**ICANN Dakar Meeting**

**Registrar Stakeholder Group meeting (3)- TRANSCRIPTION**

**Tuesday 25th October 2011 at 15:30 local**

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

Coordinator: Pardon me, it's the operator. Just need to inform all parties today's conference call is being recorded, if you have any objections you may disconnect your line at this time. And you may begin.

Mason Cole: Thank you, Operator. All right we're back in session everyone. We're up to registrar liaison time. Getting close to the end of the day. We have a - lost my agenda - so we have registrar liaison then we're meeting with the NomCom and then the registries are going to come into our room.

And we will be finished today by 5:30 and everybody can have a break before we go and have cocktails with the Board. Okay?

Tim, let me turn it over to you and Kim. Thank you both for joining us. Kim, is this your first full day with us?

Kimberly Alston: Yes.

Mason Cole: Yeah, all right well congratulations. Good to have you here. Tim, would you mind would - could Kim introduce herself and talk about her role? That'd be great. You beat me to it. Okay, go ahead.

((Crosstalk))

Tim Cole: Yeah, I just want to make an announcement before we start our presentation that we've been informed that several people are spotting charges on their credit cards that are, you know, that have been put on there by other people here in Senegal. So if you're comfortable logging into your credit card account you might want to check them for inappropriate charges because...

Man: Has that been through external use outside the hotel or is that in the hotel?

Tim Cole: I'm sorry?

Man: Was that through use of credit cards in the hotel or outside the hotel?

Tim Cole: I don't know where but - they don't say they just said a number of people have spotted charges magically appearing on their accounts.

Michele Neylon: So now everyone run out and log into your banking accounts...

Tim Cole: Yes.

Michele Neylon: ...at which point those will be compromised.

Tim Cole: So just, yeah, there you go. I'm going to - I want you to meet Kimberly Alston. Many of you have - may have had some interactions with her over time. This is her first ICANN meeting. The other members of my team, Steve Goban and Mike Zupke and Brian Peck all said, you know, if you can only bring one other person why don't you bring Kim this time. So we did.

And I'm going to ask her to give you a little more information about herself and her - the role she plays. And then she's going to give you a little update on some things here.

Kimberly Alston: Okay, hello. So as Tim said my name is Kim Alston. I go by Kimberly or Kim; it doesn't really matter. So forgive me for looking at my computer because I had to write everything down and I didn't want to forget what I do since there's a few different things.

So first and foremost I maintain and coordinate all the accredited registrar documents that come into MDR. And I also update the relevant registries with registrar announcements especially the primary contact updates so - which is why Compliance had - was speaking about making sure that the RADAR accounts have all the correct information.

I also administer the 2009 RAA early adoption requests and the agreements as well as the 2009 RAA bilingual certificates. Let's see, what else? I am assisting in developing an online registrar accreditation automated - what am I saying - automated application system. Basically it's just to streamline the whole process to make it more efficient and less paper-driven.

And I provide various reports on the registrars and RAA information - statistics. And I am continuing to work with Mike Zupke on the RDE on-boarding. So that's pretty much in a nutshell what I do.

So to continue on with the RDE I have an announcement to make about the application and it's actually going to be integrating...

Tim Cole: (Unintelligible).

Kimberly Alston: Oh RDE is the Registrar Data Escrow. And we're going to be incorporating the RDE into the registrar accreditation application. So it's going to continue to look exactly how the process is now however when a registrar sends in

their 2009 RAA we're also going to ask them to send in a dully signed RDE agreement.

So right now as it happens the - ICANN - our liaison team sends out invitations once a year roughly to registrars notifying them of their obligation to enroll with a data escrow provider and to begin depositing names.

And since this, like I said, happens about once a year a registrar potentially can have several months of gTLD registration data which essentially are unprotected.

