Transcript ICANN Toronto Meeting

Registrars Joint meeting with Registries Meeting

Tuesday 16 October 2012 at 16:00 local time

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Coordinator: Today's conference is being recorded, if you have any objections you may disconnect at this time. You may begin.

((Crosstalk))

Matt Serlin: ...you want to just go ahead and finish up with the agenda and then I've got just one item in between before we get going.

David Maher: Okay. Avoiding conflicts and crossover voting and membership under the possibility of vertical integration of registries and registrars. Third is the status of RAA negotiations. Fourth is standardizing registrar onboarding. And then finally any general issues regarding the Council and our house so.

Matt Serlin: Yeah, that's right, David, thank you. I did, before you came into the room I had committed to Tim Cole to allowing just a kind of brief announcement from David Conrad on a topic that I think is of interest to both registrars and registries so I would just ask for a quick five-minute announcement from David and then we'll get going. David.

David Conrad: Hi. I'm David Conrad. For those of you that don't know me I used to run IANA a long time ago. I've since moved on from ICANN but I'm actually back doing some consulting work.

I've been asked to work on a registry/registrar onboarding system, an automation of the existing mechanisms. And the first step of that is that there was a survey done back in, I guess, 2011.

We're going to sort of since, you know, a few things have changed in the intervening year - we're going to redo that survey to get a better handle on sort of the requirements that registries and registrars have for an automated system to replace the current mechanisms by which folks get accredited and perhaps have accreditation information on to each other.

So at some point in the very near future you will probably be receiving email, although not sure from whom at this point, that will request you to participate in a survey. And that will be sort of the first steps in collecting information with regarding the requirements for a revision to the existing systems for automating the incoming and existing registries and registrars.

Adam Peake: Just add - excuse me - for the registrars this would go to the mailing list that goes to the primary contact for each registrar. So if you are not currently the primary contact just be sure that the primary contact is aware this is coming and, you know, hopefully either they'll let you fill it out or that person will.

Matt Serlin: Any idea on what the timing of that is or...

David Conrad: The revised survey will - the initial mail will probably be out within the next week or two after people get back from this lovely meeting. And then subsequent developments will be propagated through the existing contacts.

Matt Serlin: Great, thanks. I know the registrar onboarding process has been a topic of conversation amongst both of our houses so I think we all look forward to kind of moving forward with that. Thanks, David.

David Conrad: Thank you.

Matt Serlin: David, thank you for allowing the time. That's good.

David Maher: No problem. Taking up the first item on the agenda which are the GNSO resolutions before the Council - is Jeff Neuman - his seat's here?

Matt Serlin: Yeah, really our room is - our room is actually somewhat dark so it's actually difficult to say but, yeah, no I can see him down there. Now whether or not he has a mic is a different story.

Jeff Neuman: Yes, sir. Yes, Mr. Chairman. Okay so I don't know if you all have been through the motions. We can just - there's a bunch of them but I think we can, you know, go through them fairly quickly.

The first one is the motion to adopt the - basically the advice letter from the Consumer Trust, Choice and Competition group that was formed. And on this one we had a discussion and we are in favor of a deferral of this motion primarily because the - most of the recommendations came at a time before the current landscape of gTLDs were actually known.

And we think that applying the criteria at this point to a number of the gTLDs, especially the brand and single registrant TLDs, would skew the results since the criteria were actually geared towards open TLDs.

So an example of that would be there's a criteria that says that the TLD has to, on its main homepage, stress the benefits of its TLD and, you know, the restrictions.

Using an example like Neustar we have DotNeustar, hopefully we get approved, but if we get approved we're not going to put on our homepage, you know, this is so great to have DotNeustar and these are all the wonderful reasons. Obviously if we get it we're going to use it as our main site and advertise our services.

So there are a bunch of criteria that just don't make any sense. And to apply those criteria it may skew the results such that in a couple years from now it makes the new TLD program - or could make the program look like a miserable failure.

And obviously we're interested in a continual basis of new gTLDs so we're voting to defer it so that the group can consider the current landscape of the actual applications and they can look at the criteria and see if they're still relevant for certain types of TLDs and if not to indicate that so that the results don't get skewed.

Matt Serlin: Okay so I'll take a queue. I know Stéphane's in the queue. Stéphane.

Stéphane van Gelder: Yeah, thanks, Matt. Stéphane van Gelder. Jeff, just curious it sounds like your group is against the motion so I don't see what difference deferring it for one meeting makes. Why not suggest a vote against the motion because the motion won't change. You deferring it for one meeting will only defer the outcome that you seem to be against.

