ICANN Transcription - Marrakech

RrSG Session 1

Tuesday, 8 March 2016 0830 UTC

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Also found on page: http://gnso.icann.org/en/group-activities/calendar

Man 1:   It is March 8, 2016 at 8:30 in the morning in (two) call. This is Registrar Stakeholder Group, Part 1.

Michele Neylon: Good morning everybody, this is going to be the Registrar Stakeholder Group Meeting. If you're looking for the Registries, they're not here - apart from the vertically integrated entities, but we don't talk about them.

And for those of you in the room, we're going to start in a couple of minutes. There is coffee. Good morning, everybody. We're going to start in about 60 seconds. Are we okay for recordings and all that down the back?

Okay. All right. Good morning, everybody. And welcome to the Registrar Stakeholder Group Meeting for ICANN 55 here in Marrakech. And for those of you who don't recognize for my voice or me in a suit, I'm Michele Neylon. I'm Chair of the Registrar Stakeholder Group.

We have sent around the schedule for today's meeting. As usual, it's a fairly busy schedule. We will have a number of people coming in to see us throughout the morning. We also will be making two moves. We will be going to the Registries' room, and then later in the day we will be going with the Registries to meet with the Board.

As per usual, we will do a quick tour (to top) just to do a bit of a roll call, and please remember to state your name for the transcript, and bear in mind there are also people following this meeting on remote via Adobe and also over the phone lines. It's very hard for them to understand what's going on if people don't say who they are or speak slowly enough for people to actually understand them.

Okay. So I will start with myself. Michele Neylon, Blacknight and Chair, Registrar Stakeholder Group. Thanks. I think -

Darcy Southwell: Darcy Southwell. Endurance International. We operate domain.com and PDR. I'm the Secretary of the Registrar Stakeholder Group.

(Sadink Dasgood): (Sadink Dasgood), DNS Africa.

(Seymour Horda): (Seymour Horda), Open Provider Registrar.

(Asorda Kelanan): (Asorda Kelanan), Key Systems, Genius Europe.

(Craig McGregor): (Craig McGregor), (Andimus).

Greg DiBiase: Greg DiBiase, Endurance International Group.

(Ridevig Deyure): (Ridevig Deyure), (Roget Trust, Sideburns).

(Frederick Moore): (Frederick Moore), (Sideburns).

Theo Geurts: Theo Geurts, at Realtime Register.

(Tristan Harmon):   (Tristan Harmon), Larson Data.

(Naha Amasse):   (Naha Amasse), Host Server.

(Forhanna Hayden):   (Forhanna Hayden), Internet Works.

Caitlin Tubergen: Caitlin Tubergen, ICANN Staff.

Mike Zupke: I'm Mike Zupke, ICANN Staff. And I've been asked also to introduce my colleague sitting to my right - the newest addition to ICANN Staff in the Registrar Services team, who is Mukesh Chulani, and if you don't mind indulging us, I thought maybe I could just give him a moment to introduce himself.

Michele Neylon: Please go ahead.

Mukesh Chulani: Good morning, everyone. Mukesh Chulani, ICANN Staff. I recently joined ICANN. It's my fourth week. So I'm pleased to meet you, or maybe I should decide that at the end of the day.

                    My background is that of a market analyst, so I've been a market analyst for the last eight years covering Middle East and Africa technology markets. So, sizing market assessments, et cetera, and it's a great honor to be here with you today. Thank you very much.

Michele Neylon: Mukesh, you may want to explain what your job is.

Mukesh Chulani: So my role - absolutely, thank you, Michele. My role in the Registrar Stakeholder team is to represent ICANN as a liaison to Europe, Middle East and African registrars. So essentially, be that in-between between you and ICANN for the region.

Michele Neylon: Thanks.

Jeffrey Eckhaus: Jeffrey Eckhaus from Right Side representing Name, Enom and a few other registrars, and this is also my fourth week, so thanks.

Bob Wiegand: Bob Wiegand, web.com.

James Bladel: James Bladel, GoDaddy and GNSO Counselor for North America.

(Toby So): (Toby So), (Shy James). I'm Chair of the GNSO Council as well.

Oliver Hope: Ollie Hope. (NRS).

John Berard: I'm John Berard, from (Inserka), and Nominating Committee.

(Swan): My name is (Swan) and from SBC, based in Beijing. Thank you.

(Rob Vilma): (Rob Vilma) of Rebel.com.

(Oluni Ajou): (Oluni Ajou). Web for Africa Registrar.

Jennifer Standiford: Good morning. Jennifer Standiford with web.com, CNSO Council.

Janelle McAlister: Janelle McAlister from MarkMonitor.

Heath Dixon: Heath Dixon from Amazon.

(Sarah Bache): (Sarah Bache), GoDaddy.

Graeme Bunton: And Graeme Bunton from Tucows, and Vice-Chair.

Michele Neylon: Okay, thanks. So looking at the agenda very quickly, we're going to look at - first part, we'll be looking at some of the stuff going on in the GNSO. So a number of motions and things, but nothing very important. Just, you know, the IANA transition - small little thing. Oh, James, I see you waving at me. Please, go ahead.

James Bladel: Sorry, just a question. Ollie and I were asking if we could maybe get some introductions from the folks in the room or on the phone?

Michele Neylon: Oh, good point. Thank you. Quick, then. Introduce yourself. (Gone on to some Net Mains ask you.)

(Christian Kaufman):   Okay. (Christian Kaufman). (Arkomy).

(Roger Castillo Aqui):   (Roger Castillo Aqui) from Mexico.

(Sahara Sorova):   (Saraha Sorova), ICANN staff.

(Jamal Arshedi):   (Jamal Arshedi), Morocco.

(Luca Barbera):   (Luca Barbera), Italy.

(Mohammad Ramadan):   (Mohammad Ramadan), (Valhalla) University student here in Morocco.

(Diksin Piaf):   (Diksin Piaf), (Safe France) from France.

(Matthew Vers):   (Matthew Vers), (Safe France), also.

(Delbert Borki):   (Delbert Borki), Amazon.

(Sand Kumlaudi):   Hi, this is (Sand Kumlaudi).

(Sidi Monzak):   (Sidi Monzak), ICANN Staff.

(Abi Seti Abela):   (Abi Seti Abela), (Comor).

Sergey Gorbunov:Sergey Gorbunov, REU Center.

(Fu Mi):   (Fu Mi), (JTRS), Registrar.

Michele Neylon: And is there anybody on remote?

(Calvin Brown):   (Calvin Brown).

Mike Zupke: On the remote, it looks like we've got Chris Pelling from NetEarth, we've got - oh, man - (Re Ke Pop KA) from one.com, (Pinar Erdovoin) from One API, (Paul Goldstone) with our treasurer from Domain IP, (Calvin Brown) from DNS Africa, (John Ferryhill), who is also our organizer, secretary (AT) person Advisor, (Fabrizio Vera) from Perkins Cole and I think that's everyone.

Woman 1:   And so if - for those of you who are remote, the - just want to make sure you understand that Adobe Connect doesn't include audio, so you would need to use Audio Bridge, which we have no one on right now, but you can also ask questions in the chat and we'll communicate them for you.

Michele Neylon: Okay, thank you. So - sorry about the screwing up around the instructions. Yes, (Tom), go ahead.

(Tom):   Just one more note before you jump in. I wanted to say a nice thank you to our host Sunday night, Hamza, for the dinner that he hosted for all the Registrars. That was pretty nice.

Michele Neylon: Is Hamza here?

(Tom):   Yes.

Michele Neylon: Okay, we can applaud him loudly and make him turn red if he turns up later on. But yes, thank you, Hamza from Genious, who is one of the Registrars based in Morocco. I think he's the only ICANN - at present - Registrar. Organized the dinner for us, which was very nice, and I think we all ate enough food to last us several days. It was very good.

Okay. So we're going to have a look over some stuff around the GNSO Council. There's a couple of things around some of the PDPs. Graeme will be talking a bit about Privacy Proxy. We'll be talking a bit about abuse. Darcy will talk about the Charter revisions, and we're also going to get a - one of the guys from DENIC is going to come in to talk very briefly around data escrow.

Is Marika here?

James Bladel: Hi, Mikele. James speaking. I don't believe that Marika is here. But I'm perfectly happy to give at least an overview of the issues that are coming up Wednesday, and then, you know, if there are questions or if we want to discuss other things, we can throw it open to the table.

Michele Neylon: Well maybe what we'll do - we'll just reverse the order slightly, and Graeme can go first, so then we'll come back to the GNSO.

James Bladel: Oh, I see how it is.

Michele Neylon: Excuse me?

James Bladel: Yes. Thanks, sounds good.

Michele Neylon: So over to you, Graeme to talk a bit about Privacy Proxy.

Graeme Bunton: Sure. Thank you. Good morning, everybody. In fact, I was actually a few minutes late because we were - the Co-Chair of Privacy and Proxy - of which

I was one - the other Co-Chair and I were just meeting with some law enforcement officials to see if we can make some progress on that.

So Privacy and Proxy Service Accreditation, for those of you who don't know, is a working group that completed late last year to establish the rules for how to run Privacy and Proxy services.

There are sort of two main issues. So we completed that working group. We submitted the report. The report is currently going to the Board and is in open comment period.

The big issue that we have to discuss today - and we should discuss it a bit - is that in the 2013 RAA, there is an interim spec for Privacy and Proxy services, and that spec expires January 1, 2017. Presumably the Board will pass our policy in the near-ish future once this comment period is over, and that's going to leave something like eight months for implementation.

I think the best guess - and I can look at Mike Zupke for this - is going to be 18 to 24 months for implementation to take place. Probably something like that, which is considerably longer than the interim spec.

And Registrar should consider - and we've asked the Board if we - we've submitted a - we are circulating a letter currently that should be in everyone's inbox, and we'd ask you to sign on to ask the Board to extend the interim spec for 18 months. And that should give implementation some incentive to get it done. But also, gives us some room to work on that.

And so I guess I'd be interested in hearing from anyone if they object to extending that interim spec, and I'm also not clear - maybe Mike can help me out on this - is what happens if we don't.

And then the last thing I'll mention on Privacy and Proxy is that in the GAC GNSO session on Sunday, it was announced/said that the GAC is going to

file consensus advice on Privacy and Proxy because they do not like a piece in there about the distinction - where there is no distinction between commercial or non-commercial use of Privacy and Proxy services.

And we haven't seen that yet, because presumably if it happens it will happen on Thursday. We're trying to convince them currently that there are other avenues to put their public displeasure on the record. But we don't know at the moment if that's going to occur.

So I see James in the queue, but I'd like to get Mike to give us a little bit maybe of color of what happens if we don't extend that spec.

Mike Zupke: Thanks, Graeme. So it's Mike Zupke from Staff. So I'm really happy to hear the sort of momentum and enthusiasm to get in front of this by Registrars and others in this community. And by "this" I mean extending that specification and, of course, (Staff) is sort of thinking about the same thing and planning how we should do that.

