? Sorry. (Gray)?

(Gray): Yes that goes to a point that I was going to raise, which is kind of like, "Who's the holder of this." So if we sign this with someone - or do we sign it with anyone? Or is there a document that we kind of agree to live by? And it - does it get posted on the FBI Web site or does it get posted on our Web site for the stakeholder group? And if it does, you know, who - we say, "Hey I - I'm going to follow this one but not that one."

You know, so I think some of those questions (Rob) - they're going to be kind of up to us. And you can envision a scenario where it's on the stakeholder's

group Web site and you say, "These registrars have agreed to follow these different best practices," and we solicit the ones that we want to follow.

So I think a lot of that's dependent upon the form that this - the relationship between us and whoever - maybe there's a counterpart, maybe there's not, and then also who holds the information and how we're making ourselves accountable to it. And those seem to be pretty open at the moment I guess.

(Rob): I mean I would assume it would be ICANN. I mean it's not going to be on any one of our Web sites, but it would be on the ICANN Web site to say who has agreed and who, you know, who actually is complying with it or, you know, doing it, engaging in best practices.

Mason Cole: Okay I was just asking Tim there if that would fall in line with what ICANN would think, but sounds like you've got to talk to the lawyers.

Man: Yes I mean it makes sense to me, whether it's RADAR or whether, you know, registrars voluntarily put information, you know, maybe it seems part of RADAR but it's a specific field that you fill out because you agree with this practice and what have you, and then we make, you know, copies of that field available to, you know, a legitimate list of law enforcement that we somehow define.

I mean I think it's all feasible. It's - so it would simply be a matter of you guys coming to us saying, "Here this is something we'd like to be able to do" or, you know, jointly we work it out and then I get my legal team and my IT team together to make it work.

(Bobby) For everything. Right. For everything that's agreed upon. And, you know - I'm sorry. I forgot. I apologize. Your name. What would, you know, if there's five things that we agree upon, you know, and they - something is signed, if (unintelligible) be published in the ICANN Web site and then, you know, would ICANN be able to say who's doing it and who's not doing it and...

Mason Cole: Okay I guess is misunderstand - stood the earlier question. It seems to me we currently post, for example, on our Web site all of the registrars and we identify which ones have signed the 2009 RAA and which ones have not.

So to take it a step further and say, you know, "This registrar has signed a best practices document," you know, and identify each registrar accordingly if that's what you're saying so that it's publicly listed whether or not they're in agreement or whether or not they're participating. I'm sure we could do that as well.

Man: Okay.

(Bobby): I mean again it'd take development but we could do it.

Mason Cole: All right (Tom) and then (Rob) and then we got to stop. (Tom)?

(Tom) Norton: I have a quick question like in (Rob)'s situation. If you look at that address for service here in the U.S., you know, we could designate a registered agent to receive legal service. So is that acceptable for what you're looking for?

(Bobby): I think that's one of the main points we're looking for. You know, the problem that we've had as law enforcement is sometimes we have a PO box and, you know, we need a physical address to serve legal process to, you know, come to you.

(Tom) Norton: So you don't - you wouldn't need to know his address. You just need registered agent?

(Bobby): Need a registered agent. (Unintelligible) yes. But the one thing I don't understand is if you're - okay never mind. It's going to take too long. But we're looking for - we're - legal process but we all don't want - also want to make it

transparent of who the company is and where they're located and where they're incorporated. So it's a little bit more than just serving legal process.

Man: Right.

Mason Cole: So just from a process point of view (Matt) and I were just talking about this. (Matt) is going to manage this and take a drafting team or something. I'm not sure how it's going to look, but we're going to get the right people involved in this to get this redlined and questions answered and everything else. So...

Man: Yes I was just going to, you know, if we can get a couple of people that went to sort of help us. Like (Ben) said, you know, if we have some - so I'll post something (unintelligible) list and just let me know directly. And then we can get something back to (Bobby) in the next couple weeks.

Mason Cole: Okay. All right thanks. (Rob) you're the last one. I'm sorry. Tim?

Tim Ruiz: No I was just going to say if you have ICANN support requirements concepts, keep me in the loop too so that I can do what I can to check into that.

Mason Cole: Absolutely (not). (Rob).

(Rob): I think it's important to keep in mind that, you know, we keep talking with this as two different things. One is a contract with someone and the other is a best practices document. Yes I would think it would be fairly easy for this constituency to post, "These are the best practices," and all of us to say we agree to follow these if possible. That's very different than signing a contract with a law enforcement agency.

So, you know, I heard in the GAC a lot about self-regulation and how we should be trying to self-regulate. And I would favor the, you know, best practices. Let's figure out what we can agree on. Let's post it. Let's post those that say, "Yes I'll try and follow these," whether it be all of them or most of

them or what have you. I mean I see Tim chomping at the bit but he (unintelligible).