Jeff Neuman: Yeah, so that's a good question. The deferral is on the basis - and we've talked to members of the group - so that they go back to actually send the letter back to the working group so they can actually apply the criteria. We're not - we don't want to vote the motion down; there's been a lot of work that's gone into it. We don't want to say no.

We actually think that the criteria they've come up with - or some of it - is actually pretty relevant for the open TLDs. So it's really a deferral with the

instructions back to work on it, apply it to - criteria to (unintelligible) TLDs or sorry to the new TLDs that are actually being applied for and to come back to the Council with a new letter that reflects those changes.

Stéphane van Gelder: Jeff, can I suggest that a deferral doesn't achieve that? If you want a motion - if you want something to go back to the group and the group to rework you need to say that. A deferral - all a deferral does - and all a deferral is meant to do is to give the group that's asking for the deferral the time to consider the motion.

You've considered it, it seems; it seems very clear. So why not ask for what you want?

Jeff Neuman: It's not the motion that we have an issue with it's the advice letter.

Stéphane van Gelder: It's - right. So...

Jeff Neuman: So again I think for - we're kind of late in the game on commenting on it. I think from our perspective we're looking forward to actually fixing the few areas that we think need to be fixed and then to vote it through.

Remember, if we don't develop it as the GNSO community then these criteria are going to be developed for us because the Board is on a timeline. And one year after the introduction of the first new gTLD, which could be as early as we hope - if new gTLDs are selected and one goes into the root in May, and I'll knock on wood, May 2013 then by May 2014 the review has to commence, which means before that the criteria has to be finalized the review team selected.

There's not that much time. I think voting against it may send the wrong message especially since it's already been kind of through the draft report, comments on the draft report and now a final report. We probably should have made comments earlier on this.

So I think from our perspective, I mean, and I'm willing to listen to you guys but really I want to send the message that it's been good work done so far there's just a few areas that need to be touched up and then we're ready.

Matt Serlin: Yeah, Chuck.

Chuck Gomes: Thanks. I'm going to agree with Stéphane in terms of the approach; not in terms of what we accomplished. And I have to apologize to the Registries that I was in another conversation when they talked about this motion or I would have caught this then I think.

Deferral is not the right thing to do. We need to send it back to the group to come back to the Council. I believe Stéphane is correct on this. And once they do then the motion will become valid again and can be submitted.

((Crosstalk))

Jeff Neuman: My only response to that is, you know, we just don't want to see it get deferred again. So I guess our approach would be if it gets deferred now and everything is fixed with - by the next time it comes up - we could vote it down then if it's still not fixed. But at least it would prevent yet another deferral.

If we just ask them to withdraw the motion or vote it down now we're talking about November, December, January; just playing the politics a little bit.

Chuck Gomes: And I understand that. This is Chuck again. But I think we can - let's make that point as well when we say why we're making that request that we'd really appreciate cooperation from the participants on the Council to not delay this again once it comes back.

Jeff Neuman: Yeah, so I think maybe one approach we can do is if we can approach the chairs of this Consumer Choice, Competition group and ask them maybe to

withdraw the motion for the reasons that we're talking about and then - but then commit - and I don't know if the Registrars are willing to do this - but really commit to working on it, to fixing it and to making it right.

I think if both of our groups did that we probably can convince them to withdraw the motion, which I think is politically better than saying no. Remember the ALAC has - or I don't know if you know - the ALAC has actually approved the letter as-is and so has - I don't remember who else looked at it.

But so maybe we can get them to withdraw it; that might be the best of all worlds.

Matt Serlin: Yeah, Stéphane.

Stéphane van Gelder: Yeah, Jeff, that's probably a good approach. I'd just question maybe the time seeing we're voting on this tomorrow. It is possible to - I understand that you would rather not show rejection from our groups. I would certainly recommend, from the Registrar perspective, that we don't defer and that we either find the time to talk to the chair of the group, as you suggested, or failing that we explain what we're doing, as Chuck has suggested.

So either we read out a statement, which we've done several times in the past few meetings and it's, you know, it's not been a problem and we've gone on the record explaining that we don't want to hold processes up or anything, that we are doing what we're doing for the reasons that we're doing it. So I would just suggest that deferring does not force any reconsideration of anything.