Our thinking was - and I'm sort of channeling (Amy Bivens), because this is really her project, but - and you may have heard some of this when we gave a very brief presentation to the GNSO on Sunday.

But our thinking is we want to come up with our proposed project implementation plan - "we" being Staff, present that to the implementation review team that would be convened in roughly June/July timeframe, get feedback, make modifications, kind of come up with what everybody who is sort of signed on to help guide this project though implementation, sort of get a consensus of that group of how long we think this will take - what steps are required.

And then once we've got that in place, then come back to the Registrars Stakeholder Group and say, okay, here is what, you know, we in the community think is the reasonable timeline for implementation, and then from

there come up with the extension and proposal that will take into account how long we reasonably think it will take.

So rather than sort of setting an arbitrary date, we think this can be done in 18 months, and then we all end up rushing at, you know, Month 17 to either extend it again or do something.

You know, we sort of want to have the buy-in of everybody and say this is what we think it will take. You know, in answer to your question, what happens if we don't extend it, you know, as I think people are aware, most of the requirements in the current Privacy Proxy specification to the 2013 RAA are about disclosure.

They involve Registrars telling their customers, and Privacy Proxy services telling their customers here is what happens if you use our service. Here is what happens if somebody requests your data. Here's what happens if you violate our terms of service.

I think that for most of the people who are offering Privacy and Proxy services, it's probably - if the spec went away, it's probably - their practices wouldn't change. I don't imagine that people would want to undo this spec.

If anything, allowing this to last is probably, you know - unwinding it might be more of an inconvenience for Registrars than extending it. But like I said, I think that most of the things that are in there are things that Registrars are generally doing and not unhappy about doing.

So in the worst case, if the spec didn't extend, I don't think a whole lot changes. But I also don't see a lot of reason why Registrars would object to extending it, so - my two thoughts on it. I would welcome your input on that.

And I don't think it necessarily needs to go to the Board yet for a decision on what date we should choose, but our proposal would be come up with a project plan first, and then we can, you know, agree to the extension.

Graeme Bunton: Great. Thanks, Mike. I think I've got James and then Jeff in the queue. Anyone else?

James Bladel: Hi, thanks. James speaking. And you know, for the most part, you know, I generally agree with Mike. And Jeff and Volker and the rest of us who are involved in the RAA negotiations know that we put the expiration date - or the sunset date - into this temporary spec as an incentive for ICANN to get something going - to get a PDP going.

There was a concern that if we just left it hanging with the RAA that it would sit like that, and the temporary would be, you know, two, three years on, we would still be talking about a temporary spec with no PDP in sight. So I think it served a purpose in getting that PDP under way, which we've now completed.

I agree it would probably be more work to undo it and do it back, so it seems to make sense that just extending the temporary, you know, to give enough time for implementation. I think that just makes sense. It doesn't really bias anything to let it expire. Are we going to, like, pull our terms of service off of our Web site or stop enforcing our contract versus our customers? It just seems like more work, and it doesn't really gain us anything.

The bottom line, though, and I think maybe where I disagree with Mike a little bit is, I think ultimately it's not that the community comes back and tells us how much time they need. I think that we need a reasonable, you know, dialog with Registrars to say, okay - you know, that may be what you're asking for, but we may need additional time to implement PPSAI - the full spec - on our side.

I agree we don't want to renew it again and again and again. But I think that we need to get it right the first time, and that's why I think it shouldn't be just a "here's the date that we want you to extend it to." That that should be a discussion and not just us kind of taking whatever you give us.

And maybe just - I'll drop my hand now, but if we move to the topic of what's coming up now in the GAC, and what came up during our discussion between the GNSO and the GAC on Sunday, I'd like to weigh in on that. But I'll drop my hand for now. Thanks.

Jeffrey Eckhaus: Thanks, James. Jeff here. So two points. I think on not - if it drops and we don't go forward with it, I don't think - my point being, and I sent this on the list - was not, "Oh, I'm going to undo all the work that we did."

But we might stop receiving some of the compliance letters that we receive that are, you know - some I'd say - a certain percentage are wrong, or a lot of work to respond to. So that was sort of one of my thoughts about what happens if we didn't renew. There was no thought about unwinding, because that would be it. That would be way too much work.

The second part, Mike, and this is a question for you, I think. Maybe I missed one part, but if you could - on that process, I didn't hear, I guess, the best part about when we have the interaction between ICANN staff and the Registrars Stakeholder Group, is that on the implementation review team portion on what are the best/worst places they put them?

Because the way I heard it - and maybe it's just I only had half a cup of coffee - was it seemed a little bit more of a top down approach versus interactive of here are the things we think; here's our interpretation; and what do Registrars think?

And then we go through that timeline versus ICANN and the community coming together and saying here's what we need to do. What's the timeline

you need? So maybe correct me on that, because I might have gotten that wrong.

Mike Zupke: Thank you, both. This is Mike Zupke again. So you know, as Caitlin can attest, these implementations are very much a dialog and a back and forth, you know, sometimes with regards to where the comma goes, we could have discussions on those sorts of things.

But you know, in direct answer to the question about you know, how does the Stakeholder Group get involved, typically what happens is we have the implementation review team, which anybody in the world can sign up to be a member of.

We're hoping to have lots of Registrar participation, because we're aware that everyone's got different models and different ways of implementing and potentially different challenges.

But what we've don't in the past - and Theo also knows this - when we have a member, and particularly when there's low membership, if we've got a member who kind of is the voice of Registrars, is that - would you please take this back to the Stakeholder Group and solicit more input? And in fact, they'll be doing that for us today and, I think, on Thursday also, in sort of the reverse.

Bringing feedback back to us and bringing feedback back to the Registrars, and so that's generally how it's designed to work. We don't often have a lot of participation on the implementation review teams. It's not always the most glamorous thing, but I think in this case, this obviously really affects Registrars very deeply, so we would encourage you to, you know, at the very least kind of sign on and watch the mailing list.

But definitely attend the call, because you know, it's happened in the past where we make decisions - we say, okay, this is how we're going forward,

and then we might even put it out on the mailing list. Okay, well this is the decision that we made for sort of last call for feedback.

And you know, what we don't want to have is somebody come three months later and say, okay, now here's my list of issues. It's sort of like the working group in that way, where you sort of need to be in the moment, because otherwise you may miss your bite at the apple. So sort of a pitch - a desperate pitch - you know, please participate in the IRT (thing) implementation of your team.

Graeme Bunton: Thanks, Mike. This is Graeme. Let me reiterate that if you think IRTPC implementation is bad, just wait until we've not participated in Privacy and Proxy. So if you run this service, you should be there. Michele?

Michele Neylon: Thanks. Michele Neylon, for the record.

But just going back to the entire issue around timing. You know, there are several fairly hefty, fairly complex policy changes that we have to implement over the next 6-to-12 to-18 months. Apart from onboarding registries, who have some very interesting ideas about how to run a registry, plus dealing with all the other things that we all have to deal with.

So if people want to object to us pushing back on the timeline, that's fine, but please do it now -- don't it leave it late. As others have said, implementation of a lot of these policies - it's not sexy and exciting, and the participation has been pretty down low.

But we have had an issue where 6, 8, 10 months into an implementation, people start coming along and trying to rewrite the policy that we've already spent 18-plus months discussing, and that isn't particularly helpful.

And, so as others have said in their own different way, you know, please keep an eye on this, and Mike, from your side, it would be helpful to kind of

give us a kind of a reminder from time to time of upcoming changes and effective dates.

It's quite easy in the kind of volume of emails that we all get and the vast number of announcements that ICANN tends to make to lose sight of the ball, or whatever analogy you're comfortable with. That might be helpful. I'll pass it back to Graeme. Thanks.

Graeme Bunton: Thanks, Michele. And unless anybody else has something, I'm going to sling it back to James to talk about the GAC piece. Did you have more thoughts there?

James Bladel: Well, I thought, you know, you might be a little more current. This is James speaking, sorry, for the record.

Graeme, you might have more current information, because I understand you met with some of the principal folks in - this morning, prior to coming to the Registrar meeting.

But for those who missed the session on Sunday, there was a note from at least one GAC member that they were not happy with the outcome of the Privacy Proxy PDP requirements. Specifically, they felt that we had not - that we, the working group - had not considered the input of law enforcement through the Public Safety Working Group that was submitted.

And even though that comment was submitted fairly late in the process, I reassured them that it was considered, but I think by "considered," I think they meant "adopted." So it wasn't enough to consider and reject. I think they wanted to know why that wasn't included in the final report.

And then it was just mentioned that that could be included in the GAC communique for this meeting as advice to the Board that could translate into asking the Board to re-add those requirements or to send it back to the

GNSO for rework. And I think that's where we left it until Graeme met with them this morning.

So Graeme, I would be interested to know if you have any updates on that from this morning, and whether or not they are intending to proceed with that GAC advice.

Graeme Bunton: Thanks, James. This is Graeme. Met with a number of members from Public Safety this morning about this issue. They were not clear about what they now intend to do. We tried very strongly to give them other options to register their displeasure. But Law Enforcement feels very strongly that - and it's not actually about consideration. You're right. That we did not adopt.

A distinction between commercial and non-commercial entities using Privacy and Proxies. For everybody else in the room who wasn't in, literally, months of debate on that topic is that there was a - people within the working group who wanted to draw a distinction between commercial entities or Web sites doing transactions that they would not be able to avail themselves of Privacy or Proxy services.

And the definitional issues around that, the implementation issues around that - and it was ultimately rejected that there should be no distinction. Regardless of what sort of Web site it is, people can avail themselves of Privacy or Proxy services.

So my sense is that it's still going to end up in the communique, because Public Safety feels very strongly about it. Myself and Steve Metalitz argued strongly that that was not a good idea for them, especially given the timing, because it makes the GAC look pretty poor to try to get the Board to overturn GNSO consensus policy.

I would - if people care strongly about this issue, it's maybe a good time to go talk to your GAC member, if you have a relationship there to say that the

GAC should not offer advice on this issue, because it will - the timing is terrible. It's GNSO policy, and there are many, many, many good reasons why that distinction should not be there.

From my own personal experience - sorry, speaking there now as a Registrar and not as a Co-Chair of the Working Group. Thanks. James?

James Bladel: Thank you. James - James speaking - and thank you, Graeme.

So yes. That's really good advice. If you have - know who your GAC member is, I think setting up a brief meeting with them - and I think it would have to be today or tomorrow - because they're going to be drafting their communique during that time.

And there's two messages, I think, to take. One is that the substance of this distinction is very, very complicated and does not work globally across all jurisdictions.

It's unimplementable to ask Registrars or Privacy services to enforce this distinction, because there's just - you know, if you thought there were false positives with the RAA, just wait until you try to figure out if you're registrants are using the domain name commercially or not.

But does an advertisement count as commercial use? How about a donation for a church or a political organization? You know, it gets really, really complicated.

So you should take this to your GAC rep and say this is unenforceable, and more importantly, to recommend that the process be upheld. The process was that this was debated for months. This was examined at length. And ultimately, the working group - with some exceptions - but the consensus of the working group was that this could not be included in the recommendations.