So if something were to happen to a registrar's accreditation such as termination then their - it makes it harder for us to obtain the data if at all. So to make this much easier on the registrar liaison team as well as compliance we are incorporating this - I'm sorry, you are throwing me off, Michele. You're throwing me off.

Michele Neylon: I'm late for a...

((Crosstalk))

Kimberly Alston: Yes, sunshine, please. Am I - what, help me out.

Michele Neylon: No I'm just - it's small but confused.

Kimberly Alston: Yes.

Michele Neylon: You're talking about the data escrow only for newly accredited registrars is it?

Kimberly Alston: Newly accredited registrars.

Michele Neylon: Okay so your fear is that a newly accredited registrar wouldn't be escrowing data immediately?

Kimberly Alston:   Right.

Michele Neylon:   Okay that's fine. That was confusing me.

Kimberly Alston:   Yes. And there also are registrars that have not yet been invoked and they have also accrued gTLD data and that we will be going through the process of invoking them and getting that whole - getting everyone on board properly.

So - where was I? Oh so basically combining the RAA with the RDE agreement will ensure that the registrars, whether they're going through Iron Mountain or a third party provider, will be enrolled in and on boarded properly, have usable data and the deposits are made in a more timely fashion which means either as soon as they start registering names or at least as close as possible.

And the benefit of having this is to have an earlier registrar failover contingency. And their compliance department and the data escrow provider, more than likely Iron Mountain since that's the main one that the registrars choose, they will be following a set number of actions which thereby allow all parties to fix any issues that come up so the registrar can be successfully on boarded and remain contractually compliant.

And my team, Compliance, as well as individuals from Iron Mountain have been meeting for a few months to discuss this proposed plan. And we're now in the final stages of getting all of the compliance end portion of the audits or any manual reviews kind of laid out so that all the Ts are crossed and Is are dotted.

And the - don't have a set time - an official set time of when this will start. But we're looking at November of this year. But it's not been - possibly by the end of - before the end of the year or maybe beginning of next year; we're not sure yet. But I'm sure we will announce it. Okay it's going to be November.

And that's pretty much it for the accreditation and the RDE on boarding. Does anybody have any questions? Sunshine? No?

Tim Cole: Thanks, Kim.

Stephane van Gelder: Can I ask something? Where does this sunshine thing come from?

((Crosstalk))

Michele Neylon: Yes, Stephane, you remember the meeting we had where you were the big voice from the screen but weren't actually present? Yeah, there.

Tim Cole: So thank you, Kim. Actually Maguy Serad coined that name, so. So I just want to add some other high level points of things that have been going on with the registrar liaison team. And then conclude with an update on the training program.

So just looking at some of the, you know, recent accomplishments or things that we've focused on includes a new more rigorous accreditation application both in terms of the application as well as the screening process itself.

And we are - we also recently added an enhanced terms and conditions that go quite a bit beyond what the original, you know, attestation of truthfulness or whatever that was on the original application that the new application now has a much more expanded terms and conditions that obligates applicants to, you know, continually update their information with correct and current information as they go through the application process. So they're under an obligation of ongoing, you know, truthfulness, etcetera.

This past period, since the last meeting, we processed hundreds of .xxx appendices and getting that whole process handled.

We have an ongoing project of translating most of the key registrar accreditation and registrar related pages on the ICANN Website into at least all of the UN languages and we also add Korean and Chinese or Japanese. One of them is not one of the five languages.

We've, you know, strengthened our coordination with the Compliance Department and you heard today some talk about how they're structuring with greater emphasis on prevention than enforcement.

And I tend to believe that some of that has come from, you know, reinforcement from the registrar liaison team about, you know, it's can be more effective with sugar than, you know, whatever the phrase is, right? You know, you catch more flies with honey than vinegar.

So I think that has been a positive development. And they, you know, they now tend to involve us more at earlier stages when there are potential compliance issues because we can often - we often have better contact information or other ways of reaching people and reaching out and getting cooperation at an earlier stage.