Jonathan: Stéphane, it's Jonathan. So if we do that are we prepared to - or are you - are we, as a Contracted Parties' House, prepared to say that no one from our side of the house will request a deferral when the motion comes back? I mean, it doesn't presume that the letter will be satisfactory.

I mean, ultimately we could vote it down the next time around if we were unhappy with it. But are we prepared to say that we wouldn't defer it just because, for this group, it seems that time is of the essence.

And the argument that the group has made is one of the reasons that time is of the essence is that they would like any measures that are - that can or should be started now to - for data gathering to begin at least such that those measures have some kind of backward-looking view and that they don't just start at the time that the work becomes active.

Stéphane van Gelder: Jonathan, I think the only thing our groups - our two groups or our house should be prepared to do is to vote for a motion when we're satisfied with it.

Matt Serlin: Yeah, so - sorry, Jonathan, not to - I think what makes sense at this point is maybe the councilors and the ExComms can huddle after and come up with a, you know, yeah, Jeff.

Jeff Neuman: So in this group it's my understanding that none of the Registrars actually participated in actually helping with the letter. It may help us kind of an offer of an olive branch is to get a Registrar to come up and step up and say we'll help you work on it.

That would go a long way I think and also go a long way in helping to make sure that the next version that comes along is one that you guys can accept. So, Stéphane, I know you're off the Council but if you want to volunteer that would be great.

Stéphane van Gelder: Happy to help.

Matt Serlin: Thirty seconds and then I'm going to put it up for Mason. Go ahead. Mason.

Mason Cole: Sorry, I thought you needed 30 seconds before I started talking. I'd be happy to volunteer, Stéphane, for that role, that'd be great. Jeff, your point is actually well taken; the Registrars were absent on that. That's our own fault. I agree with your approach and we'll make sure that we find somebody that can participate.

Matt Serlin: Okay one down.

Jeff Neuman: Sorry, I thought that was the easy one. Actually this one should be fairly easy. This is a motion on the initiation of a PDP for the uniformity of contracts. This comes out of 2009 when there was a registration abuse group that - so produced this report in 2009. This motion and the next one are the last two items from that report.

Interestingly enough this particular recommendation did not have consensus like all the others. In fact if you go back - so the Registries are against this motion. We don't like the contracts being tinkered with. We believe you should focus on abuse and not the language of contracts.

And for too many years, as you guys are fully aware, there's been a focus on the wording of contracts. But the bigger thing here is interestingly enough if you go back to this recommendation the recommendation - the Chair of the RAP group actually declared that there was strong support for this recommendation and strong opposition.

We drilled down a little bit deeper. There were 14 people that voted on this recommendation. Eight voted in favor and six against. So you make - all right that sort of makes sense, eight in favor so a majority.

If you look at the eight in favor each one of them were members of the Business Constituency, every single one of them; all eight votes. The six votes that were against it were from the Registries, the Registrars and the

Non Commercials. So the fact that this even got this far is ridiculous and I think we need to make that point.

I think we fix certain procedures to make sure it doesn't happen, you know, between 2009 and now. But I think we just need to send a strong message that this is ridiculous that it's even coming to this level; that to say that eight people from the Business Constituency that support actually shows strong support when every other stakeholder group and constituency said no.

But the problem here is that the BC - if the CSG votes in favor of it and one person from the NCSG votes in favor of it now we have a PDP; just a reality of threshold. So we could all vote no and it won't matter there'll still be a PDP.

Mason Cole: I was going to say, Jeff, I think that was just really, really eloquent and say it just like that. And I mean, I think you might shame them into pulling this thing. And, you know, I can't - I wish you luck.

Matt Serlin: So we have - James, you're up.

James Bladel: I mean, I had something to say but I think Mr. Neuman is like 20 miles down the road already. No I just wanted to say that I participated on that group and it was a - on that Registration Abuse group and this was a very extraordinarily bad idea. And so I know that Registrars maybe haven't had a chance to look at this perhaps. I think that I would encourage that we follow the example, I guess, of our colleagues in the Registry and just, you know, get rid of this one; this is a really bad idea.

Stéphane van Gelder: Thanks, yes. This is Stéphane again. I don't think there's any way we can disagree with you on this, Jeff. I'll just note that the motion hasn't been seconded yet so there's obviously not a great desire to support this motion even though we went through the motions at GNSO Council on the GNSO Council during our weekend sessions.

And most of the motions that hadn't had a second did get seconded during that session; this one wasn't one of them. So I'm hopeful that we won't even have to consider it. If we do I would recommend both that we vote against and that we explain what you just explained.