So having it kind of an end-around now to be at the GAC would be, you know, just circumvent that whole process and really kind of cut the legs out of the multi-stakeholder model.

The final point I would make is that if this does surface in the GAC communique, that the - one of the things that the GNSO has is a new mechanism and Volker, I think, has participated in the past - where the GNSO responds to GAC advice that they believe has an impact on policy work.

And so if this plays out that way, then we may come back to Registrars and participants of the working groups and Co-Chairs like Graeme and Steve and ask them to help the GNSO develop that response to ensure that we're maintaining that process. And then, finally, I had one other point, but I lost it, so. Thanks.

Michele Neylon: Michele again. I - you know, James, this is - you've touched on the thing I think that is absolutely fundamental to this problem. The - since I've been coming to ICANN meetings, which is going back all of over about eight or nine years, the relationship between the broader ICANN community and the GAC has been problematic.

It's been something that's evolved, and now, in light of what's been going on around the IANA transition, for them to still be trying to play this kind of game of getting the second and third bite of the apple when they don't like how we as a community come up with a decision, and how we decide how to handle something is completely insane.

And yes, I think people speaking to their own GAC representatives on this would be very helpful. If you don't have a GAC representative, try and borrow one. I don't know. And - but this kind of thing is - they can't have it both ways.

Either the GAC is able to participate within ICANN through various different means, or they can't. But they can't try to participate, not like the outcome, and then go crying to mammy via the Board. That just doesn't work. Thanks. Hand it back to you, Graeme.

Graeme: Great. I think that covers everything we need to say at the moment about Privacy and Proxy. If anybody has, again, thoughts about that extension, we have that letter circulating, so please take a look and respond. Jeff, you have a question, Jeff? Go ahead.

Jeffrey Eckhaus: Yes, all right. I think I saw this brought up elsewhere. Is this going to - I guess I would just - because this came up with some other issues. Is it that - are you looking for everybody, yes, I'm signing on. Then if we don't, then it's not coming as the Stakeholder Group? I'm just trying this - the mechanics of that.

Darcy Southwell: So this is Darcy Southwell. The plan was to ask for feedback and represent that public comment for those that wanted to sign on, as opposed to a full Registrar Stakeholder Group statement. But we're open to discussion on that as well.

Jeffrey Eckhaus: Yes, so I think we might want to try. Like, a first attempt might be to try and see if there's a negative, and if there isn't, to go out as the full Registrar Stakeholders Group. It's a much stronger message than having a list of people that are signing on. Thanks.

Graeme Bunton: That's a perfectly sensible idea, Jeff, thank you. So let's do that for those on the call, and we'll send out a note to the list as well. If you have a negative response to that, please let us know ASAP.

Great. Moving on. Do we want to jump back down to GNSO issues? Or do we want to move on to the abuse stuff? You ready to go?

James Bladel: Marika is here, so we can move back up to the first agenda item and take that. Because that's to be respectful for her time. I don't know what she has after this.

Graeme Bunton: Great. Marika, you're up.

Marika Konings: Hi, everyone. Good morning. So my name is Marika. I think most of you probably know me by now. So I thought that actually, I think on your agenda had more that you wanted to talk about the Council motions.

I did bring with me a slide deck that covers updates on the ongoing PDPs as well as some other issues that I think Darcy will probably send to you after the meeting, because I think there's more information in there that we'll probably want to cover here.

So maybe just want to go to the next slide. You'll just see which topics are covered, so if there are any of these that you would like to discuss now. Otherwise, we can maybe briefly touch upon the Council motions that are up for a vote. Although I think others around the table are probably - just move into a good position as you need to do so.

Just looking around. So maybe I'll start talking about the motions, and then you can let me know if there are any of these topics you want to talk about. Although one of them is on the agenda, and maybe I'll just start with that one. And that is the review of rights protection mechanisms, including the UDRP.

So the last Council meeting - the Council agreed to initiate a policy development process on this topic. And what's on the agenda for this meeting is consideration of the Charter for that PDP working group.

And there was some discussion in the Council in relation to the order in which that PDP should be carried out. The proposed approach was that there

should be first a review of the rights protection mechanisms, as of course there's also a direct link with the new gTLD program.

And as you know there's also a PDP ongoing on new gTLD subsequent procedures, so the idea would be that the work of this group would feed in the process of the other one with regards to the new gTLD RPNs.

And then subsequently, that would move into a review of the UDRP, and kind of looking at the overall package of rights protection mechanisms, and any recommendations related to those for either improvements or changes. One of the questions on the table is, as well, should some of the RPNs be applied to all gTLDs? Because as you know, some of those are currently only applicable to new gTLDs.

I think a small group came together to discuss that. I think whether they understood it or what has been proposed has been to stick with that order, although I think there are some on the Council that are still of the view that the order should actually be reversed. That first the gTLD should be reviewed, and then the other rights protection mechanism should be reviewed.

So assume that that may still be an issue that comes up on Wednesday's Council meeting. But that's basically what is up for a vote - the adoption of the Charter. And once that has happened, a call for volunteers will go out, and the working group will start its deliberations. If there are any questions for that particular item?

Michele Neylon: James, go ahead.

James Bladel: Not a question, but just a note to Registrars to - presuming that we do vote to adopt this Charter tomorrow, the Council and staff will put out a call for volunteers.

This is probably something that doesn't really interest a lot of you in terms of your day-to-day business, but I would say, you know, it would be great to have a lot of Registrars get involved in this process because rights protection mechanism isn't just the UDRP.

It also includes review of other things like URS and the TMCH, and if you have feelings about how well or how not well that went, you know, this is your opportunity to get those communicated and make improvements or changes. So you know, I would hope that we see a lot of Registrars sign up to support that working group once the call goes out. Thanks.

Marika Konings: So actually, the other item that's also up for a vote is on the GNSO review. Although there have been some discussions over the weekend, and I think it's probably relatively likely that that may get deferred to the next meeting, as some more time is needed to look at what has been produced. And Darcy you may want to go to Slide - I think it's Slide 24.

So I think, as you all know, we're currently in the new cycle of the GNSO review, which was kicked off by a report from the independent examiner, basically, through a process of self-assessment surveys as well as interviews with a lot of people in the community. It produced a report with a number of recommendations, I think in September, yes - in September of this year.

Basically that report was then taken by what we've called a GNSO Review Working Party that has representatives from all stakeholder groups and constituencies. I think the Registrars also actively participated in the group to actually look at those recommendations for their feasibility as well as, you know, priority and what is even desirable to implement those recommendations.

It's a relatively new approach, because I think in a previous review, actually, the way it worked was that independent examiner report was received, the Board adopted it, and then actually it moved straight into implementation.

I think they are now trying out a bit of a new approach to get already some community input on, you know, what is in those recommendations and what are expected costs. Is this a priority? Is there already work ongoing that is actually needing the intent of those recommendations?

So that's what the Review Working Party did. They went into great detail on these recommendations and, I think, if you go to two slides down, you'll get an idea of what they did.

So basically they broke all the recommendations down and then evaluated them basically on whether they agreed with those. Whether they identified as something where work was already under way for, with which they agreed with certain modifications would be applied, as well as which ones they did not agree with and did not recommend would be implemented.

And then each of those, they then rated as well with priority level. And that's basically what the Review Working Party has now put in front of the GNSO Council for the Council to review and see if they're willing to sign off on that.

So that can actually be passed along to, first of all, the Organizational Effectiveness Committee of the ICANN Board, which will review the report and make their recommendations to the ICANN Board on what to do with the report of the independent examiner.

And subsequently, the Board, which will look at that report and the recommendations and decide you know how to proceed. You know, whether to adopt all of those and direct the Council - or direct the GNSO to go and implement those.

Or whether they will factor in the recommendations of this effort and possibly as well the GNSO Council that a number of those recommendations should

not be implemented for the reasons that the Review Working Party has also outlined in their document. Any question there?

Bob Wiegand: Bob Wiegand. How did this compare to prior years? If you were to look at - that seems like a lot of recommendations to me, so if you've looked at the last two or three years, how does that compare in volume?

Marika Konings: And as my personal opinion - this is Marika - if you look at the recommendations, they're much more in line with what we're already doing than for the previous round.

I mean, the previous round was really a major overhaul, because it included both an overhaul of the structure of the GNSO as well as, you know, creating of new operating procedures. So there was a very extensive operation and then I think several of you here were involved in that, and that took a number of years to actually get that completed.

Now having looked at the recommendations and specifically as well, the effort was instructed that this was not about structure. I think some people did want to look at the structure as well, but I think the instruction was, you know, we first do this, and then we'll see if further down the road the focus or changes to the structure should be discussed.

So most of the recommendations go more to things like how can we facilitate participation of newcomers? You know, how can we make sure that people in other time zones or other languages can participate?

So I think as well, if you see there the majority of the recommendations have actually been identified as work that is already underway. So you know, 14 have been labeled as such. So again, my personal expectation is that yes, of course, this will take work, and we will require formation of some groups to work on the implementation. But I do expect it will be less extensive than the previous GNSO review.

Michele Neylon: Does anybody have any questions for Marika on this or anything else?

Marika Konings: Maybe just to mention the last motion that's on the table - but I presume you'll be discussing that as a separate item, or you may have already discussed it - is the accountability supplemental final (proposal). So there are three motions on the table for this Council meeting. And I think probably this is the most important one for this one, but James can talk about that.

Michele Neylon: James might have something to say about that. I'm not 100% sure. James, do you have any opinions on this?

James Bladel: Yes. Thanks. James speaking. So, just to put a final point on the recommendations - the GNSO review is - we're probably not going to vote on that on Wednesday. It seems that over the weekend session there was a strong sense that this is a lot of information - as Bob pointed out, 36 recommendations.

And that it came just maybe a week or so before the deadline to be considered for this meeting. So it's probably going to be deferred until the April meeting at the earliest.

So - but it would be great if Registrars have a chance to look over those 36 recommendations. Especially those that were rejected or marked as, you know, questionable. To take a look at those and see if there's anything in there.

And then pivoting to Accountability. So, I had asked Michele to make sure that this was included on our discussion today. The accountability - I'll just start at the beginning.

In order to effectively execute the IANA transition and get the U.S. government out of the management of the Internet - oh, sorry, out of the

management of the DNS - ICANN needs to grow up a little bit. Institutionally, it needs some reforms so that it has the confidence of the community that it can carry out that mission of the IANA operator.

As part of that, there was an effort - and maybe those of you remember - where the whole community - people who don't normally agree on anything - stood up arm-in-arm and said, "We need accountability reforms before this happens. We need to put some things in place that are going to effectively put some checks and balances on the power of the Board and the power of the Government. Both of those entities."

We've been working on this for - not quite two years. More like a year and a half. And it's involved, and you heard some of the statistics in the opening speech. It's been hundreds of telephone calls and meetings and tens of thousands of email messages on various mailing lists.