We've, you know, we continue to work on maintaining and improving on RADAR. Going forward - Kim talked about the modifications to the registrar data escrow program. We are in the process now of implementing the IRTP B recommendations that the Board recently adopted.

And that includes the TEAC - the transfer emergency action contact. And we are in the process of rewriting or adding some features - some functionality to RADAR that will actually provide for one registrar to log in and send a notice to the TEAC at another registrar that will be then time and date stamped by ICANN so that with this four-hour turnaround time requirement at least there will be one point of confirmation of when that clock started.

We won't be tracking the responses because the registrars are going to want them to call them directly and not redirect back through ICANN. But, you know, we will at least be a place where that communication can begin. Yes?

Man: Just a quick question on that. Is - so that would be if - you have the time stamp so if people don't comply and - I just remember about for the new (RSV) would that be part of - would that be something where you would start sending letters and it could be, you know, some enforcement against the registrars if they don't comply with that?

Tim Cole: Conceivably but it's not that we're sending - we just will document in our system the time that the initial inquiry went out. Now if a registrar comes to us later and says I've been waiting three days because this registrar did not reply and you can note that we sent the thing at, you know, 0900 UTC on such a such a date.

We'll have the time stamp and then Compliance needs to get involved. You know, they could go to that registrar and say please show us the documentation that you did in fact comply with this.

Man: Just one thing - I just - I know that we don't want it to all go through you but I'm just - the only thing I'm getting concerned about is that it could come out to be a process of like he said, she said, you know, like oh I did send it back. And, you know, we say no you didn't. So I don't know if there's a way around that but just something...

((Crosstalk))

Tim Cole: Well we can always ask for the documentation.

Man: Okay.

Tim Cole:      You know, I mean, if they can demonstrate that, you know, the problem is going to be if they make a phone call...

Man:          Right.

Tim Cole:      ...you know, and there's no real way to...

Man:          Got you, okay.

Tim Cole:      But as I understand it the TEAC obligation is simply that they respond to your inquiry; it's not that they do something.

Man:          Yeah, completely understand, yeah.

Tim Cole:      So...

Man:          Okay thanks.

Tim Cole:      All right. And - oh more.

Mason Cole:    I was going to ask a question that was posed online...

Tim Cole:      Sure.

Mason Cole:    ...but...

Tim Cole:      Okay.

Mason Cole:    Kimberly took my thunder and answered it online.

Tim Cole:      That's fine.

Mason Cole:    So keep going, Tim.

Tim Cole:     Okay. See how good she is? Yeah, I'm really blessed to have her on my team so.

The - so that's, you know, more or less the TEAC stuff. We probably will be rolling that out sometime in the next month or two it just depends. Our software folks we've lost one staff person and the rest are focusing on a new finance system that we were installing. And so I'm fighting for resources, you know, but as soon as we get that up and running then we will do - we'll roll out the whole announcement to all registrars about the change in the transfer policy and the TEAC in one invocation.

The - we're also working on - obviously on operational readiness issues for the new gTLDs. We are looking at our own internal structures for how we will handle the appendices and how we will work - we are - we're working with the Legal team now to see if we can - there's a term in the - there's a couple places in the RAA that specifically mention that appendices, you know, must be, you know, these physical copies of these appendices must go back and forth.

And we are trying to establish an end run around that that puts all of the appendices up on the ICANN Website somewhere. And the registrars could simply sign saying I agree to be bound by all of the appendices that apply to my registrar for the TLDs that I'm covered up; something along those lines.

And, you know, which would certainly streamline the process when we get to the new gTLDs. And so, you know, so we're working on some of those solutions.

In addition there is a joint registrar/registry subgroup that's starting to just independently talk about some of the challenges and ways that perhaps the on boarding can be streamlined. And, you know, where uniform applications and contracts could be adopted. And ICANN is going to - you know, someone

from the registry group and myself will be participating in that dialogue. So we are working on operational readiness in a couple different fronts.