Tim Ruiz: Oh not in response to that. I'm just - I just want to make sure I understand what we need to do because for example, you know, you can form a drafting team, but it isn't, you know, we got to come up with something we can agree on right? So that's something I've got to run by general counsel. It's not like, you know, I can look at that and say, "Oh yes that's okay. Let's go." So we have to have time to be able to do that. It's not just a small drafting team and then everybody's going to agree right?

Man: Yes. No so - well so then are you saying we need more than - until July 15? Because that's what we had initially had said.

Tim Ruiz: No I mean just before this drafting team gets started maybe we just need some time to let us go back...

Man: Internally.

Tim Ruiz: ...and offer you redlines...

Man: Yes, yes.

Tim Ruiz: ...from us individually first, then the drafting team could pick up from there perhaps.

Man: Yes. No (unintelligible).

Mason Cole: Okay. All right (Bobby) can we close right there?

(Bobby): Yes. I'll - I just want to say one thing. You know, the semantics does matter and we definitely want to get a redline and we want it to be voluntary. But there also has to be some way that, you know, it's not just a document that

sits out there and, you know, oh you agreed upon it, but it actually is being done.

So there has to be some type of implementation, you know, with it, you know, even if it's a few things at first and then we slowly, you know, bring them into practice. But it can't just be a document that's posted and you - it's signed but then nothing is happening. So...

Mason Cole: Okay we're going to have (talk about it now) because it's - I - it's - yes I mean you're looking for - I know what you're looking for but this - I mean this is - you're not going to end up with a binding document is the problem right?

I mean if - this is what you and I discussed on the phone. If you want registrars to be balanced in behaviors, you know, that needs to become a consensus policy or an RAA amendment so that we, you know, it can be enforced.

Tim Ruiz: But Mason there are ways to demonstrate participation with some of these things for example by being listed on a Web site or something that does not require a signed document. They could still demonstrate action has been taken and that steps are being acted on. So there's probably some in-between there right?

Mason Cole: Probably so. And I think it - as I understand it, right now what we're doing - we're - I mean we're just trying to take a step forward right? So let's take one step forward. Okay? All right. Thanks (Bobby) that was a good discussion. Come on up.

Tim Ruiz: Mason while you're coordinating, can I just put - make one more announcement that we neglected to make this morning? When we were talking about the registrant rights and responsibilities we said that we are going to be posting it after the meeting. And I do mean right after this meeting. So the 30-day timeline for getting that link up is going to start - we'll

get a notice out to everyone, but it's going to start probably as early as next week.

So I just didn't want anybody to say, "Hey Tim and (Brian) talked about this, but nobody said anything about this coming out this soon." So I just want to give you heads up that that notice should be coming out shortly.

Mason Cole: Okay. Thank you Tim. Anybody else (unintelligible)? Yes we have - I think we have a couple of empty seats around the table too. So come on up. All right welcome registries. Glad to have you back. So David if I have this right, we have six items on the agenda that we can deal with?

David Maher: Yes.

Mason Cole: We want to talk about communications between our groups, a joint meeting with the WHOIS review team and the implementation subteam. I think that was your issue. Standardized application format -- that was also your issue.

And then I think on our side we had the WHOIS validation discussion in the context of new registries on the (sick) model, changes in stakeholder group bylaws -- we've (already) covered some of that this morning -- and then gTLDs in general. Is that right?

David Maher: Yes.

Mason Cole: Okay.

David Maher: Sounds right.

Mason Cole: Why don't you lead off with the first three if you don't mind?

David Maher: (Great). (Unintelligible). Okay. Well the - ongoing communications between our groups, the major development is that the executive committees for the, I

guess now, just the second time have met. We met on Sunday morning in one of the rooms here, and it was a very good meeting and I am all in favor of continuing that. I think it's really very effective to - really to prepare for this meeting and get the issues clarified.

But any questions or comments on that by...

Man: (Unintelligible)?

Mason Cole: No I - from my point of view I agree with you. I think it's going to be even more important as we go down the new TLD road for us to communicate clearly, particularly in the - in an environment where there's uncertainty and it's going to invite the idea of additional regulation. Right?

David Maher: Right.

Mason Cole: Okay. Anyone else? Okay we can tick that one off then.

David Maher: Second issue is...

Man: WHOIS.

((Crosstalk))

David Maher: Yes we had a meeting with the WHOIS review team at three o'clock this afternoon and they went through their series of questions. We had quite a few comments on their questions, mainly involving the extent to which they're getting into policy and possibly changing or trying to change policy, which we don't think is entirely within their charter as a review team.

They were going to have a meeting tomorrow morning at nine o'clock, joint meeting, you know...

Man: Yes. (Between us).