And we've boiled them down to 12 recommendations. And these 12 recommendations will include very important new powers. We're essentially changing the way ICANN looks and operates.

There will be a new organization or structure called an Empowered Community, where representatives from the GNSO, the ccNSO, the ALAC, the GAC, all of these groups can come together and say, "Execute these new authorities," like for example, "We disagree with the Board decision. We'd like to revisit that or even overturn it."

"We'd like to veto the budget." Or the strategic plan. "We want to fire a Board member." Or the entire Board. And all of these powers will be vested in this new structure that's been created.

There are other recommendations in there about what constitutes GAC advice from governments and what the Board is supposed to do when it receives GAC advice, and then how the Board should go about operating it if

they want to reject that GAC advice. So all these things are rolled up into a package of 12 recommendations, and each of the organizations that needs to sign off on this is voting this week.

So far, the (RSSAC), the ALAC and the ASO have approved. The ccNSO, the GAC and the GNSO are still waiting to approve. We're voting on this tomorrow. There is no extension. There is no other time. We can't kick this can down the road any further.

It's happening tomorrow. We are going to vote. We are going to vote up or down on whether or not to accept these Accountability mechanisms, and indirectly to allow this transfer of control to continue.

So this is historic. I mean, this vote is the GNSO, and of which Registrars are a part, giving their blessing to this process. I'm putting that out there because some of the other groups, I think, in the GNSO are ready to go now. We're ready to vote on this and we're ready to approve. Some of the other groups are still probably at this very moment in a room very much like this one hashing it out. Maybe, you know, having some very heated debates. It's hard to tell.

I believe through putting out some of the messages and answering some of the questions that were sent through our list that we - that's Volker and Jen and I - have the sense that Registrars support this, want this accountability package to be adopted and want this transition to continue.

And that's what we're voting on tomorrow, and that's how we, I guess, believe we're instructed to vote by the Registrars. But this is the time. Right now. Right now in this room, if you believe that you have concerns, or if you have questions that have - you know, you've raised and have not been answered, this is your moment to get those questions on the table. Yes, Michele?

Michele Neylon: Just so - Michele, for the record - Just so everybody's clear: the - as per our Charter - the GNSO Counselors - in other words, James, Volker and Jennifer, who has - she's down there.

They will vote as we instruct them. They do not get to choose how to vote when we provide instructions. In the case - and a lot of the time, for practical purposes, we don't give them instructions because we kind of think we don't need to. But when it comes to bigger decisions, ones that have a much wider broader impact on everybody, we definitely do provide instructions, saying okay, we need you to vote in this particular way.

Now, my role as Chair of the Stakeholder Group is to try to understand exactly what you want us to do. While we can conduct votes on certain things, and polls, and there's a whole range of different ways we've been trying to make sure that we have a clear understanding of how the members feel on a particular issue, you know, we're always open to changing that.

But we have to be clear. We need to know. If you have an issue with this, we need to know now. We need to know today. We need to be able to instruct the Counselors to vote yes or to vote no.

Now James has shared information about this entire process over the last few months. We have had quite a bit of discussion on the members list. Proposals were changed and tweaked. There's been a lot of - it has evolved. If the vote does not go favorably on this, it could get a little bit more interesting. Maybe James could speak to that.

James Bladel: Thanks, Michele. James speaking. And without speculating, I'll just say that five of the seven organizations have to approve this in order for the transition to proceed. We have approvals from three. And we have four outstanding.

It's possible just by the nature of their structure and the way they conduct decisions that the governments do not reach a decision either way. That they abstain just because of their complexities.

So we should consider the possibility or the scenario where that we're already missing one of the five necessary. So it's very important that the GNSO support this - and not only because of the head count, the counting noses.

But because this report changed from the report that was released after Dublin until now because the GNSO was unable to support what was in that last draft. They were ready to go with this, you know, in December, and the GNSO put the brakes on the process and said, "This is unacceptable to us."

We worked on it for another two months. We're here now. Burned up all of the slack that we had in our schedule to get to here because of GNSO changes. So it would be, I think, very - let's say - bad optics if the GNSO caused all these changes to happen and then didn't ultimately approve the report.

Michele Neylon: Heath, go ahead.

Heath Dixon: This is Heath. Thanks for that, James. Can you also talk about the other Stakeholder groups in the GNSO, and make the same kind of comments about where you think we are with those groups?

James Bladel: Sure. And of course they all have the right to have their discussions today and change their minds. But last time we kind of took this - over the weekend, we tried to take a sense of where various Stakeholder groups were.

It seems that the Registry - and we should point out the Registry, being the direct customers of IANA, are ready to approve - I think that we're getting a

sense that most of the commercial Stakeholders in the non-contracted House are ready to approve.

Now they may have some loose ends to deal with as well. The non-commercial users were still - I want to say - still working on this. Their counselors - to Michele's point, by contrast - their counselors are not directed. They can be, but they're typically allowed to vote as individuals.

So there are six of them. They are allowed to vote as individuals, and they may change their mind based on what they hear between, you know, over the next day or two and between tomorrow. So that's kind of a wild card or an X-factor at this point.

There are two other votes also. The (nom-com), remember, appoints two voting members to the GNSO Council. One for the contracted parties; one for the non-contracted parties. And you know, they're very nice people, but I pulled them aside about a month ago and said, "You guys may end up being tie-breakers to something that you really have just been thrown into here in the last month or so."

And so we had a series of meetings and calls to get them up to speed on the issues and try to brief them on everything that's happened over the last two years, just in case they were put in a very awkward position of having to break the tie within their own House.

Which could happen, but I would hope - and particularly in the contracted party's house, I wouldn't see that as a huge risk. But definitely in the other House.

So I don't know if that helps give you a sense of where we're at. I mean, if you want to look at, you know, if Registries and Registrars approve - oh, I should mention, to approve, we need simple majority in both the contracted

party House and the non-contracted party House. So it has to pass both Houses.

I think we're on solid ground in the contracted party House. I think there's work to be done in the non-contracted party House.

Michele Neylon: Thanks. Anybody else have any questions on this topic? (Unintelligible).

Michele Neylon: Well, that's what I'm about to do. So just so we're 100% clear, and so there's no doubts, and so nobody comes back to me in a month's time.

As your Chair, I will be instructing our Counselors to vote in favor of this, whether that means to vote in favor for the entire package or if it's voting in favor of each and every recommendation. My instructions to the Counselors at the moment is that the Registrar Stakeholder Group supports this.

Does anybody have any objections? Does anybody feel that we should not support it? Please let us know now. Heath?

Heath Dixon: Heath Dixon. Just a question about what that would look like, since it's possible they could be voting on them as individual recommendations. Would our position change if other groups opposed certain provisions that we think are important - particularly the ones that we fought for over the last couple of months?

Michele Neylon: And - this is Michele - we can't, realistically. It's all or nothing. That's my understanding. No?

James Bladel: No. Actually, that's a good question, and we can't change the recommendation, I think is what Michele was saying. There's no opportunity to edit or test conditions. However, to your question, you know, of whether we can change our support based on the dependencies in other groups - no, not really.

I mean, for the most part, we've evaluated these strictly through the lenses of what we, as Registrars - and we've worked very - we've coordinated to some extent with Registries to come up with a contracted party position, you know, on this. So I think that we're on pretty solid ground there.

I don't know that - I don't know that there's anything that would come out of the other House that would cause us to revisit our position, either positive or negative. I don't know that there - and I don't know that there are any deals to be made or horses to be traded here. I think that it's essentially, it's fixed, and we have to go forward with it.

I think the concern is - okay. So if I could back up a second. You mean, if the - let's pick on them for example. If the GAC were to disapprove of this, would that change our position? And the answer is no, because they can't put anything new, or they can't take anything away from the report.

They - we would - in that scenario, if an SO or an AC rejected this, we would continue to view the report, and if we voted to approve it, it would be adopted over their objection.

But they are - but none of the groups are able to edit, add, remove, or substitute any of the material in the report. Sorry, I got off track a little bit, but I hope that ultimately answered your question.

Michele Neylon: Okay. Does anybody else have any other questions or comments on this? Caitlin?

Caitlin Tubergen: I have a comment from a remote participant.

Michele Neylon: Okay, but that's one - I mean, we do love you all. Hold on a second. You're not a member of the Stakeholder Group.

Caitlin Tubergen: This is a comment from (Marcus Shaeffer) of Host Server. And it says, "I'd like to thank all the members of the Registrar Stakeholder Group that worked hard on this topic. I propose to instruct our GNSO representative to vote yes on the entire thing.

James Bladel: Thank you, (Marcus).

Michele Neylon: All right then. Next topic. Oh, sorry. Marika, go ahead.

Marika Konings: It isn't (unintelligible). I just want to say one more thing about the GNSO review. Just to let you know that I don't think this is now really - that the Council is kind of for an up or down. If there are comments or questions or elements you think need to be clarified, I think those are some of the status while that those can be fed back to the GNSO review working party for further consideration.

So as James said before, have a look at those. If you have any comments or concerns, you take them through your Council member so that they can be further discussed and potentially given back for some further work, or if you're happy with them, I guess they can be considered for a vote at the next meeting.

Michele Neylon: James, go ahead.

James Bladel: Thanks. So James speaking, and just quickly, Marika's point was regarding the GNSO review, when we were just talking about the accountability. So we changed gears. I'm going to change back gears to the accountability.

And this goes back to Heath's question. We do not have the ability to change what's in the report, but if our vote is dependent upon a certain interpretation of the recommendations, we are allowed to make a statement or submit a rationale for a vote.

So if the Counselor - or if the Registrars - feel that the Counselors should be submitting a statement of rationale, that would be good to let us know here in the next 24 hours, if you'd like to see something like that go through, okay? Otherwise, I think that we would just approve them as written.

Michele Neylon: Go ahead, Jennifer.

Jennifer Sandiford: Thanks. Jennifer Sandiford for the record. I just want to chime in on James' point. And if any of the Registrars want to make a statement about the entire package versus each line item, we'll be happy to work with you on drafting the new language, if you want to put anything forward.

Michele Neylon: Just one very quick comment. Michele speaking. Do we want to say anything in general, assuming that there's no objections to voting in favor? Or do we just want to vote and get it over and done with? Is there any feeling about that from people? No? Okay.

Marika, do you have anything else for us on this? On the GNSO?

Marika Konings: No, just to note that we do have a number of working groups that have just started. One on the RDS and the other one on the new gTLDs. Those are still taking in volunteers, so if you're looking for another working group to sign up on, feel free to do so.

And again, if at any point you have any questions or anything you want to know about, always feel free to reach out to me or to any of my colleagues that are supporting the GNSO. We're more than happy to help, and we'll walk you through anything that would be helpful for you as an individual, or for the Stakeholder Group.

Michele Neylon: Thanks. Okay, just actually speaking of those two PDPs, how many of you here are involved in the RDS PDP? Raise your hands? Okay. And the new TLD subsequent rounds one? Okay, good. And if any of you have never been

involved in a GNSO PDP and you want to get involved, why not? Join in the fun. You get to argue with lawyers all day. It's great fun.