Just see some - oh yeah we're - ICANN is shifting or will be shifting to a new CRM system and then we're going to see if and when and how the RADAR may integrate with that.

And we have some staff openings that, you know, we're still trying to fill so Brian is now pretty much officially 100% policy although he's still helping out with our team. And we haven't gotten his replacement yet.

Having said that I also wanted just to give some data on this - this is being talked about a little bit I think by - in the Board or, you know, there's some concern about this whole idea of amending the RAA and what time does it take for registrars to move onto it and, you know, what is the status for renewals?

You know, how many registrars all signed up almost immediately in 2009 when the RAA became available? We've got a big chunk that signed up then. So those would be the first ones theoretically to renew other than ones that are still on the 2001 RAA. So, you know, we're looking at some of that.

But just to give you some stats as of very recently 909 of 995 registrars are on the 2009 RAA. And that represents a little over 97% of all domain name - all gTLD domain name registrations. So it's quite a high percentage that are on the 2009.

And so - and just kind of interesting of those 909 351 were registrars that took the contract early, in other words voluntarily came on board to the 2009 RAA before their renewal date. Another 411 did so upon their renewal. And about 140 are - represent actual new registrars that have come on board since the 2009 RAA was adopted. And then another 7 are - represent registrars that have had their accreditation assigned to a new entity.

So I think that's, you know, early on the number was highest on early adopters. But that number sort of got frozen at some point and then - but, you know, it's still a respectful number I think.

Any questions about any of those things before I go into the training program? Yes, Adam?

Adam Peake:     Just a quick question. I should actually know the answer but is there anything else around PDP B for the IRTP that's going in aside from the content? Is there any other stuff?

Michele Neylon:     There's a couple of modifications to the overall IRTP policy with one of the reasons for denial being it - we discussed it, it was actually moot. But if anybody has any issues with understanding what the - what came out of IRTP B both myself and Matt were on that working group and I chaired it so you can always have a chat with me afterwards.

Tim Cole:     Yes and we have - we have drafted the revised language to implement some of the changes to the actual policy itself. And those - that draft language is now under legal review. Yes sir?

Michele Neylon:     It's also with the working group as well, there's still some ongoing discussion within the working group about some of that language. And basically some things are find; everybody's happy with the wording that has come out...

Tim Cole:     We haven't released any wording.

Michele Neylon:     Sorry?

Tim Cole:     We haven't released any wording yet.

Michele Neylon:     Well we were given draft wording.

Tim Cole:          You were? By whom?

Mason Cole:        The proposed draft wording that the Council passed. Are you talking about
                   IRTP B?

Michele Neylon:    B, yeah.

Tim Cole:          The draft wording for the contract?

((Crosstalk))

Tim Cole:          I mean, staff has been given the implementation of that. I don't quite
                   understand...

Mason Cole:        Well we should take it off line, the three of us should just...

Michele Neylon:    Yeah.

Mason Cole:        ...chat, okay.

Michele Neylon:    Yeah, probably best.

Tim Cole:          I mean, I don't object but that's not my understanding.

((Crosstalk))

Tim Cole:          My understanding was staff was, you know, in charge of it.

Mason Cole:        Yeah.

Tim Cole:    Yeah, I'll do my best. Do we already have the next speaker because we started about 10 minutes late. All right I just wanted to give you an update on the registrar training program.

The - as we've discussed over previous meetings the, you know, the 2009 RAA has an obligation that once a training program is developed in consultation with the registrars every registrar's primary contact or designee will be required to complete the training program.

And so that has been developed. And we've actually did beta testing and developed a content and, you know, the topics that are covered are, you know, general ICANN information dealing with registrants and registrant rights and responsibilities, transfer policy, UDRP, the Whois and data management and general RAA administration enforcement. Those are the individual lessons.

The training program officially went live on the 20th of October. About 15% of the registrars have been sent notices and enrolled basically in the training program since that time with the - we're doing it on a rolling basis to allow staff to monitor issues and identify any potential bugs that may remain.