((Crosstalk))

Matt Serlin: James. Yeah? Okay so next. That was...

((Crosstalk))

Jeff Neuman: This next one should hopefully be easy. There's a motion to request an issue report on uniformity of reporting. This is another recommendation out of the 2009 report. This is one that we support. It's really mostly on how ICANN Compliance can develop a uniform system of reporting when abuse is reported to them. I think some of the work has already started.

It's for an issue report. I think the only thing the Registries - the only point the Registries would make on this is you really don't need a PDP to do this, right? So an issue report's okay that, you know, you can bring out the issues. But in the end when it comes to the Council there's no need to do a formal PDP; it'd be kind of a waste of time to get the issues out there, form some small committee and to say yes, ICANN, be uniform in your reporting I think is really the message.

Matt Serlin: Yeah, no I think we're aligned on that one.

Jeff Neuman: Okay. I'm going to skip over the fourth one right now because I think that one might involve more discussion. But there's a motion to approve the charter for a thick Whois. There were a number of Registries on the drafting team that helped with this charter. I'm trying to recall if there were members of Registrars on that as well.

But the charter seems, as it is right now, to be acceptable to the Registries. There's a movement from the Non Commercials to amend the charter to include a much broader discussion on rights including freedom of association, freedom of speech, all sorts of things that we feel are more indicative of Whois in general as opposed to the thick versus thin issue.

And so it's our inclination to not accept that amendment as friendly. It's not that we don't believe in freedom of association but there is a section in the charter that does say that thick Whois should look at any data protection and privacy implications of switching from a thin to a thick.

But we believe that the Non Commercial Stakeholder Group is trying to use this as their way in reviewing Whois in general. And we just don't think that that's appropriate for this particular PDP. So summary, yes to the charter; no to any amendment by the Non Commercials on broadening the scope.

Matt Serlin: Yeah, no I think keeping the scope as narrowly defined as possible - it's all right, Mason, did you have anything other than to indicate your - a thumbs up would be approval? Yeah.

Jeff Neuman: Awesome, okay. All right there are two more - two easy ones. Motion to adopt the IRTP Part C final report recommendation. You guys have some very active members of that. I don't know if you've discussed that. The Registries approve it so hopefully we can just cut to the chase.

Matt Serlin: Yeah, no just thank Stéphane for making that motion available even though we've - I think the report came in a day or two days after the official - oh...

((Crosstalk))

Matt Serlin: ...actually on the deadline it was just that it was - it needed to be moved...

((Crosstalk))

Matt Serlin: Apologies to our chair of the IRTP-C. Yeah so - right, we are supportive of the IRT Part C, yeah, IRTP-C.

Jeff Neuman: Great. Okay then the second to last one is a motion to initiate an issues report on Recommendation 2 of the Internationalized Registration Data Working Group final report.

                  Hopefully we can make this easy. The Registries actually made the motion. We support it. We believe it's past due to actually start working on this issue so hopefully that's, I guess, for you also.

Matt Serlin: Yeah.

Jeff Neuman: Okay now the fun one. This is motion to initiate a PDP on the protection of certain international organization names in all gTLDs. On this one the Registries are supportive of the PDP. And - well I'll leave it at that; I don't know how the Registrars feel so maybe it is simple.

Matt Serlin: Mason, Yoav or Stéphane, you guys have - Mason, yeah.

Mason Cole: Jeff, can you just - I mean, just for the benefit of everybody here could you go into a little bit of the background on how we got here?

Jeff Neuman: Sure. And it actually involves two different things that were sort of merged into one right now. So in - obviously in Singapore in 2011 when new gTLDs were approved there was a resolution by the Board to protect the Olympic and Red Cross marks at the top level and basically a recommendation that the GNSO should develop a policy with respect to protections at the second level.

                  So the Council created a drafting team to - actually let me go back a step. In September 2011 the GAC had submitted to the Council a recommendation

protecting Olympic and Red Cross marks at the top and second level and actually, you know, submitted a fairly detailed proposal.

In Dakar the GNSO Council decided to create a drafting team to look specifically at that proposal and nothing else. The drafting team made some recommendations, as you all know, at the top level. And the GNSO Council approved those recommendations and then the Board did not.

At that point in time the drafting team decided to go onto the next stage which was to make recommendations at the second level. In the mean time the International - there was a letter received by the ICANN Board from the IGOs - the International Governmental Organizations - saying well if you're going to protect the Red Cross and the Olympic Committee you should protect us as well and enumerate reasons for those protections.