David Maher: Yes and I think we'll get much more into details then. But unless there are comments or questions I'll - (Jonathan) go ahead.

(Jonathan): Just a quick comment David. They did seem to be pretty receptive to changing the phrasing of the questions to accommodate that. It - I mean my impression was that that inadvertently slipped over into that, but regardless they were receptive to changing the way the questions were phrased.

Man: I don't know if I saw receptiveness from anyone other than James. I mean he's doing a good job. But from the others I - seemed to me that there's a couple of them were pretty argumentative as far as when I asked them the question of who ICANN was in their question right, they would say, "Should ICANN do this," or, "Should ICANN do that." And my question was, "Who do you mean by ICANN? Is that through the policy process? Or is that ICANN staff?"

I mean they were very clear that they believe that the staff and the Board should be taking more action and that whatever's in the - here's the other part we all got stuck with is we got stuck with an Affirmation of Commitments document that's agreed to by the ICANN as a Corporation and the Department of Commerce.

And now for some reason that document is (unintelligible). So - because that document says that they should review WHOIS and to see how to enforce that better against us, they're almost using that as a substitute for whatever's in our contract. And they believe it's their role.

And James you can correct me if I'm wrong, but the perception I got was they believe it's their role to make recommendations to the ICANN staff and Board to basically take action or define things that may not be in our interest.

James Bladel: Well I won't disagree with - that it feels like I'm holding back the tide on this group. And Keith attended our all-day session couple days ago and I think he can probably attest to that.

You know, I had to remind this group early and often in the process that registries and registrars did not sign the AOC, you know, and that is an interesting document that lays out some general principles but it does not, you know, flow down into our contracts and our obligations.

I think that as this group has progressed, some of those sentiments have been tempered a little bit as folks have come to see that this is a more complex issue. I think that a lot of participants came in with a very clear agenda of what they wanted to fix about WHOIS, and I think that they've kind of stepped back from that a little bit and said, you know, "We're - our role is to do a gap analysis of how the" you know, "the world as it is and the world as it might be and - but stop short of saying what should fill that gap."
(Unintelligible)?

Keith Drazek: Yes. And this is Keith. Yes James is doing (Yeoman's) work in that group. Sat in that session for six straight hours, and he's been doing probably double and triple that duty just this week. So we should all be very grateful for James and his work from a contracted party's house - from contracted party's perspective. He's really doing important work there. So...

From the registry stakeholder group Kathy Kleiman is going to continue on in her role. As some of you may know, she's left PIR but has expressed a willingness to continue participating in the WHOIS review team. And we as a stakeholder group have, you know, welcomed that and we're confident that Kathy's going to continue to represent not just the registries but registries and registrars and the contracted party's perspective well. And I think James feels pretty confident with that too.

James Bladel: Yes. And I'm not speaking for registries, registrars or anybody else in this room, just my own personal sanity. It may be that of my family. Thank you for that. Kathy's doing a lot of heavy lifting on that work. She holds the pen on a lot of very long and complex documents, and she's putting in a lot of extra hours. So thanks for the continuity there. I do appreciate it.

Mason Cole: So based on your experience this morning, what's the best way for us to approach that meeting tomorrow for good outcomes for both of us?

((Jonathan)): I'll just make a follow-up comment then Mason. (And if I asked) - there were three hinge points right? One was the definition of ICANN, two was the Affirmation of Commitments issue and three was the nature of the way in which the questions are phrased. And certainly the - each - if that - those are the three points that could be tackled in - it does reinforce any perceptions on those (would) reinforce. That's the way to handle it I would suggest.

Man: (Emily) said they were going to focus more on detail in tomorrow meeting. Not entirely sure what that means.

Man: Sorry what did you say?

((Crosstalk))

Man: Don't they have a list of 13 questions -- or no maybe it's more than that -- 14 questions specifically for that meeting?

Man: Yes they do.

Man: Yes.

Man: I'm sorry. What did you say?

Man: That I'm just - that (Emily) said they would go into more detail. Like - she did the 14 questions with us, didn't she?

Man: I think they're different questions.

Man: Oh different...

Man: They may be interrelated but they're different - it's a different list of questions. At least the first one is. I haven't looked through the whole list here.

Mason Cole: But (Chuck) you're talking about this list that starts with, in your view, how useful is the WHOIS service?

Man: Yes.

Mason Cole: Yes. Very specific.

Man: Right.

Mason Cole: Okay. Okay so (Jonathan) then based on all that I mean you're looking for some background on...

(Jonathan): Yes and I think that's probably - it may not be a bad idea to just open with just saying, you know, "We've discussed it, and there is a similar view on those three points" or to the extent that they coincide and then go into the 14 questions that they (unintelligible) if that's - if people are doing, but it's just really closing off on today's discussion.