But we expect to have all of the registrars contacted with their information for starting the training program by the end of November. We're still working on a couple translation issues so the first - the first batch that went out was primarily for the English - the expectation of people that would be taking it in English.

But it has been translated into a number of other languages too. And those will be available in - very shortly. So - let me just make sure I've got everything there.

Registrars will be given 90 days from the date that they are notified to complete the training. And we will also be updating and modifying the training

program as changes are adopted to policy and so forth that would impact what we train people on.

So, you know, it's not going to be just written one time and then just left to go and get outdated quickly.

Mason Cole:     Tim, Matt's got a question.

Tim Cole:       Sure.

Matt Serlin:    Yeah, sorry, Tim. So I just want to tie that to the point that Compliance was making earlier with registrars that, you know, they're not able to contact or - so if a registrar fails to respond to the training notice within 90 days does that then become a compliance action?

Tim Cole:       Yes.

Matt Serlin:    Okay thanks.

Tim Cole:       Yeah and I just - I have a list here of the languages that it's been translated into are Arabic, Chinese, French, Japanese, Korean, Russian and Spanish.

So I just wanted to let you know - I don't know if anyone in this room has received their invocation yet for the training program. So I know that, as I said, about 15% of the registrars have been notified. The notification would have gone to the primary contact at your registrar. So any questions?

Tim Cole:       So this is Tim.

Tim Cole:       If not that's the end of my - oh Tim.

Mason Cole:     Sorry, Tim, did you have a question?

Tim Cole: Yeah just quickly, Tim, was that sent by email or hard copy?

Tim Cole: The training program or the notification?

Tim Cole: Yeah, the notification, yeah.

Tim Cole: Yes the notification is sent out from the - LMS which is the learning management system company that manages our training program. They are the platform on which the training program is handled and how completion of the training program is tracked. And they are also - that - we use an interface with them to send out the notification about the enrollment. And that also will include, you know, a login, a link, a login and a password, etcetera, for each registrar.

Tim Cole: Okay I'm just concerned that, you know, spam filtering will catch some of those if it doesn't look like it's coming from ICANN and we may not see them. That's what I'm worried about.

Tim Cole: Yeah because - I hear you and I think we'll need to be, you know, we have ways of - we have ways of knowing when someone has started the training program and whether they, you know, you don't have to complete it all at once.

But we will be monitoring and if we see some registrars that have not, you know, don't log in for some time we will - we'll be doing some follow up to make sure that, you know, either the letter didn't get caught in a spam filter or that they know we're serious about it.

Tim Cole: Thanks.

Tim Cole: So I hope that answers your question, Tim.

Tim Cole: Yeah.

Mason Cole:      You know, it might not be a bad idea if you could send what the notice looks like, what the subject line is and who it comes from and we could just circulate to the members' list just so they're, you know, on the lookout and kind of might be aware of it. I don't know if we could do that but...

Tim Cole:        You mean a sample of what the letter looks like?

Mason Cole:      Yeah.

Tim Cole:        I think I have one but I don't know if it has all the header and everything.

Mason Cole:      Okay well we can...

Tim Cole:        Yeah, I'll see if that's possible.

Mason Cole:      Okay.

Tim Cole:        Just, you know.

Mason Cole:      You got another question for - oh (Chris), yeah, (Joyce) sorry.

(Joyce):         The training program is that those staff that involve in the support of the domain name registration are all required to take the training program or how many?

Tim Cole:        Right now the way the RAA is written it simply says the primary contact or the primary contact's designee must complete it. We will be exploring sort of a Phase 2 that may be able to make it available beyond one person per registrar. But we have, you know, we just want to get it out - up and running first and then we'll look at ways to make it available.

Because I know we've had a lot of requests to make it more broadly available and so we will be exploring how to do that. But the way the platform works right now it actually is a - because it's a requirement the platform tracks whether or not and when you complete it and then it also issues a completion certificate.