The drafting team did not take up the issue of the IGOs and said that's outside our scope because we're only looking at the GAC proposal. The GAC did not make any recommendation on the protection of IGOs.

With that said the Board referred the issue back to the GNSO on IGOs to figure out what to do with. The Non Commercial Stakeholder Group made a motion in Council to get an issue report done on the protection of international organizations including the Olympic Committee and the Red Cross marks.

The Council approved that issue - or the drafting of an issue report. The preliminary issue report was done. There were comments submitted and a final issue report is now out.

Simultaneous with that the drafting team made recommendations for the Olympic and Red Cross marks at the second level by saying we don't really know what to do with this other than let's have a PDP that fully examines the issues.

But until such time that a PDP is completed let's not allow the registration of these specific names that the GAC had recommended pending the completion of a PDP so in essence a moratorium, which is really what the Board has said in one of their last meetings.

So we're now in a situation where we're starting this PDP. We're in a comment period on the drafting team recommendations on whether there should be this moratorium. And the comment period actually probably ended today or yesterday but there's a reply period that ends in November.

So right now the Council has a motion on whether to initiate the PDP. And likely at the next meeting the Council will have a motion to say yes or no to a moratorium on the Olympic names pending the outcome of this PDP.

Matt Serlin: Thanks, Jeff. I've got a queue. I've got Stéphane and Mason. Stéphane.

Stéphane van Gelder: Thanks, Matt. This is Stéphane. So let me preface this by saying that just as James did an extraordinary job on the IRTP-C you've done an extraordinary job on this as part of the drafting team that you've just mentioned.

I never agreed with the results of the drafting team and I actually I found the process very puzzling when the Board overturned the decision that the - the recommendation of the drafting team. My personal view was that that was not the way to do it. And I would fully support a PDP on this because I think it's the only way within the GNSO process to get all views aired and to do the work properly.

Matt Serlin: Thanks, Stéphane. Mason.

Mason Cole: I was actually going to say just what Stéphane did. I agree with that. I think it's a bad idea for the Council to get into the protection business because it's

terribly slippery slope. But I agree with Stéphane; this is the better way to get a grip on the issue and have some level of influence over it so I'm supportive as well.

Jeff Neuman: And just to add the PDP is with respect to all gTLDs so it include existing TLDs in there. So the group will have to examine what's new and existing TLDs if, for whatever reason, in the new gTLDs there's a recommendation to protect these marks.

Matt Serlin: Thanks, Jeff.

Jeff Neuman: That's it from those...

((Crosstalk))

Matt Serlin: That's it? David.

((Crosstalk))

Jeff Neuman: And, sorry, there is one other item on the Council agenda which is to elect a chair.

Matt Serlin: A chair?

Jeff Neuman: ...GNSO Council. So the Registries had a long discussion on this after much contention back and forth and screaming and kicking but I think we decided to support Jonathan. There were several abstentions but we got through it so the Registries are going to support Jonathan in the first round.

And then we also discussed what would happen if there was a second round of voting because of either a tie or if Jonathan was the leading candidate or if he wasn't. We can go through the scenarios but I don't know if you all had a discussion.

Stéphane van Gelder: Okay.

Man: Did you want...

Matt Serlin: Yeah. So I have Stéphane and Volker, right?

Volker Greimann: No.

Matt Serlin: No? Stéphane.

Stéphane van Gelder: Yeah, so putting aside all the jokey bits about the long discussions that you've had we've obviously had long discussions in reaching our conclusion to vote for Thomas in the first round. But that was a joke. But can you pick him up? He's fainted.

I just wanted to explain the process because we have a very - very specific case this time around, which is that one of the people in our house is going to vote against our choice for obvious reasons; that person being Thomas and Thomas is probably going to vote for himself.

So if the other house - and I have no idea what they've planned to do at this stage - are voting in unison against Jonathan then we may very well find ourselves in the situation where Thomas makes it to the second round carried over by his own vote.

That being the case I just wanted to understand if we're all agreed. And I think that's what you've just said, Jeff, so I think I know the answer. But if we get to the second round and Thomas has won the first round then we'll support Thomas and send the signal that the Contracted Parties' House is not blocking the NCPH's choice.

Jeff Neuman: Yes, yes, if Thomas is the leading candidate after the first round and it gets to
                a second round then we will support Thomas.