Mason Cole: So it was - I'm sorry, you know, what is ICANN's role and then the wording the questions. And what was the third?

(Jonathan): It's - I mean we can - we could take this offline, but it's really the definition of ICANN within the - the WHOIS review team is dealing with a whole series of

questions and the definition of ICANN within that, there is - how the WHOIS review team's questions are phrased and how much those represent - are focused on policy rather than how much they focused on policy. And help me here. The third one is the - ICANN, the questions - oh and the AOC. The...

Mason Cole: Right.

(Jonathan): ...link to the AOC. Okay.

Mason Cole: Okay. I think...

Man: So I have a question there. Why do we want to revisit those?

Mason Cole: Well I think (Jonathan) was saying that the team isn't entirely clear on its own mandate or its own - it's not self-limiting its scope appropriately. And you did some pushback on that today and you would find it useful if in our joint meeting tomorrow we would reiterate those things so that they were clear. Did I get that right?

(Jonathan): Very briefly. Not to labor on it, but it's just very briefly.

((Crosstalk))

Mason Cole: Nobody here labors on anything, so don't worry about that. Okay. All right, I think we can do that. Anything else on that one (Dave)? No? Okay. I'm going to go to...

Okay so there are a couple of other agenda items. One is WHOIS validation. We wanted to bring this up because in the new gTLD universe, a lot of those registries will be thick registries, meaning the registries house the WHOIS data. And we know that there's a request by governments and law enforcement among other people to validate the registrant at the moment of registration.

And, you know, we certainly have been back and forth in this group about the current impracticality of that idea. And not that it wouldn't be good to do, but there's a big gap between where we are today and the ability to do that. And it would be a very big project and a costly one.

And there needs to be a much longer and more intelligent discussion about how it would be designed, how it would be paid for, how everybody in the community would contribute to it, not just have an (incumbent) on the contracted parties to put into place. So I don't know if this is anything that you all are covering or paying attention to but maybe you could address that.

Man: Well I think it's primarily a registrant problem. I don't see anything in the new gTLD agreement that really changes the - our respective responsibilities. We're going to get the information from you as the - as from registrars.

Mason Cole: Yes.

Man: And I - the idea of validation just - is a radical change in the entire system of registering domain names. I don't - aside from the intellectual property lawyers who would love it and possibly (law enforcement counsel), I don't - I doubt that there's much support for it.

Mason Cole: Any other comment on this? Ching?

Ching Chiao: Thanks Mason. I - this is from my personal capacity. Could you be specific on what is the actual question or the issues that you are actually dealing with? I'm only hearing from actually some of the ccTLD and some of the (unintelligible) talking about similar issues on that. In particular on - for example, one country would like to regulate the following "registrars."

Mason Cole: Yes. Well specifically - James I have you in the queue. Specifically what this is a proposal where a registrar would have a customer come to the registrar

and want to buy a domain name. And before that name is given to that registrant, that potential registrant's identity would be verified in some manner.

So David Maher says, "I'm David Maher and I want a domain name," and it's incumbent on us at that point then to use some yet undetermined method to in fact verify that that is David Maher.

Man: Right.

Mason Cole: James?

James Bladel: Yes I think - well we've all have operational and financial concerns about this idea that we may have allies elsewhere in the community without even realizing it that have principled objections to this, especially in say, for example, the ALAC or in the non-commercial stakeholder's group.

So I mean can we perhaps consider reaching out to some of these other groups in some of those sessions? I think sometimes there are registry/registrar meets with the at large usually on the Thursdays or we're meeting with the non-commercial group next what, Wednesday or Thursday. So maybe this is one of the items that can get on that agenda and can be raised there.

Man: Okay. Jeff.

Jeff Neuman: Yes. Thanks. David, could you - maybe I misheard you there but are you saying - I don't know if it's you or just the registries that is saying it's kind of not your problem it's the registrars' because I think it's an issue that if there are changes to the way that domains are ordered and the way they're fulfilled and I think you know in the coming environment as we said as people, as registries also become registrars, is this something that you guys are concerned about? I'm not sure that I - I just wonder if you could clarify that.

David Maher: I'm sorry if I gave a wrong impression there. It is our mutual problem. I was just pointing out that initially the first step in any proposed validation would have to come from registrars but we're with you on this. That is we are not in favor of a total restructuring of the domain name system.

Jeff Neuman: Yes. Thank you. Okay. Good. That's what I thought, I just wanted to clarify that. Thanks.

Man: (Jonathan).

(Jonathan): Maybe it's helpful as an informational point to indicate how this is not strictly a WHOIS issue. But you can see how it may be perceived by some others. I don't know how many people are familiar with the way that XXX is doing this.