So for us to be able to monitor that we have to have that kind of a system. But we won't necessarily - if we have two or three people or more from a company wanting to do the training program we wouldn't necessarily need to track all of them.

Mason Cole:     Okay, other questions for Tim or Kimberly? Okay.

Tim Cole:        I'm here all week.

Mason Cole:     Yeah.

Tim Cole:        Tip your waiters.

Mason Cole:     Kim, thanks for joining us today. Welcome aboard. Tim, thanks for the update. All right our next guess is Adam Peake, the Chair of the NomCom. And Adam requested some time on our schedule to talk about NomCom activity as it relates to registrar...

10:30 am CT


Man:            All right, our next guest is, Adam, Adam Peake, the Chair of the NomCom. And Adam requested some time on our schedule to talk about NomCom activity as it relates to registers. So, Adam, I'm just going to turn the floor right over.

Adam Peake:    All right. So, yeah, so Adam Peake and 2011 Nominated Committee Chair. With me it's (Vander Scott) who is the incoming 2012 Nominated Committee Chair. And your very own (Rob Hall), who is the - will be the incoming 2013 Nominated Committee Chair. So you've got the next - okay. Sorry, (unintelligible).

So some of them are very direct and some are not. So, all right, who's speaking into the microphone. What we're here for today is to talk about the ATRT recommendations. The Accountability and Transparency Review Team have made some recommendations that the nominating committee should better understand the skillsets required of an ICANN director.

They're specifically about the directors, because the ATRT took its terms of reference from the accountability - sorry, the affirmation of commitment, and that only spoke to directors. Of course, the nominating committee also selects people for the GNSO for the ALAC and the (CCNSO). So why we are specifically asking you for information about the directive qualities, characteristics, skills, experience and so on it would also be very helpful to hear what you think is required of the people that are put into the GNSO (CCNSO) and the ALAC.

So the questions are really, you know, well the first one is what qualities and experience are needed on the board? What do we expect of a director? That would be one. And what are the qualities and experience that we already have on this board of directors? What are the gaps?

(Rob), I'm sure will mention what are the things that we don't need more of? What are the things that you don't need, you know, because you don't want to start making mistakes, that's the other thing? And then the nominating committee is somewhat forward looking.

When (Vander) and (Rob) begin their recruitment process, which will begin in December this year and then selections from sort of April through June, you know, the

person will only take their position this time next year. So you're looking really at defining what are the skillsets needed for someone who's taking their position this time next year. And then they're serving for three years.

So we're really quite forward looking. And one of the challenges that ICANN may be facing in two years time that these people are going to have to be addressing? So the questions really that we need your advice on, we wish your advice on, is what are the skillsets needed in a good ICANN director? And then if you can also find time to think about the other positions that the (unintelligible) selects for that would be great.

But the formal requirement, ATRT, is please help us with these recommendations or the skillsets needed. (Vander) (unintelligible)?

(Vander): Yeah. Thank you for having us. Another thing is just make clear that there is formally - we need formally your advice, because we need to fulfill the requirements that we are facing now. We need to formal feedback from those groups, because in the end of the process, in the end of the year 2012, we need to make some comparing issues.

If the person we choose just, you know, in someway fulfilled the requirements we haven't received from the community. This is one point. Another point to that we are raising in many other meetings is about the whole of (unintelligible) for the constituents, for instance.

My personal point of view is that we are in the process, more mature process, that maybe (unintelligible) should not select people for constituents. And the constituents could do the job themselves. And we could concentrate, you know, (unintelligible) time, work and select the people, independent people, you know, better quality of people, more effort in recruiting people for the board.

So that's some things that if you have thoughts about that could be interesting to have this addressed too, because this, in my point of view, it's a natural process. Even ALAC has now, you know, growing to the regions and the (unintelligible) a little bit more, but we still have a process follow and to elect (unintelligible).