No, but jokes aside, Marika and her team do provide a lot of fantastic support and help for people who are new to getting involved with PDPs, and working groups and all that. There's a Newcomer Session which is held once a month?

Marika Konings: Yes, I think at some point we were at a quarterly schedule, but what we've started doing is now is at the start of every PDP, we run two Newcomer Webinars - one which is focused on more of the basics. You know, how to sign on to Adobe Connect? How do you connect the phone? What is the mailing list?

And the other one is more focused on what is a policy development process? You know, what does it take? What are some of the requirements? What is consensus policy? So people really understand as they start going into this process and, you know, what is expected.

So I assume as well that we'll be running those when the RPM PDP working group will start. But of course, we also have a lot of materials available on our Web site. So, there's a lot of information available, and as I said, we're always happy as well to walk people through any questions they may have.

And maybe also to mention, there is also the ability to sign up as observers. So if you don't immediately want to sign up as a working group member, you want to see a bit how things are going, or you just want to follow the conversations, you can also sign up as an observer, which means you get all the emails but you're not able to post. And you don't get the meeting invitation details.

So that's an alternative way of participating, and as soon as you feel comfortable and say, okay, I need to get involved now, you can just switch your status. It's just a question of an email to the Secretariat and that's done.

Michele Neylon: Okay, thanks, Marika. Does anybody have any questions about how to get involved with a PDP? No? If you ever have any questions, just ask Marika or ask any of us. Those of us who've been in a few of these in the past.

Okay. I'm going to hand things over. I'm going to say, well, thank you Marika for your help. I think I'll pass this back to Graeme, I suppose.

Graeme Bunton: Yes, thank you. Actually on that last piece, if you haven't participated in a working group, and you're gently thinking about it, what we could probably do is connect you up with someone who has, and who's maybe also participating in the same one, and you can sort of tag team that. Do it together, and sort of lesson the scariness of that impact, and so just, please, absolutely reach out.

It's fun and interesting and you learn a lot. It's a good experience- I recommend it. I don't recommend Chairing one related to Whois though.

((Crosstalk))

Man: Thanks (Graham McCaley) who is one of the co-chairs of one related to who is, thanks.

Man: Your funeral man.

((Crosstalk))

Man: Right, next up, unified approaches to abuse, this is an initiative that was kicked off prior to Dublin, we talked about it a bit in Dublin, we'll talk about it a bit briefly now, this is an initiative for us to get ahead of complaints from the rest of the community essentially, and really what we're trying to do here is

see if we can collectively come up with a sort of standard approach to reporting abuse. And so there's a document that we built a draft before Dublin, and it had subsequently gone to a number of rounds of edits and essentially what's happening right now it's bouncing a bit between being too narrowly prescriptive and detailed and then too high level, broad sort of policy. And we need to work on this document to find a middle ground and by we, I mean everyone who wishes to be involved inside of the registrar stakeholder group.

And the ultimate outcome of this is - should be a document that does give some of the high level policy and reasoning behind how abuse reporting can work and why it is the way it is and then also like steps so that people can, you know, the steps and information people need to make a useful and substantive abuse report. Something so that the document could be a thing that you then take and turn into a process. And we have a number of registrars that at the beginning of this project sort of agreed that the output of this will try and implement that sort of thing, will agree to this process or this - this document.

So what I need from all of you is another round of edits, help and insight looking at that document. So it's a Google doc so it's transparent to everybody, they can see who's making what edits and comments if you are not already on the current draft, which is 1.5, then you should come see me, give me a Google related account so I can add you to the document, and we can begin to move forward there. So I have no strict timelines on this, other than, you know, the community knows about this and they're very eager to see it, law enforcement is super eager, intellectual property people are super eager, and I don't want to drag our heels on it too much because, you know, it's not great to do that and people have expectations. So help me out if you care about abuse reporting and you want to make that easier for everyone and provide some clarity there, talk to me and I'll get your email address, we'll add you to that. The document isn't huge, so the effort expended is not outrageous, it's, like, eight pages or something at the moment, and let's see if

we can push that forward and I would love to get, you know, a draft that we can share not just with registrars but with the community as a whole inside of a monster so.

So any questions on that particular piece? (Dio)?

(Phil):   Thank you (Graham), this is (Phil) for the record - so after we put out this piece and it's am evolving document like Elliott explained, how are we going to deal with all the information that we're going to get from the IPC perhaps, law enforcement, did we already think about this or are we still blind here? Thank you.

Man: Thanks (unintelligible), so we don't have a defined process how we're going to deal with that impact. But it is part of the - and you're right, it is part of this - project is to share this with the wider community and get their feedback and figure out where they have gaps and - or they feel we have gaps in that process - and there's going to be good reasons why we ignore some of that feedback, but if we can illustrate to them why we are doing that, then I think it solves some problems and provides clarity for people. There is no sort of clear process for accepting that feedback at the moment, other than probably sharing the document widely and getting emails back, if anybody has a better methodology I'm happy to hear about it, but that's where it's at for the moment.

(Graham McCaley):   This is (McCaley), just also briefly, so as some of you may be aware there has been an increasing amount of pressure being put on contracted parties in general around abuse with copyright people and others having specific false expectations around how registrars would handle these, so part of the driver behind this project was for us to kind of get ahead of it a little bit in order for us to be able to say well, okay, you know, if we're this kind of issue the best party for you to speak to is, you know, this lot over here, etcetera, etcetera, etcetera. So it's very, very important that this gets done, I mean, while we appreciate the, you know, no fixed timeline at the moment, we are getting a

bit - we're getting quite a bit of pressure from other people to see some kind of end product.

In terms of the living document concept, it's a little bit dangerous when we need to get to a point where we can kind of say this is version 1.0, subject to change but not changing every second week because that would probably upset quite a few people. Does anyone else have any comments or thoughts on this? Darcy and (Ben).

Darcy Southwell: Darcy Southwell for the record, and I guess I'm really curious about who the audience is because I know when we first started talking about this the - we talked about it for law enforcement and I think as the draft is changing, it's becoming more just for a third party complaint. So I was wondering if we have a specific goal there or if we want it that general or focused on law enforcement?

Man: Just directed by emails from the FBI.

((Crosstalk))

Man: Okay.

Darcy Southwell: Say it again - I'll say it again. No, I was just curious about who the audience - intended audience is - we first started talking about this it was kind of law enforcement, the latest draft is a little bit more toward anyone that has a third party, you know, a third party who has an abuse complaint, just curious about that.

(Graham McCaley): Thanks Darcy, this is (Graham), I think the audience is quite broad now and I think that's a good thing and really the requirements between law enforcement and third party requests, especially given that law enforcement may not be in our own jurisdiction - or actually going to be reasonably similar - we need a lot of the same information. So the audience for this document

could be law enforcement and we may provide more information for them or a different version for just if you are law enforcement there are extra pieces that we could get from you, but also like the intellectual property complaints, and it could also be Joe Q. Public person who is upset about a Website and these people - in my experience these people tend not to be literate and read Websites but maybe they are in this case and they would read this document and provide us with useful information.

Man: (Unintelligible).

Man: Thank (McCaley) and (Anson), my understanding is that there's now two drafts, there's the Google docs draft and one that John Berryhill has and they are yet to be combined, say - I mean that's what I got last from John, maybe he can confirm that, but it will be good to combine these so we can all have a fresh view because there's a lot of stuff missing.

(Graham McCaley):   There's - there is a combined draft - it's the current version is the current version.

Man: Right, okay, so then everything that I've given you and John is not included.

(Graham McCaley):   That could be the case and we'll go back to the initial draft and we can discuss which pieces didn't make it into the current draft. But there was so much difference between the initial and the second that I created a new document rather than trying to do it inside of the old version.

Man: Cool, understood, so maybe you and I could just have a discussion about that.

(Graham McCaley):   Absolutely.

Man: Perfect, thanks. And just before I go to Caitlin, (Ben) don't worry, I think several people share similar concerns to the problem that we were trying to

face was as (Graham) was saying earlier, is trying to get a balance between giving enough information without giving - getting so down into the weeds because it was a concern that - if we went too far into some of these things that it wasn't exactly what we should be doing from here. Now I've not - I don't want to debate this with you now, because I have some concerns about how far that kind of causing back wind, (Graham) is very conscious of that, I think we want to try to move this forward but at least we have multiple versions and let's try to get this over the line. Caitlin, you're up.

Caitlin Tubergen: Thank you, this is Caitlin for the transcript speaking on behalf of John Berryhill and there are two comments, the initial group draft was very focused on legal procedures, specific to U.S. jurisdictions, also this document should be focused on registrar services and the scope of the RAA, if you provide hosting services and procedures relevant to those or outside of the scope of RAA abuse responsibilities, there are a lot of business models and services among our group, the common issue is abuse response by the registrar function per say.

(Graham McCaley): This is (McCaley) for the record, thanks John for the comments and I think this is where we have a bit of a diversification of views. But speaking personally, not speaking on behalf of anybody else except for me and my own company, and trying to explain to third parties who they should be reporting issues to is the issue. Being myopic and focusing on a contract of third parties do not understand, is not helpful and is not going to improve the situation for us. Now maybe we can split the difference and simply point out in many cases, you know, this is not covered by the RAA however, please go here. So that's my own personal opinion on this and ultimately I, you know, within this - within the confines of the registrar stakeholder group - I am but a member though I happen to be the chair, I cannot, you know, drive this forward based on my own agenda, but personally I think that it's not the way to drive this forward and to make this something which is useful both for us and for the wider community, but that's my own personal opinion.

Darcy Southwell: This is Darcy again, so to follow up on (McCaley)'s point, I think too we've talked to law enforcement and we've been trying to educate them on where registrars may differ from what say a hosting company when it comes to obligations, whether its contractual under that RAA or local jurisdiction laws relating to let's say copyright and hostings and so one of the purposes in the original draft was to kind of help draw that distinction for law enforcement so that they understood what some companies may do because many of us are registrars and hosting companies and a whole bunch of other things. And so we wanted to help them understand that if we are let's say just a straight up registrar, we might not be able to help you with let's say a content issue because we don't actually have the content and so that's why the original draft was a little bit broader even though it was outside the scope of the RAA sometimes.

Man: Okay, anything else on this one? No, I mean just as we are talking about abuse, also as well as some of you know, we've also been kind of some of us have been working with the ITC and a few other groups around abuse reporting as well and abuse handling, some members are involved with the healthy domains initiative which is being run out of DNA, they have a meeting tomorrow, but I can't remember what time off the top of my head, but anyway, it's all on the time table, okay - I'm going to now switch the focus and we're going to talk about the exciting world of charter revisions.

Woman: Really?

((Crosstalk))

Man: It's really interesting, Darcy, I think you're the one taking the lead on this one, thank you.

Darcy Southwell: Give me one second to load the slides.