But essentially while there is no validated WHOIS in a XXX registry, there is an intention to validate the registrant, verify the contact details of the registrant via a third party and have those data stored by the registry. So to the extent that I accept or I acknowledge that that's not a strictly WHOIS validation issue/verification issue but it's you can see how it might be seen by others as being something like that.

Man: Jeff Neuman.

Jeff Neuman: Yes. I was going to ask a question on thick WHOIS but sort of unrelated to the authentication. I mean there is a motion up I think it's tomorrow at the council level.

And part of that to approve the transfer recommendations, one of the recommendations is to start an issue report on thick WHOIS. And we were kind of grappling with that at the registry level in our meeting simply because you know, we just think it's kind of there are a lot of things going on at the council.

And we just think or at least I expressed the opinion that a PDP aimed really at one or a few registry operators that aren't doing thick WHOIS just seemed to us to be a waste of resources. So we're still unsure of how we're going to vote tomorrow. Essentially what we'd like is we want the rest of the transfer stuff to go through because we think all the recommendations are really good and need to go through.

But that one portion of having an issue report and starting a PDP on thick WHOIS just seemed to us like a waste.

Man: Yes. Just to clarify for the people that aren't following this, we split the motion as several result clauses so we could decide to vote one way on the one that Jeff has just referenced and vote a different way on the others.

They are not all linked. It's not a take it or leave it all package. So Jeff, is the objection that you don't want a PDP or is the objection that we don't want thick WHOIS in all the legacy TLDs?

Jeff Neuman: No. It's just the PDP. Every other - all of the incumbents, there are only two registries that don't have it.

Man: Yes.

Jeff Neuman: So the registries that do have it have no interest in doing a PDP on thick WHOIS because it's already something we have and it's just kind of wasted resources. But I'm not offering an opinion as to whether I think thick WHOIS should be in every TLD.

Man: Right. So then I guess the question is and we'll take it offline.

Man: I mean if we're getting offline, that's fine.

Man: Hold on a second. I'd like to take advantage of the fact that there are a lot of registrars here to ask a question. Obviously we have thin WHOIS on common net. And historically from our viewpoint many registrars have always been opposed to us having the registrant data.

And before we would ever volunteer up something like that you know, we'd be concerned to know whether that position has changed or not. I mean are there - is that still a common position that you'd rather - I mean we're not taking the data, okay? That's not a motivation of ours. It's the community that really wants thick WHOIS.

Has that position changed or is there still a preference that the common net be thin? It'd be nice input for us.

Man: I think it depends on three factors for me. One, are you going to charge us more for dot coms because you have to operate the service. So that would certainly be one.

Man: If we get a chance.

Man: I figured. A second one is are you going to own a major registrar now that VI is all out? So I think it came out of the original thought that network solution owns 95% of the registrants. And so I think it is an artifact that you know, maybe we could do away with chuck.

And the third thing I'd like you to do is start charging for it when you give it out and rebate some of it back to us if it's our customers. But I mean I say that jokingly but...

Man: Charging for WHOIS?

Man: Yes please. Charge \$20 for everybody that looks it up and we get a rebate back on our registrations. I say it jokingly but it's something we ought to be

looking at perhaps of why are we making this free, which causes most of the grief?

But I don't think I care about centralized WHOIS on common any more. In fact, I would rather do it on one condition that we no longer have to operate WHOIS servers. Because right now our conduct for dot info and dot org, we have to do both. We have to give it to a centralized WHOIS and we have to operate WHOIS servers.

So it relieves us of the obligation of running any WHOIS server. I might be much more into that but I think we'd have to look at both together.

Man: So is that a common opinion? Are there those in the room that would just as soon we stay thin?

Man: Yes. So I think I'm sort of in agreement with (Rob). I don't think I have an overall preference on it say you know, because it was in the past there were those specific issues.

I wouldn't be pushing right now saying no, you guys need to keep it think or you need to get it thick. But if there were other things around that let's call it as Rob said, maybe - I don't know, maybe gives or other things around that. I think that as registrars we would consider it. But I know myself I don't have an overall you know, strong push one way or the other.

Man: Okay. Let me see, Michele and then Elliot and then Tim. Okay. Michele, go ahead.

Michele Neylon: To answer Chuck, I really don't have a strong opinion about that one way or the other. However, part of this discussion in particular relating to transfers came out of the fact that there is no standardization in WHOIS formats for common net.

And this is where the problem arose. So if we as registrars could agree on some level of standardization of WHOIS output then the problem more or less goes away. Because me personally, I don't have an issue with running WHOIS servers. I do have potentially or I could potentially have issues with giving you more data than you already have because I know you probably will want to charge me for it.

Going back to Jeff's point, I understand where he's coming from but I know this was discussed at length within the GNSO over the weekend. The thing is that it was something that the working group discussed at length, thick versus thin WHOIS or the lack of standardization. That's where that came from. If you don't want to go down the PDP route would you please offer an alternative and not do a GAC on it please?