So it's - I don't see anymore, no, the need for (unintelligible) to perform such task. But still will have to do now. Yeah, but, so the help of how to do better it's quite (unintelligible). And your help and questions. We need to, you know, send for the people in December, no later than December. We need to address for the people the statements of interest. They need to, you know, fulfill.

And we need to rethink about the questions we make in that paper, because the questions that is over that did not answer the questions we need answers about. So it's become difficult to select the people based on this kind of information they give to you.

And certainly you can help a lot in saying, you know, you should question like that and that, you know. Or we don't like to have people that have this specific condition. So make sure that the question (unintelligible) is clear and that we have the right person and not the wrong one.

So there is some thoughts that we'd like to have from you. And like I said, we need it formally. Of course, I'm open for anytime to have your thoughts about that, because it's a dynamic process. But we need the formal too. Thank you.

Man:	Sure. I think all of you probably know me way too well. What (Vander) said is correct, we need formal advice from you. But we also need it a little differently than we have in previous years. One of the (unintelligible) that'll happen, was supposed to happen, for the first time of (Vander)'s upcoming nomination committee, was we appoint to the GNSO Council which house they go in now.

So in the past we would throw three people in, two one year and one the following, and say the GNSO Council gets to select which house you go in. This year we get to decide, and have to decide actually, which house they go in.

So what we're telling the houses is you need to be more specific with us on what you want in your house. So this is the potential swing vote I get if registrars and registries disagree that this person would sway the day with their vote.

And as much as I hate that there's voting that occurs at the GNSO Council and it should be more a consensus type of process this is what's going to happen. So we have to pick who goes into your house potentially. So please be telling us what you want and what skills you want on the board. But more importantly, what do you want in your house or what don't you want in your house?

So I can give you an example of what the (CCSNO) said for their body of their (CCSNO) Council that we appoint one person to. Is they said they did not want anyone from within their constituency that was a current member or employee or in anyway affiliated with any of their membership. They wanted someone from outside of that but that understood all the issues.

So that's an example of what the type of feedback we're looking for, because we get to for the first time this year report back on how do we meet those criteria that you set out or were we unable to meet them in our selections?

Man:        Sorry. Questions for the NomCom Team? (Unintelligible)?

Man:        Just a simple one. What's the timeline on this?

Man:        I'll answer this. Okay, sorry, Friday is the first day we - so it's a bit of a joke, but we meet Friday for the first time. That's the unfortunate structure of the previous NomCom as you didn't know who they were and they didn't say that they had no carryover. So the past was we had a chair and past chair. I'm the first chair elect under the new bylaws, which means I'll be forming 2013. So I get the privilege of starting much earlier than (Vander) has been allowed to.

So Friday is when we meet for the first time. We will put out applications typically for the nominations between December and April. So before December, let's say end of November, is when we would like to have any criteria you're looking for so we can form the proper applications.

So I like both (Vander) and I, (Vander) has agreed, that this year she would rather go out with a questionnaire that's much more specific than we have in the past. And in fact, specific for the different positions. So you can tell us, hey, we think you should ask this questions of the GNSO reps. We think this is a good question for (unintelligible).

We used to have this generic one that kind of duplicated a lot of why are you interested in ICANN, what do you think their issues are? And we didn't really get to the meat of what we needed to know. So that all has to be done prior to December. The only time the committee meets in person prior to that is this Friday and Saturday.

So I know it's probably a practical impossibility to get that position by then. It doesn't need to come in all at once to us. It can come in at (unintelligible). But it also, (Unintelligible), it never stops. So, you know, my job this year is to build the following years. So I'll be starting that and trying to take information for that. So it can be ongoing process as things change or as you see things develop.

Man:        Yeah.