Matt Serlin: Great, thanks. Jeff, we're looking forward to the outcome of that and
                appreciate - I know all the hard work that went into the selection of Jonathan
                as the candidate so we're looking forward to supporting him as we move
                forward and await the outcome of the election.

                Stéphane, no - you're done? No, you're not done.

Stéphane van Gelder: Well (unintelligible) the GNSO Council matters I just wanted to bring one
                more to your attention, which I think is very important. Jeff has served as Vice
                Chair for the last two years and he's done an excellent job in defending our
                interests at house level. I couldn't have hoped for a better vice chair. In fact it
                feels to me like I only had one.

                And it's just been fantastic working with him, being able to rely on his
                expertise, his knowledge, his ability to be outspoken about our positions and
                to defend them so I just wanted to say thank you.

Matt Serlin: Thanks, Stéphane. Thanks, Jeff. David.

David Maher: The next agenda item is the possible changes to our respective bylaws and
                procedures about avoiding conflicts and crossover in voting. I don't believe
                there's been any development since our last meeting on the subject.

                Our charter is now - the Registries Stakeholder Group charter is up for public
                comment. It has provisions that are intended to avoid the situation where a
                Registry joins this stakeholder group and starts voting or vice versa. We
                welcome discussion on the subject. Perhaps the best thing to do is hold this
                over for our next joint ExComm meeting unless you have other comments.

Matt Serlin: Yeah, no, David, appreciate the agenda item. Let me just give you a - what, me? I know I stumbled for words for a minute, sorry, doesn't happen often. So there actually have been some developments on the - with the Registrar Stakeholder Group.

We actually had a closed two-hour meeting yesterday where folks that have been working on changing our bylaws kind of gave a presentation about some of the proposed changes.

And we are actually hoping to move that forward to be in a place where by the Beijing meeting we will have voted to put forward a new set of bylaws that would then go forward through the process to address some of the things that you guys have previously addressed.

So while there aren't specific developments that we have completed today we are, you know, moving through the process. We realize that we're, you know, late in doing so, quite frankly. I think I made that comment at the last meeting. But we are actually making progress and hope to, as I said, by Beijing have definitive published proposed new bylaws.

David Maher: Happy to hear it. Is it at a stage where you can share it outside your group or do you want to wait?

Matt Serlin: Yeah, no I mean, that's a good question and maybe I'll put Mr. Barrett on the line if Tom Barrett and Mason and several others have been working as a group. And I don't know if, Tom or Mason, you can just speak, you know, at a very high level just kind of some of the things that we've put forth. Again keeping in mind that, you know, we have - the entire stakeholder group hasn't, you know, approved them or - but just some of the flavors of what we're looking at. Tom.

Tom Barrett: Sure. You know, we recognize there'll be a lot of new types of registrars who will be joining the stakeholder group. And we want to make sure we have a place for all of them and they can participate in what we're doing.

But at the same time we recognize that we want to make sure the stakeholder group continues to have priorities focused on the (unintelligible) registrars. And some registrars could have competing objectives.

So, for example, today we currently have a rule of one vote per registrar and if there's a family of registrars they only get one vote. We would extend that to any registrar that is also associated with a registry. Again they only can vote in one stakeholder group so they have to choose.

But we also would perhaps - so we have a - roughly we've defined three types of registrars; there are independent registrars, which are not affiliated with any other contracted party; there are legacy registrars which are registrars that exist today that then transition to be affiliated with another contracted party; and then finally there are what we call integrated registrars, which primarily serve as a single registrant TLD.

And so we are looking at what voting privileges those groups should have and what privileges they should have in terms of holding leadership positions within the stakeholder group.

Matt Serlin: Yeah, thanks, Tom. And, you know, our goal really is to have that completed by Beijing. I do think it's a good topic for us to continue conversations on in our joint ExComm calls. Mason.

Mason Cole: Yeah. Thanks, Matt. First of all Tom's done a fantastic job leading the charge on this issue so thank you to Tom and everyone on the working group. We went over this yesterday a bit in our private meeting and got some really good feedback, which I know Tom has collected and will continue to collect.

So if you haven't seen a copy of the document and you want to give some input feel free to ask Tom or anybody else on the drafting team. I was on the team; Susan Prosser, I don't remember who else right off the top of my head. It's available. And we do need feedback because we intend to move pretty quickly on this.