Man: Michele, if I can follow up a question, I'm hearing two different things from you and I'm not sure I can connect the two. In one of them you're talking about standardization and the other one, thick WHOIS. How do those interrelate?

Michele Neylon: The thing with thick WHOIS is that all domains and dot org have to follow the same format for the WHOIS format because - sorry?

Man: (Unintelligible)

Michele Neylon: Yes but you don't have to go to your WHOIS servers.

Man: (Unintelligible)

Michele Neylon: That's a different thing though. The thing we were discussing was with respect to transfers. What you're offering on your WHOIS server wasn't of any importance in that respect. Maybe.

Man: Your problem is solved by centralized WHOIS like dot org.

Michele Neylon: No, I know but the thing was that the problem we discussed was that if the WHOIS format for common net were standardized then a lot of the problems we had with transfers would go away.

Man: I don't think you ever get that.

Michele Neylon: I'm not saying that you would but that was what we were discussing.

Man: Okay. Okay.

Man: Chuck, is this helping you at all?

Chuck Gomes: Yes. It's good. It's good feedback.

Man: All right.

Chuck Gomes: Elliot.

Elliot Noss: You know, I'll be very interested to hear Tim's comment but I know that mine is certainly I would very opposed to giving up that data. You know, it's valuable customer data.

If you were prepared to provide customer service to the customers then I might be willing to give you the data. I don't feel as Rob and Jeff do. So you know, I think that that was an important - that data has real value and we'd be happy to sell it to you.

Man: Elliot, you give it away for org. Can you help me understand the difference?

Elliot Noss: Yes. Com is significantly bigger and I contractually had to give it away for org. I don't contractually have to give it away for com.

Man: But if you feel there is a value to org, would you give it to them?

Elliot Noss: Yes. Absolutely. And again, it depends on the business model and I think it depends on your strategic plans.

Chuck Gomes: All right. Tim and then Ben and then we have a comment on Adobe from Tim Cole. Tim Ruiz.

Tim Ruiz: Yes. I mean we have not been a proponent of com becoming thick so and we're not today. The other thing I do have concern about is just how valuable an issue report taking the time to do that and then possibly a PDP.

Remember the thresholds are low unfortunately how bad that would really be given all the other issues that we have facing us. So that's my concern. The councilors right now don't have direction as to exactly how to vote on each of these. So that is probably something that we should discuss.

Man: I was just going to say that surely the WHOIS data because it's public anyway. If you really wanted it you're going to get it. So they could quite easily do that but I think the main issue would be if the transition period from thin to thick would be a serious, serious business for quite a lot of us, especially my colleagues at the end of the room.

((Crosstalk))

Chuck Gomes: All right. Everybody brace yourself. Here comes Tim Cole.

Tim Cole: Yes. I have two comments from remote participants. The first one is from our good friend (Bob Connelly). My comment will not be popular. From the very early days of core it was the general understanding that it was essential that WHOIS data were authentic.

There was an exception with respect to privacy. Large registrars built their business plan of ignoring this important requirement. Of course they cannot do what is necessary at the price that they charge. Isn't that tough? You built your systems on the skinny basis, now you are moaning and crying. That's tough in my view. I'll send you some Kleenex. That was (Bob)'s comment. Then I have a comment from (Rob Golding).

Man: Please go to that one.

Tim Cole: Before common net was split to be multiple registrars it was effectively thick WHOIS. The thin WHOIS concept is the oddity.

Man: Okay. Thank you gentlemen for the feedback there. Stefan. All right. Any other input on this subject?

Chuck Gomes: Thanks for the feedback. That's appreciated. So when we vote on this tomorrow should we just defer?

Man: Hey Stefan, a question for you. Is it possible since we're breaking it out in different resolutions, is it possible to defer one part of it for meeting but vote on the other part?

Stefan Van Gelder: Interesting. I don't think so. I think you can defer a motion, not the result clauses. Interesting question. Please don't ask it tomorrow.

Chuck Gomes: Well, Stefan let me challenge that a little bit. I think there are several steps that would be appropriate. If the motion was amended to delete the one clause with the intent that a motion could be put forward at a later date when appropriate, I think you could get around that and do that.

Is that correct? And I'm not advocating one way or the other. I'm just saying that I think procedurally you could come up with a way to do that.

Tim Cole: And just let me state too that even the deferring of a motion isn't procedural. I mean it's not in our bylaws or - it's just something we've practiced and so we do that.

So I don't see why if there were no objection, why we couldn't necessarily defer one of the results.

Stefan Van Gelder: Tim, I mean there are a few GNSO experts in the room. But I mean that is possibly true and it's certainly something that I mean if that's our strategy, if that's what we wanted to do tomorrow is just push that result clause to another meeting.