Man: This is where we need hold music or something or I'm not too sure what exactly. Actually music of any kind would have been nice. While Darcy brings up the slides, just bear in mind as I said at the onset of the meeting, we will be moving twice, once to go to the registries and then after that to go on to the meeting with the board. For those of you following in remote, you will need to follow us by switching to the live feed for the respective rooms. So the registries as far as I know are meeting in the room DMO where the GSO was over the weekend, not sure where the board - oh okay - the board are in Atlas, so on the main schedule you'll find links to their feeds for all the Adobe videos they have etcetera, etcetera. So if you think you can follow this meeting solely from the connection you're on at the moment, that won't work. You lined up?

Darcy Southwell: Loading.

Man: Okay.

Darcy Southwell: I can get started talking about it though.

Man: Over to you Darcy.

Darcy Southwell: Darcy Southwell, so I think all of you have been aware that we had a charter revision project going on, there were I don't know, probably ten or fifteen registrar participants who were looking at it, this started last June when we had our elections and discovered we had some challenges in our charter about who was eligible to run for office when they had registry information and so we decided it's probably a good time to relook at our charter and so we formed a working group that looked at the different issues and we really went through the whole thing because it's been a while since we've done that and so - Caitlin, I'm having technical difficulties here - and so we started this project which, you know, we've circulated several drafts, many of you have provided feedback and comments and at this point what we have are about five discussion issues that we wanted to talk about rather than, you know,

emailing back and forth on the list and if I can pull them up we'll talk about them but.

((Crosstalk))

Darcy Southwell: Okay, do you have it?

Man: Okay everybody, this is (unintelligible), a group of technology companies we are having difficulty handling a simple document, please bear with us while we try to make the really, really advanced and easy to use technology work for our technically challenged people or something - I don't know what's going on here.

Darcy Southwell: All right, well we'll - Nathalie is going to get it loaded for me. But we can start talking about it, so one of the primary issues was we had sort of taken a look at doing better definitions in the charter and one of those was defining the executive committee as the four officers as well as the GNSO council members and the nominating committee representative, there were several comments as to whether or not we should do that. But there was no other feedback about that issue as to why or why not, so I was really curious to hear what people had to say about the issue - whether or not the executive committee as a definition should include not just the four elected officers but the GNSO counselors as well as the nominating committee representative, and there were several questions that came up but no commentary about it.

(Graham McCaley): This is (McCaley), what difference does it make - tell me I mean sorry I'm just trying to understand what difference it makes whether they're considered to be part of the executive committee or not formally, just okay, just for those of you that aren't aware, the ex com we have a separate mailing list from the main members list so on that list at the moment there are the - well, the non-com appointees, the three GNSO counselors, and the four elected officers plus (Christian) from John Berryhill and Co and I believe John Berryhill as

well is on the list, you know, effectively I'm trying to understand what the difference is.

Darcy Southwell: Well, and I think that's my question is that there were comments that came back from the group who - that said, you know, why are we doing it this way? This isn't right, but then there was no other commentary so I thought it would be a good place to have this discussion. No one has any comments - okay well that's fine. There they are.

Man: Oh, they look beautiful.

Darcy Southwell: Poof, we're back in business.

Man: Darcy, I'll throw in a comment.

Darcy Southwell: Okay.

Man: So I'm on the nominating committee, so which obviously I was pleased to be elected to, so you added me to the ex-com list, which was a surprise but a pleasant surprise I can tell you, hopefully there's a lot of work the ex-com does and to the extent that you can spread that work around I think is helping to make the group more productive. So for example, I'm helping to research member click as a potential membership platform, so just I think it's a good idea - it makes the group more productive if you can spread the work around a bit.

((Crosstalk))

Darcy Southwell: Any other comments?

(Graham McCaley): (McCaley), yes, I mean agreeing with (Tom) but I mean ultimately I'm not 100% sure I understand what making any change to this does, that's my confusion.

Darcy Southwell: Well and I think that's my question, is we made the change in several commenters came back and said why are you doing it this way without any - they didn't like so and that's why I'm opening it up for a discussion.

(Graham McCaley): Oh, okay, sorry, that's me being thick and slow.

Darcy Southwell: I'm - I don't see the issue either to be quite honest.

(Graham McCaley): Okay, all right, sorry, so I'm looking for a problem where there isn't one, which means that I have to become institutionalized by ICANN to question the position of comas, okay that's terrible, so moving on. Okay, sorry Heath go ahead.

Heath Dixon: Heath Dixon for the record, so I was just looking at the charter to try and see where the executive committee term was used and the one thing that did pop out is only one representative of a particular registrar can be on the executive committee at a time, I don't know if that would be a problem.

((Crosstalk))

Heath Dixon: I just think that I can get him to finish that thought, I think we should look at where we have either restrictions on the executive committee or responsibilities for them that might be more difficult if it's the nominating committee or other people (unintelligible).

(Graham McCaley): That's a fair point, thanks.

((Crosstalk))

Darcy Southwell: Thank you Heath.

(Graham McCaley):   So saying hypothetically you have - let's say you have a Go Daddy person on as one of the four officers that means if the executive committee were to be expanded then you couldn't have a Go Daddy person on the nom-com, for example. And the reason I'm picking on Go Daddy is because James is James and we have to pick on somebody.

Man: Because of the platoon of people we bring.

((Crosstalk))

(Graham McCaley):   Well you bring at least - you bring - always bring twice if not four times the number of staff that I do so.

Man: Sorry, you have to pick on me for that one, I wasn't going to work, okay I mean, if people want to think about this particular one, maybe this gives some feedback on it, I mean, I feel - bear in mind this process is a bit slow but we need to try to drive it forward - what's the next one? Term limits?

Darcy Southwell: Yes, let me change the slide. So Darcy Southwell again, so term limits is the next issue, and one of the primary concerns here was that our current charter doesn't really address the issue and neither did the proposal about - we have term limits in the sense that you can only be in the same position for three consecutive terms, however, one of the main concerns was hopping from position to position. So you spend three terms in one position, then you do three terms in the next position and then just keep going, and again, this is a - sort of an open comment and I was wondering if anyone else had any concerns about how we handle that or if they see that as a concern.

(Graham McCaley):   This is (Graham), I think it looks bad to rotate the same people through the same positions consistently and there are some constituencies that do that and, you know, in a sense it's something we talk about in ICANN called capture where maybe a constituency is captured and they may be people we really like and respect but if it's the same people rotating through the same

job, essentially that stakeholder group is captured by personalities, even if they're benign. And so it is probably something we should consider, now I don't have an immediate response for what that rule should be, but maybe that one is reasonable but I think it is worth considering.

Darcy Southwell: Thanks (Graham), I think one suggestion that we got and apparently this is what the nominating committee's charter says, is that there's a limit in that you - once you serve the limit you have to I think have at least one year off and then you can kind of restart your limit.

Man: Volker, Heath, (unintelligible) and then me.

Volker Greimann: I fully agree that this can be a problem that the same people rotating over and over again, I'm in the same spot - haven't had a negative impact however, it's also a question whether we have that luxury. Do we have enough people that volunteer, do we have enough people that would be willing to take the role? If not, would we be faced with a situation where we cannot fill a role because we have the term limits in place? That's something that we ought to have to consider, I mean, the membership of the registrars has grown strong over the past years and the number of volunteers that are active in working groups or that volunteer for positions is also not as large as it has been in the past, so that's a factor that we need to factor into the considerations when we decide on whether to enforce term limits or not.

Man: Heath.

Heath Dixon: This is Heath Dixon for the record, this is one place where we could actually use a new definition of executive committee to just say you can only be on the executive committee for three consecutive terms and so then you wouldn't have to - I mean I think it would be an easy thing to fix. Personally, I think that if somebody is willing to serve multiple times, then it's not a bad thing to have people who are, you know, interested and active serving multiple times, the ultimate check on this is if somebody keeps rotating

through positions, we as a membership can vote for somebody else, so I mean, there always is that check on this as well.

(Graham McCaley): (McCaley), Rob Hoggarth is in the room and I'm going to be really, really bold - Rob, do you have any suggestions on how or experience on how other stakeholder groups or constituencies have tried to grapple with this? You might not.

Rob Hoggarth: Thank you (McCaley), actually you are a very mature group to think about it in this way. The way a number of groups do it is I think as Darcy suggested, it's you require people to take time off, I mean that seems to be the most common "best practice" set that I've observed. Thanks.

(Graham McCaley): I'm sorry for putting you on the spot but I did see you Rob Hoggarth, so - Ollie.

Oliver Hope: I kind of echo a little bit - sorry Ollie Hope - and I echo that what Volker said, in, you know, what we've seen over the years in this group, the participation has gone down, people have more and more pressures for time and a lot of these things, they're great suggestions but in reality and I mean, I won't ask anyone - if we went around the room and actually said right, can everyone stand up or raise their hand who actually has this amount of time commitment to put to the ex-com, I think we'd have a very, very low number of people that could afford to do that. So I also kind of think everyone in this group is very sensible, you know, they're all running businesses, they know what they're doing, so while term limits and all these other rules that ultimately make it difficult for people to serve on the ex-com, they are very valid but really we should all be able to vote for the best person for the job regardless, in my opinion, on whether they've been on their for three years or one year - what I don't want to have to do is vote for someone who's not the best person for the job because someone else can't get on there. Thanks.

(Graham McCaley):   Thanks Ollie, just I wanted to make one quick comment because I had to put myself in the queue but I took myself out, I can see both arguments personally as being valid, now looking at say for example how we handle the geographic diversity rule, I mean the - in that we have to - we have to respect the geographic diversity in the first round of the election if we can't due to, you know, whatever, you know, lack of interest, not enough bodies, we can't - we haven't worked at yet quite how to grow registrars in test tubes or something yet, so that can be a bit of a limitation. Now I don't know exactly how one could do the same thing but I mean if there was some way of kind of finessing that language somehow to suggest that, you know, ideally people would only stay X but in the case of lack of interest or something, something else could happen - I don't know, I'm just trying to think of something. Now (Graham) is in the queue so I'll pass to him and then (Tom) and (Jana).

(Graham McCaley):   Thanks (McCaley), this is (Graham), I guess when I think about this what I kind of imagine happens is a rule like that forces us not to be lazy about building capacity and providing resources to the registrar stake holder group where we are able to - because in a sense we have to encourage people to participate and provide them with the ability to do so. And without doing that or because we have a small core of dedicated people willing to put the time in, you know, maybe it becomes easy not to do that and I don't - and I would hate for that to happen, so, you know, it - if and, you know, we'll talk about registrar stake holder group improvement later in the day and maybe there's a place for what I'm talking about there. But that's what I would like to see happen is that we do need to spend the time and resources to get, you know, people what they need to participate.

(Graham McCaley):   (Tom) then James.

(Tom):   (McCaley), I think you have a great suggestion, I think one of the patterns that's kind of always disturbed me about this group is that when we send out the notice to the listing, hey elections are being opened up, within thirty seconds a slate is nominated and it pretty much cuts off the opportunity for

perhaps the people who haven't volunteered in the past to step up. So I love the opportunity to resist that sort of impulse to instantly nominate people and so by having a diversity rule saying first round we're looking for these geographic regions or people who haven't volunteered before and if then no one steps up then we do a second round and we remove that restriction, I think that's a great approach.