The other piece of color I'd throw in here is it's - this effort focuses on the structure of the stakeholder group. Its real intention is to make sure that the agenda important to us, as a contracted party, isn't corrupted by agendas that are adverse to us as a contracted party by gaming the membership rules so we're really trying to tighten that up because there's a lot of structural changes coming thanks to new TLDs and we just need to be careful about how they impact us.

Matt Serlin: Thanks, Mason. I think, David, that's probably all we've got on that topic.

David Maher: Okay moving along then to the RAA negotiations. I'll kick it off by saying I had the impression the other day that the representative of the legal department was not aware of the new developments in the management of ICANN.

The approach that the revocation of registrar contracts is still on the table struck me as last month's position not this month's. But I'd be interested in anything you have to say about that.

Matt Serlin: Yeah, go.

Volker Greimann: Well our position on that topic has not change if that remains on the table we will not close.

David Maher: Well I'd certainly, from my standpoint, you have our support. And I think I speak for the rest of the group on that.

Matt Serlin: Yeah, well we appreciate that. You know, it is somewhat frustrating that after all of the discussion about this in Prague that, you know, to your point it still continues to be something that we are - we are spending time and energy on.

And as staff looks to get this concluded by the end of the year our hope, quite frankly, is that we don't spend any more time discussing it because, as Volker said, it's kind of a non-starter for us. And, you know, we just will not accept a negotiated RAA that includes that clause in there. So, you know, appreciate your support on that.

Appreciate the support of other members of the community as well and that have voiced their, you know, strong objection to including that in a commercial agreement.

David Maher: Next item is the registrar onboarding format issue. I think we're looking to you to hear anything that you want to say about that.

Matt Serlin: Yeah, I'll defer to Michele. Michele, I know you've been involved in the work that's gone there so maybe you can speak to that.

Michele Neylon: Yeah, thanks. Where do we go? Okay at the moment there's a small group of us involved in this with - that's his name, David Conrad? Yeah. Yeah, I'm not taking it - from the Registrar side I was taking the lead on this but I've since delegated that to Rob Golding who, unfortunately, isn't here in Toronto but I'm still being CC'd on all the mails.

Roy is taking the lead from the Registry side. And as David mentioned at the start of this meeting - was it the start of the meeting? My brain is so fried today, sorry - there's going to be another questionnaire being sent out to registrars and then based on that I think they're going to move things forward.

The only thing that did concern me personally a little bit was when, you know, it seems to have stalled completely and that there was no progress for ages.

And then they suddenly kind of woke up again and started again. So I don't know, I think it's moving forward. Maybe Roy can add a couple of comments.

Roy Dykes: No that's exactly right. In particular with the securing of David as a contractor to - or a consultant to help ICANN move forward. One of the things that I made clear to the staff was that I'm very happy to champion this effort particularly from the Registries Stakeholder Group standpoint but I can't run it, right, it's too big for me to run. And so that's - that's what I think a lot of the impetus that went behind - or the drive to hire David.

So please do keep an eye out for the survey coming. That will serve as a basis for driving requirements for this effort. And I think that's where we are now.

Michele Neylon: And just to clarify for anybody who hasn't followed the updates on this, I mean, we've had updates on this both at regional and the general ICANN meetings on and off for the last - oh must be 18 months I suppose.

Roy Dykes: Eighteen, yeah.

Michele Neylon: I mean, basically what we're looking at here is if you, as a registrar, are going through the accreditation process you end up filing out lots and lots and lots of forms that are almost identical but aren't. And you end up getting writers cramp signing your name on them and filling out the same identical bits of information but in different boxes.

So the idea is to try and build a common set of questions that all registries will ask all registrars to deal with some of the technical bits and then see what else we can actually get into kind of a baseline common standard so that both registries and registrars have a slight - have slightly less work to do.

Matt Serlin: Well said, yeah, I agree.

David Maher: Thanks, guys. Jeff.

Jeff Neuman: Thanks. Just so I wanted to give you just a quick little update because when
                 we met with Kurt and with Akram earlier we brought this up to them and just
                 let them know - because it's one of the most critical issues that we think is
                 coming up.

                 And it is - if you read the RAA documentation it is one of the major asks that
                 we as registrars have that this be included - something in the RAA that would
                 streamline the process because we think that with new TLDs coming aboard
                 the requirements that domains on new TLDs be sold to registrars that this
                 has to be done, has to be expedited and it's in the critical path as well.

                 So just so you understand we've been bringing it up constantly and we are on
                 top of it as well so.

David Maher: Good, thank you. The last item on my list is general issues involving a
                 Council and contracted party house. I think we may have covered that unless
                 either our councilors or you have something else.