The only worry that I have is how do you hold off on one part of a motion and not the full motion? So I possibly would rather go chuck's route, which is to amend the motion slightly and perhaps have another motion. And that might make things more complicated. I mean what do you think? How would we handle that tomorrow if we get a request to push one single result clause out and keep the rest? That makes two motions.

Chuck Gomes: That's right. I think the question is even if we do put it off, what's the likelihood that we're going to garner enough support to say no? I mean because wouldn't that be the goal, right? And all it requires is a majority of one house.

It doesn't sound like you'll probably get 33% of both houses. So it's just the majority of one house. That's basically the NCUC and the NCA. So you know, if you really think there is an opportunity then it makes sense. But honestly, if there is not, you know, we might as well just let it go and not look like we're delaying something again.

Stefan Van Gelder: Yes. That is probably the right way of going about it. It's a 60% threshold so if the other house want it they get it, isn't it?

Chuck Gomes: It's a majority for the (unintelligible).

Stefan Van Gelder: No, it's just a simple majority, yes.

Chuck Gomes: Yes.

Stefan Van Gelder: So if they have seven votes in the NCA, that's it. Including the NCA.

Chuck Gomes: Right.

Stefan Van Gelder: For a non-com appointee, you should know that.

Chuck Gomes: Yes. Not everybody speaks GNSO. Jeff, did that get you what you needed there?

Jeff Neuman: I guess. That means you guys will vote for it. I mean look, it's an issue report and we could have staff do it and then maybe vote no on a PDP on it I mean if we wanted to. But it seems silly to me if we're going into the issue report with that intention.

Stefan Van Gelder: Let's find out what we want to do as a group. Then you know, hone our strategy. Your basic point is that the GNSO council has already got enough to do. Do we want to start another PDP?

Jeff Neuman: Well, that combined with there is a whole bunch of and I don't know how you all feel about it but there are a whole bunch of potential PDPs coming down the road either on Pedner, on the UDRP and I don't know how everyone feels about that.

But at some point we can't just give staff five different PDPs to start. And so we need to start thinking about which ones are of higher priority to us than others.

Chuck Gomes: We could have that discussion on the council and we may garner enough support to not move forward with it. And I think it's a very good argument. I don't necessarily know how everyone else stands with it but I think there are some pretty powerful arguments why we've got other things that we could really be working on besides this.

Elliot Noss: Guys, I've lost the plot a little. This is which issue now?

Stefan Van Gelder: This is one of the two motions that is being considered by the council tomorrow and it's a set of resolutions to do the work that the IRTP part B working group has done. Does that help?

Elliot Noss: Not really.

((Crosstalk))

Chuck Gomes: Elliot, let me break it down. The IRTP PDP working group, they did make some recommendations that will actually be consensus policy changes to the transfer policy.

Elliot Noss: (Unintelligible)

Chuck Gomes: Yes. But there is also like this one, which is totally separate from the consensus policy things that would recommend doing an issues report on whether or not thick WHOIS should be required for all registrars.

Stefan Van Gelder: Mic. We can't hear you Elliot.

Elliot Noss: Sorry. Who did you say was in favor of this?

((Crosstalk))

Jeff Neuman: See, I don't know that anyone is. I was just saying that it's a pretty low threshold to approve an issues report. So my question was how likely are we to garner the support to say no?

Stefan Van Gelder: Just one further thing that we should consider is that we're all about to get extremely busy. And I suspect that others in the community will too so we may find that things just slip through and then no one is there to do them.

You're talking about the discussions that we could have at council level. That's possibly another point that we want to make. I don't know if we want to undertake this or not but certainly there are things that we might not want to undertake because then there will be no one to do them.

Man: I think we touched on an area to all of this in our meeting and that is to look at the potential issues reports and PDPs coming up over the next five to six months, say between now and the end of the year or between now and just put them in a hierarchy, which gives staff a clear direction that if they do get resource constrained they can back off on one. So it obviates them with problems of do we or don't we vote for it. It simply puts it in the right order.

Jeff Neuman: Okay. So just for the purpose of all of us not stabbing ourselves in the neck with a pen here, what do the GNSO reps here need from this entire group right now to carry out something worthwhile tomorrow?

Stefan Van Gelder: Let's have the vote.

Jeff Neuman: On whether or not to issue an issues report?

Stefan Van Gelder: On the motion and that specific point about the thick or thin WHOIS.

Jeff Neuman: Let me open that floor then.

Elliot Noss: I'm going to say no. Why don't we put up our hands for yes or no?

Jeff Neuman: I've got a no over here as well.

((Crosstalk))

Jeff Neuman: Okay, everybody who wants to vote yes - okay. What is the question exactly?

Elliot Noss: The issues report on thick WHOIS. Who wants an issues report on thick WHOIS? You want thick WHOIS.