(Graham McCaley):   James.

James Bladel: Thanks (McCaley), James speaking and I think you've made a very sensible proposal and I think it can be incorporated into the charter very cleanly, just some acknowledgement that in the event that there's a vacancy then the - then an exemption or a waiver to term limits would be granted to any interested candidates who would be willing to step up and fill a vacancy. I agree with (Tom), I think that, you know, it does kind of squash interest to see that kind of mad dash to the floor whenever there's a call for nominations, but we've certainly seen the other side as well where we had to put out the list three, four, five times - really? No one's interested? And I think the way we handled it, particularly with the last counsel vacancy - council election where we put it out for a geographically eligible candidate and nomination first, and when those nominations went out over and over and were closed, then we put it out as more of an at large seat, I think that's sensible. I think to (Graham)'s point, having this probably backs up and echoes what (Rob) was saying is that, you know, we don't see - I don't want to comment on what we see in other groups but we don't see a situation where other people are like I'm trying to get in on the ex-com and I just keep getting the door slammed in my face, that's not - I don't think that's the case, I think it's the opposite in fact, we see the ex-com saying please, new faces, new companies, new regions, new languages, you know, let's get more and more people at the table and so until we get to the point where I think, you know, folks believe that they're not being invited to the conversation, I understand if it's I've been invited but I just don't have time, I'm running a business here, that's a different story.

I think other groups have the option where they just have too many volunteers and not enough offices, I think sometimes we have the reverse problem.

(Graham McCaley):   Okay, thanks everybody, I think, you know, good discussion, let's try to get this over the line sooner rather than later. Next section Darcy.

Darcy Southwell: So this next section is, you know, what really started all of this off last June is the restrictions on vertically integrated registrars in our current language requires or states that anyone with information about a registry in the last 12 months is not eligible to run, and we proposed shortening that. There were some comments that we actually should remove it entirely, that there were also comments that anyone who works for a registry shouldn't be eligible to run at all, if they're not working for a straight registrar, and so - and then there were questions about how we define registry - excuse me - registry sensitive information and that we didn't do that. So curious what folks thoughts are about a time limitation here. (McCaley)?

(Graham McCaley):   Yes, thanks, just (McCaley) for the record, just for those of you who aren't aware, this is what is referred to as the Mike Palage clause, I actually had a chat with him over the weekend about the history around this entire thing and if anybody wants the story behind it, it's quite entertaining, personally and again, speaking purely on behalf of myself and not on behalf of anybody else, I think this clause is stupid, the way its worded is - has always confused the living bejesus out of all of us because it - nope, I never fully understood what the hell registry sensitive information was, I - it was never clear to me whether registry was a GTLD registry or a CCTLD registry, several of us are involved in various aspects of CCTLDs, several of us are involved in various aspects of GTLD registries and I know me speaking personally, I'm under MDA with multiple registries and others. So I have absolutely no idea whether this clause theoretically causes a problem for me or for anybody else and I don't know what the problem is we're trying to solve. So I've got a queue forming,

I'm going to go Vlad - I'm going to go to Vlad first since he doesn't speak that often. Go ahead Vlad.

Vladimir Shadrunov: Thank you (McCaley), I completely agree with your point over here, I do not see why this was even included in this charter, where did this notion come for or this requirement to be honest with you.

(Graham McCaley): It's historical, this is going back like ten plus years.

Vladimir Shadrunov: Way back when.

(Graham McCaley): Old culture.

Vladimir Shadrunov: Okay, then I definitely agree with the notion of completely removing this because that not only limits somebody who actually might be interested in being part of the ex-com or being a part of the registrar stakeholder group - actively involved that's like myself, I'm trying to get involved - quite involved - but something like this completely limits me and takes my interest away from actually getting further involved, thank you.

(Graham McCaley): Okay, we've got a massive queue and I'm going to probably draw short straws on who goes first, so I'll do completely randomly, I'll go with James, then Ollie, then (Tom), then Heath.

James Bladel: Hi, James.

(Graham McCaley): And all Oliver, sorry, and Oliver.

James Bladel: Okay, so just very quickly, this came up I think one time someone asked me about Go Daddy's relationship to a country code.me and I thought about this for a while - first of all it's a country code so it probably doesn't qualify and I thought that well what kind registry data do I have, you know, on participation of this, just as a thought experiment, you know, where is the damage and I

think that the one thing that you do see is a registry is you see some competitive information about market share, who has how much of the names under management. That makes sense for a country code that doesn't publish that information, that doesn't make sense at all for a DTLD which has to put that out monthly. So I'm also very confused about what we're trying to do here, I think that there was a competitive element here or an anti-competitive element here when they split up Verisign and Netwithall and so I don't think this makes any sense anymore and I even tried to figure out why it made sense by putting myself through that example and I couldn't come up with an answer.

(Graham McCaley): Just to speak to that very, very briefly, I sort of had a conversation with Mike Palage about this a couple of days ago and apparently its - it was triggered - I'm paraphrasing so if he comes along and throttles me in the hall I am paraphrasing - I think it was the possible sensitive information may have been monitored to do with actual registrars or something like that. In any case, yes, exactly same thing, so Ollie, (Tom), Oliver, Heath - I'm just going down the roll, plus Oliver never speaks. (Tom)?

((Crosstalk))

Man: Who goes?

(Graham McCaley): We'll go with Oliver this time since he never speaks.

Oliver: Thank you (McCaley), I'm looking at this, this makes no sense, I'm on the R-STAFF panel, this would probably exclude me from ever serving on the ex-com in here. Even though because I might be - either have to resign from the R-STAFF or just join the ex-com. And I don't think that's a good idea.

(Graham McCaley): Thank you, Ollie.

Oliver Hope: Yes, I just wanted to say it's very clear with this current language, no one really understands exactly what it means, so clarifying it making it very simple is absolutely great, I certainly echo what's already been said, it - I mean - well it - to me it took me off the ex-com and then finally under our current language based on what you just said I don't think you can be on the ex-com.

((Crosstalk))

(Graham McCaley):   Ollie, thank you, someone else step in and chair please.

((Crosstalk))

(Graham McCaley):   Are you ousting me Ollie?

((Crosstalk))

Man: It's called the recall.

((Crosstalk))

(Graham McCaley):   Okay, so this is - so it's great so on the 1916 rebellion in Dublin, when we ousted you from our country Ollie, you are now reversing this on me.

((Crosstalk))

Oliver Hope: We as a nation, we've been waiting this long for exactly this moment.

((Crosstalk))

(Graham McCaley):   (Tom).

(Tom):   Yes, I would agree this has become obsolete, as an example, we are one of the registrars for TLD, that only has one registrar because of an exemption

for the code of conduct, so that's going to be a bottomless - becoming much more common, it was in this group so I would - I would wait - I would certainly vote that we eliminate this requirement.

(Graham McCaley):   Heath.

Heath Dixon: Heath Dixon for the record, also the way that this is currently drafted, I think it actually misses the vertically integrated registry and registrar because per ICANN rules, I work with Amazon registrar which is a legally distinct entity from Amazon Registry, and so I don't represent a registry, I don't have access to sensitive information because we have strict firewalls for ICANN purposes, so actually if it's meant to exclude people who work for vertically integrated registry registrar companies, it needs to be revised to actually accomplish that purpose. So I think we need to decide is do we want to have an exclusion and if so figure out who do we want to exclude, is it people who work for vertically integrated - are you excluding me? Or are you excluding people who maybe have access through other connections that they have that don't work for vertically register - vertically integrated registrars.

(Graham McCaley):   Thank you, that's a very good question, (Ben) go ahead.

(Ben Anderson):   Thanks, (Ben Anderson), I think the question here is then we've agreed to move this or define what registry sensitive information is, I say get rid of it. Because what about dot brands that some of us.

Man: I know, I know.

(Ben Anderson):   Yes.

(Graham McCaley):   Okay but it doesn't mean - (McCaley) you - who your former chair since I seem to have been replaced.

((Crosstalk))

(Graham McCaley):   I think (Graham) is now the chair by default as he supplies Canadian -
personally I would kill it, I would remove it, I can't see any benefit to it, last
year we had a situation where we had a very strong candidate who offered to
take up a position on the ex-com and we had to - well basically say no, you
can't do this because of this stupid rule. And that's silly and Oliver's point
again, another valid one, and I didn't know you were on that - thanks - it's - it
was there for historic reasons, it seems to be causing us more problems than
anything else, I don't know how we resolve whether - do we just go to list, do
we take a vote of this, I honestly don't know what - how do we do this? Darcy.

Darcy Southwell: So I probably should have opened with next steps as well, but I think the plan
here was to discuss some of these discussion items, because there were
several other minor edits throughout the document, and I think to take away
from here today, do another revision and it sounds like for the most part we
feel that this whole provision should go away and send that out to the list for
final review.

(Graham McCaley):   Okay, thanks Darcy. (Tom), go ahead.

(Tom):   I believe elsewhere in the charter there is still restrictions about vertically
integrated organizations who also vote in other stakeholder groups. And so
we still - so if Amazon, for example, decides they're going to vote and the
registry stake holder group, that does have an impact on their participation
here. But not simply because they're owned by the same organization.

(Graham McCaley):   Thanks for that - this is (McCaley) - that's a very valid point. I mean just
essentially, you know, very simple non-lawyer understanding of it, your - a
company can only vote once, you can't vote as a registrar and as a registry
and as a member of the IPC and the BC and, you know, all that, that would
be ridiculous. If you look at the member's list on our site you will see that
while there is always a representative listed, not all members of the stake
holder group are voting members and this is because they're - they vote

somewhere else or they are owned by a company that has a vote already. So if Druins has acquired you in the last couple of months, then you lose your vote and Darcy gets it. Sorry Darcy. Okay, can we move on the next item please.

Darcy Southwell: This is Darcy, there were a lot of discussions about the rules of procedure, honestly the rules of procedure is probably half the entire document, and there was a lot of suggestions that we should actually take it out of the charter, we obviously need rules of procedures, it addresses actually voting process, motion process, but there were several who thought it would be nice that we remove it, I don't know and (Rob) maybe you can speak to this, that has to be a part of the charter or even if it is removed - sorry (Rob) I kind of high jacked you - but even if we remove it does it still have to go through the same process of ICANN board approval, if it's a separate document?

(Rob): Again, this is (Rob) for the record, there's no specific guidance, all I can share with you in terms of best practices is that number of groups had decided to remove the procedures from the charter document simply because they make adjustments, they make changes to their procedures and they don't want to wait, eight, nine months to have to go through the board approval process for a charter. So with the principle of trying to ease adjustments on things that are more process oriented, not fundamental to your groups organization, it can be useful to keep them separate. It means a little bit more discipline though in terms of managing the documents, making sure that there is the appropriate notice posting on the Web site and things like that, so that everybody is aware of them. But from a procedural standpoint, it's more efficient for you all, thanks.