Matt Serlin: Yeah, thanks, David. I'd just like to take a moment to thank Jeff and Jeff and
                 the other folks that have been involved in coming up with this - it used to be
                 called the alternative model; now I think we're calling it the community model.

                 This is the community alternative regarding the trademark clearinghouse. And
                 I know that there's been a lot of work that has gone into that both from the
                 Registry - mostly from the Registry side, frankly.

                 But I did want to make sure that not only that we thank the folks that have
                 been participating in that but also, you know, make sure that you understand
                 from the Registrar Stakeholder Group that we are definitely very aware of the
                 fact that registrars ultimately will need to interact both with the clearinghouse
                 and with the URS and assuming we have a URS.

And so, you know, it definitely is something that our members continue to pay attention to. And I just wanted to, you know, give an appreciation to the folks that have been active in that because, you know, I do think the community model alternative is one that's more advantageous to everyone frankly.

Sorry, David, Jeff has his hand up. Go ahead, Jeff.

Jeff Neuman: Yes, thank you for that. And I just wanted to give you an update. There's - I think in the last couple days a substantial amount of progress has been made on coming towards consensus on the community consensus model.

There have been a number of discussions between several of us and the highest levels of ICANN staff and the Board in walking through the different models that are being proposed.

I will say on the sunrise that it seems like the general direction is that they will adopt our model so it looks like it's heading towards the PKI solution for those of you that have been following.

On the trademark claims that's a - obviously a much more difficult issue. There is the model being proposed by ICANN, which is a decentralized model pushing all of the data out to the registries and there's a centralized model, which we're proposing which keeps everything at the clearinghouse and it's basically a live query based system.

I think there's been some good movement on that. I think there's certainly more of an understanding from ICANN staff on our issues. There's certainly more of an understanding from our part on their issues. And I am convinced that in the next few days we'll come to a better understanding of a solution and put that out for comment for all of our comment and also for more comments from the Intellectual Property groups.

And I think we really need to encourage those comments. I think there's also more - I see John Berryhill looking at me - there's more of an understanding that regardless of the type of encryption that ICANN would like to put on the trademark claims database or the transmission between the registry and registrar that that data is, in reality, public information, that no matter what we do that information is going to get out there.

So focusing on the privacy aspect is probably not the most productive. But there certainly are - putting aside the privacy aspect of the data there's certainly more efficiencies that can be obtained if we still use the centralized model and not rely on 1400 different implementations of the trademark claims process, which essentially is what the decentralized model encourages.

So you're going to hear a lot of talk in the next couple days about the privacy issue. I would argue that's not the most important. I'm not going to call it a red herring but it's certainly not the most important issue. And we appreciate all the support we can get and any discussions you can have with the Intellectual Property community.

Matt Serlin: Yeah, thanks Jeff, again. Know you guys have been doing a lot of - I don't want to call it lobbying but having a lot of conversations with folks on staff and others about this so again appreciate the work and the effort that's gone into that.

Any other business? Okay well we do have one last item and we touched on it earlier but Stéphane will be stepping down as Chair of the Council on Wednesday. We struggled, frankly, to think of a good way to send him out. He's getting nervous now so. I personally think that one of the favorite things that Stéphane enjoyed about his time as Chair is his ability to have the microphone. And it's a powerful tool.

And so I think that, you know, we're concerned that without Stéphane at the microphone that he will lose part of his identity. So we really wanted to make

sure that he would continue to be heard in the community. And so we have - we have a bullhorn here for him.

((Crosstalk))

Matt Serlin: And we have a marker here for folks to come up and sign and present to him and sign our names. So he will continue to be heard in the halls of ICANN. Yeah, and...

((Crosstalk))

Matt Serlin: So but in all seriousness we really do appreciate all of the work and energy that he has invested in that role he has done so really eloquently. And it pains me to continue to have to publicly thank him like this. But I will do so because I truly believe that it's deserved. And so I'd like to, you know, ask that we give Stéphane a round of applause.

((Crosstalk))

Matt Serlin: Yeah, I think the manual actually is in French so you should be able to follow it. But I would encourage everyone to come on up and sign that as our going away gift to Stéphane so our thanks for that. And with that we will call the meeting to adjournment. And again thank everyone for their participation. And as usual thank the meeting staff, the hotel staff, the Registrar liaison staff for all their support for us throughout the day and throughout the week. Thank you, everyone.

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