Man: (You want the issue report).

Michele Neylon: Elliot, with all due respect, I chaired the IRTP working group. It was one of our recommendations so therefore I am going to support our recommendations.

Elliot Noss: What does that have to do with me explaining that to the person right here, Michele?

Michele Neylon: You were looking at me at the same time.

Man: Guys, guys. Come on, we're all trying to get along here.

Man: Really?

Man: Okay. Go ahead guys. Sorry. Forget it.

Man: Just to be clear, this is not an official vote. It's a straw poll. You want to do it again? I don't know.

Jeff Neuman: Okay. So if we're split on that issue, are we satisfied with our councilors voting our conscious on this, whatever their personal point of view would be?

Man: Sorry. To be clear, we have no mechanism to force them to vote one way or the other. It's always voting their consciences.

Jeff Neuman: Correct. But in this instance they're looking?

((Crosstalk))

Stefan Van Gelder: No. We vote the way the stakeholder group instructs us to generally.

Elliot Noss: We can't do an official vote between now and the GNSO meeting. I think what the bylaws say is actually you take direction from the Ex Com.

Stefan Van Gelder: That's right. So we're just asking in an informal fashion you to give us direction and you just have. You've said do whatever you want.

Jeff Neuman: And what if we tried deferring that one part of the motion for a meeting. That'll give you a few more weeks to figure out what your group wants.

Stefan Van Gelder: First of all I'd be interested to know what the RYSG will do.

Jeff Neuman: We want to defer the meeting. Seriously, we want the rest of the transfer recommendations, the transfer results to go through. We want to vote in favor of that. On this one issue if we could do it, we want to pull that out to vote on this at a subsequent meeting because we're having the same difficulty you are.

Elliot Noss: I think we need clarity on whether or not you can do that.

Man: So who can - is it Glen that can give us clarity on if you can pull out?

Stefan Van Gelder: There are no rules so it's make it up as you go along.

Chuck Gomes: Like I said before, it can be done. You have to remove that part of the - you can propose - someone can propose an amendment to remove that one result. And if that is accepted by Tim and (Jonathan), the people who made the motion and second it as a friendly amendment then the motion is changed, okay?

If it's not accepted as a friendly amendment by these two guys then the council would have to vote on that amendment, okay? So it's doable. You don't need to ask Glen. From a procedural point of view it's doable, okay? The question is do you want to do it?

Man: I think the answer is yes, right?

Stefan Van Gelder: What's doable is to remove that thing all together.

Man: Just with one caveat that whoever is going to request that and it won't be me, is to frame it in a way so that it's clear we're going to consider it later because this is a recommendation that was made by a working group. We can't just ignore it. We have to respond to it some time.

Elliot Noss: Sorry. I think if you can do what Tim said, remove/defer to a later date, then you vote yes on everything else and we revisit that at a later time.

Man: Guys? I'm getting head nods. That works.

Elliot Noss: There you go.

Stefan Van Gelder: So we just need to work out who sends that email.

Jeff Neuman: Okay. At long last we're done with that one. All right. Just we wanted to talk about - actually, the two groups, how they're going to interact possibly have to change under VI scenario.

Now one question that was raised Sunday, Tim, did you find a charter for the house?

Tim Ruiz: Actually I could not. All I could find was an email that went from each of us, each one went from each stakeholder group, that basically laid out answers to several questions about how our stakeholder group is structured and that we're open to membership and those kinds of things.

So what happened to the charter that we worked on so hard, I don't know. Maybe it was just scrapped as an idea but I can't find it anywhere. And I think all that actually ultimately ended up getting forwarded was just this email basically to staff and board that says or just kind of explains how we're structured and what we require for membership and those kinds of things.

Chuck Gomes: Tim, was that a charter that the registrars worked on for the house because I don't recall any work for a charter for the house.

((Crosstalk))

Tim Ruiz: Yes. Probably for like three ICANN meetings in a row we met with Ken Bour and hammered out this thing painfully red line after red line.

Man: I think what you're talking about is the stakeholder group, right?

Tim Ruiz: Yes.

Chuck Gomes: Wait a second. I thought you were talking about a house charter.

Man: No. That was my first question was whether or not there is one. And I agree there is not. We probably will have to have one at some point but it can wait until after we get our respective charters straightened out so that we have coordinate the voting membership issues.

Jeff Neuman: I'm sorry. I was making a note. One thing we could probably agree on is that as we review and looked up later on bylaws, we'll coordinate with you guys before we publish anything so that you know, we stay in synch as much as is practical without violating any kind of regulatory problem. Would that work for you?

((Crosstalk))

Jeff Neuman: Good. Anything else on that subject? Okay. David, that's the end of my list. Do you have anything more? Any other business guys? We're dangerously close to getting out on time. All right.

END