(Graham McCaley): Thanks (Rob), that's helpful. Sorry go ahead Darcy.

Darcy Southwell: So with that in mind, I mean that was the real question there and I think that - I don't think we would be changing our rules of procedure very often, but I do think that it would give us some flexibility so maybe - unless anyone

disagrees or has other comments - maybe we should just kind of work on the next draft doing that. Jennifer.

Jennifer: I think the purpose of the change of the bylaws is to allow us to have a little bit more flexibility and along the lines of rules of procedure, if we're able to come up with language to craft this that says, you know, if and when we're going to take a different path or follow a different process that we would announce that within X period of days prior to taking such action, which would allow us to notify the members, make them aware of it and move forward so we can reach conclusion - or consensus quicker.

Darcy Southwell: Thank you Jennifer, anyone else?

(Graham McCaley): This is (McCaley), just very, very briefly, I think, you know, when it comes to rules of procedure, you know, we need to make sure that we are kind of clear - we are clear on how we handle certain things. And one of the issues we've run into to a greater or lesser degree over the last couple of years has been, you know, whether the clarity around, you know, is this a position of the stake holder group, is this a position of some members of the stake holder group? So I mean, I know it's, you know, in the next section as well but it's - it is an overarching thing that I thing we need to bring a certain degree of clarity so I think anything we can do there is helpful. Please Darcy, continue.

Darcy Southwell: So this is Darcy, perfect segue - so the last piece we're going to talk about is, in fact, motions, there have been a lot of discussion on the list recently about, you know, what is a motion, how it should be defined, whether or not we should use polls, and if that's appropriate, should polls be limited to voting members? And so this is an area of the charter where we actually didn't really make a lot of changes, we reorganized things to make it flow better but we didn't change our definition of motions or lack of definition I should say, or the procedures around motions too much other than to mess a little bit with timing to make things faster, because our current voting process is a long, drawn out process, and so, you know, I'd be curious to hear what all the members

think about what qualifies as a motion and whether or not we should
consider, you know, more informal polls, things like that.

(Graham McCaley):   Sorry, I'm just going to speak to this again because it's been one that's
been - has caused me several migraines, I'm not - okay, personally I'm not a
lawyer so I find terms like motion and things of that typically to be slightly
problematic for me, I look at it more in terms of what the hell are we trying to
achieve or something, so from my perspective, being able to understand how
we can get - how we can quickly get to a clear understanding of what the
group's position on a topic is the key thing. I'm not going to get bogged down
around the language, but we have made some interesting changes using
different tools to try to get a feel of what the membership wants and desires
on particular topics and thank you to Darcy by the way, who's been doing an
amazing job, the older system we had was, well, being diplomatic, slow,
being less diplomatic, bloody awful, being even less diplomatic again ask me
when I'm off mic, we need to be able to move quite quickly at times, this isn't
a case of rushing to a decision but things are - things happen quite quickly
and you need to be able to say, yes, this is our position as other - as Jeff
mentioned earlier this morning, sending something to ICANN or to the ICANN
board or to another group with a list of companies on it, it's fine and dandy
but it's not the same as sending - being able to send something clearly
stating this is the registrar stake holder group, this is our position, this is how
we feel. That sends a much clearer message and a word of warning to you
all, look at how some of the other groups are organized, they have - they are
very, very good at coming together, putting aside whatever differences they
have and saying with one voice, we want this. And invariably we are the ones
who have to suffer because of that. (Graham), off to you.

(Graham McCaley):   Thanks (McCaley), so I think there's sort of two things here, one of them
is going to - coming out of the survey that we'll talk about again later this
afternoon in stake holder group, improvement to discussion, there seems to
be a sense among the registrar stake holder group that people want to vote
more, they want to have this sort of participatory democracy thing happen on

an increased basis. And so that's awesome and I agree, we should be doing much more voting, and we need to though make sure that there's not a lot of friction in that process, that people are able to participate smoothly and easily if we're going to do these things on a regular basis and we also need to make sure that people have the information they need to vote responsibly on a regular basis. Having - so that's one piece - and the other is that we need some flexibility in how this works because it is the case that there are things unfortunately that we are just not prepared enough ahead of time. Now we are trying to work on that and reduce that frequency, but it has been too frequent in the relatively recent past where we're only just able to get a thing out, you know, just ahead of a deadline and we don't have enough time in our schedule here to vote on it properly. So we need to solve that problem as well as make sure we have the flexibility to respond quickly as a stake holder group. Thanks.

(Graham McCaley):   Jennifer.

Jennifer: Thanks (McCaley), along the lines of being flexible and kind of putting something forward as the registrar stake holder group versus individual registrars, I'm wondering if we could propose something along the lines of if we put forward a draft comment and reach complete agreement and received all the follow up and insert it in the document, if we could put something in the bylaws that says basically that we'll be submitting communique on the half of the registrar stake holder group and that would be the default and if any registrar oppose, they could insert comments at the bottom of our communication or submit their own communication, so it's more of a consent to approve rather than seeking approval from all registrars in order - or majority of registrars - in order to submit on behalf of the registrar stake holder group.

(Graham McCaley):   This is (McCaley), I think I understood what you're suggesting, but I need to tease it out a little, if the - if a comment or a position is drafted on behalf of the stake holder group, it would need to be circulated to the registrar - to the

rest of the group in order for them to provide feedback and input and either agree or disagree with us.

Jennifer: Agreed, and then post.

(Graham McCaley):   Okay so we need to have a timing around that then, I think it's possibly.

Jennifer: Yes, put in timing around that, parameters around that and then impose once we've reached an agreement and received the feedback, incorporated the feedback into the document, if any registrar opposed, they could submit comments separately or at the bottom of the registrar communication, but the notion that registrars would support it by default unless they were to speak up rather than seeking approval from registrars, which is, you know, more time consuming prior to submission.

(Graham McCaley):   Okay, I mean, speak up people please, (McCaley), I mean if you have an opinion on this or would you like everything to change to fit how Jennifer views the world.

Jennifer: I mean, I.

((Crosstalk))

Jennifer: This is a great example, right? We're asking people to speak up to agree and, you know, we're not getting that many hands raised or people verbalizing so my point is if we could seek, you know, default approval unless registrars state otherwise.

(Graham McCaley):   (Tom), you have the floor.

(Tom):   So I'll provide a counter point for the discussion, so I think the concern that is in the back of my mind is that things sometimes have a very tight deadline and they happen so fast and we're not paying attention because we're

running a business and suddenly we find out the stake holder group has submitted something and it's too late to stop the train, right? So I get what you're trying to do, but I think it needs to - maybe there's a way to distinguish between certain types of things we're submitting where you need to get the positive consent of the stake holder group before we're saying here's how we want - this is what we want our response to be. So my concern is things basically are - becomes a train and - or a wind tunnel and things are being sent out by - on behalf of the members, the members really haven't had a chance to even respond to what they're being asked to respond to.

Jennifer: I hear the position, but if we had parameters around the time to submit comments, so if you were comfortable with that, seven, ten days, right? Whatever it might be, I just, I think it takes away the power of the stake holder group if we can't default our support for the submission rather than seeking active response from all registrars. You would still have the opportunity as your own unique registrar to submit comments of your position, or even perhaps modify the communications that are submitted on behalf of the stake holder group to allow registrars that are opposed to submit comments in addition to ours. I've seen instances where the registries do this, you know, it's basically speak up now or forever hold your peace. And they're communications and the efficiency of their communications seems to be working well for them.

(Graham McCaley):   Caitlin is going to channel our remote participants. You're not Caitlin Jeff. No, you really aren't Caitlin.

Jeff: Such a good Caitlin joke but I'll keep that to myself.

((Crosstalk))

(Graham McCaley):   Caitlin jokes are not allowed, be nice to her. Caitlin please, for the remove participants.

Jeff: Not about her, about the name.

((Crosstalk))

Caitlin Tubergen: Thank you (McCaley), the first comment is from - and I apologize for the mispronunciation, (Rikay Puff) of one.com and the comment is I agree with Jennifer. And then there is a comment from (Rob Golding), there needs to be a time frame between asking for consent and going with the response while I realize that may not always be practical, seven days minimum. Comment from (Marcus Schaffer) from host server and that is I like to support the position as long as the registrars get at least two business days to respond and do comments, but seven days would be better. Comment from (Rob Golding), how difficult would it be to do a poll asking for yes, no or with reservations?

(Graham McCaley):   Okay, thanks, that's very helpful input and I'm going to take (Tom), then Jeff then we'll close out this item.

(Tom):   Be careful what you ask for.

Jennifer: That's fine, I'm just saying.

(Graham McCaley):   You want me to do a poll now?

Jennifer: Yes, I do, I do. I would like that.

(Graham McCaley):   Well as your former chair I can't.

((Crosstalk))

(Graham McCaley):   (Tom) please.

(Tom):   Yes, no I think certainly we can come up with a workable process, I don't think we should - it would be great if we didn't have to rely on email as the only way we communicate these types of processes, so for example, if there is a stake holder calendar that I could sync up with my phone and say, hey look, there's a bunch of deadlines coming up, that would be awesome, right? And so I don't want to have to go through the g-mail thread magic and - which doesn't work for me - and find what the deadline is.

(Graham McCaley):   (Tom), just on those two points, first off on your email, if you want a better email solution talk to me I can sell you one, on the calendar, we will be talking about that briefly in relation to the Web site and other things, an improvement but it's one of the items that we want to be able to offer you via the updated Web site, would be something where you could actually subscribe to a calendar which would include events, deadlines, etcetera, etcetera, etcetera. Jeff, you're - I'm going to give you the last word, which is something I hate doing, but I'll do this time.

Jeff: Oh, thank you, thank you, so a few items, one I think just - I'm no email genius but I think if we just sent a calendar invite when we sent out the notice saying, you know, it's due by this date and I would be fine with just reminders on it there, there is technology that allows for that. That's pretty plain and simple, the other part I think I would hesitate from doing a poll because the whole idea is of setting up a default position and then setting a poll actually totally goes away from that, so I think having a default position is a great way to start, the only question I had which I don't know if it was addressed was is there a possibility for doing minority positions or other dissenting or is it saying this comes as a registrar stake holder group but then if let's say (Bob) has a dissenting comment, would he submit that individually as his own company or would that be attached to the registrar stake holder comment? I'm just curious if that's been thought through or did I just miss that, thanks.

Darcy Southwell: This is Darcy, so I think that's a really good point and we haven't thought about that because this has become more of an issue lately than when we

first started working on the charter, but I think the next round of the draft we need to consider how we do minority opinions or dissenting opinions, yes. So if anyone - I'm - we really need to close this out because we - I know we all need a short break and we restart at 11:00, and so unless we have anything else, I think we're good.

(Graham McCaley):   Okay so, closing out this session, we're taking a few minutes' break, please be back here to start at 11:00 am local time, you can stop the recording and all the other fancy stuff, for those of you on remote, you have until 11:00 am local time which is about 11 minutes or so, thank you.

END