Man:            Just to follow up on that. We're holding a round table tomorrow morning, a round table meeting, with the community. And we'd very much like for you guys to send somebody to sit at that table to bring any thoughts that you might have. And also to be in the audience, you know, think about the issues overnight and just bring anything to the table that you wish for us to consider.

Something I hope we will have prepared by then is some initial thoughts on the kinds of attributes that a director might have. And that will be, you know, a listing of attributes. And those could be something - and I've got sort of a draft in front of me, and it's sort of like financial statement review and (unintelligible), order process, independence, legal training, public outreach, (unintelligible) analysis. These would be sort of director skills.

And if you see a long list of them then perhaps you might say - well you may identify some that are missing. We haven't got the full list, that's one thing. But you may say - you might want to say we got quite enough of that one, we don't need anymore of that. This is a priority issue or however you wish to react to those particular sort of attributes. And that's the kind of information that would be helpful.

So it's an ongoing process, yes, this feedback now, commenting now is helpful. Commenting tomorrow morning in the roundtable is helpful. And then using your - you know, you have a delegate to (Vander)'s NomCom, and that of course is somebody who can bring information over the weekend and for the next month or so. Well, of course, and ongoing, but in the process of finalizing the statement of interesting before December.

Man:            Elliot.

Elliot Noss:    (Unintelligible) to say I'm happy to take on that formal feedback. And I'd love as many people here to participate with me as possible so by the end of November. And I'll send a note to the list saying, yeah, hey, anybody want to,

you know, want to contribute as well? And so - and hopefully a few people will and off we go.

Man:    Great, that'd be great. Thank you. Good. Anyone else?

Man:    There's one other subtly if I may. We are tasked with appointing with keeping geographic diversity on the board. The one seat that is Latin America's seat is up this year - is up next year. And so we have to reappoint by bylaw at least one person from Latin America, which is South America, Central America, and the Caribbean.

So for sure one board seat will be coming from that region, so it's imperative that we get great candidates from that region. And of course the existing board members are free to reapply if he wants to.

But as we're probably one of the most diverse groups geographically it would be helpful for us to have your help in finding candidates that would qualify for the Latin America region, which means they have a passport from somewhere in Latin America regardless of where they live.

So if you know of any great candidates please encourage them to apply. And any of us are happy to talk to you about that process.

Man:    All right.

(Vander):    Thank you, (Unintelligible). Just to add in what (Robert) just said. It's not only for South America. We need your help for, you know, (unintelligible) people around that you know in your groups in France and (Unintelligible). You certainly know people with the high qualifications to be on the board or to be in other positions that we need. So the outreach process is quite important. And to have the community doing that is the only way. Thank you.

Man:    All right. (Rob), anything else we should cover, Adam?

Man:            That's good.

Man:            That's good, okay.

Man:            Please come tomorrow morning.

Man:            All right. I'm sorry, tomorrow morning what time again?

Man:            9:00.

Man:            9:00 am?

(Vander):       Yeah, 9:00 to 10:00.

Man:            9:00 to 10:30, and I can't find the room, but it's on the schedule.

Man:            Okay.

Man:            (Unintelligible). B56.

Man:            B56.

Man:            Yeah.

Man:            Okay, very good.

Man:            Thank you.

Man:            (Vander), Adam, thank you very much for joining us.

(Vander):       And thank you (unintelligible).

Man:          Okay, thank you. Elliot, did you have something?

Elliot Noss:  I'm just wondering, because I'm going to jump over to the (Unintelligible) thing in a few minutes.

Man:          Yeah.

Elliot Noss:  If I could just give you guys a brief summary of where we're at?

Man:          Yeah.

Elliot Noss:  Just so that everybody's heard (unintelligible).

Man:          Yeah, yeah, yeah, you have time.

Elliot Noss:  Yeah. Should I wait for some transition or just jump in? Great. So thanks very much. We've got about 15 signatories. And there were just a couple small changes. I think they came from (Net earth one). I would describe them as form, not substance. They're just clean up. So I'm just going to insert those into the document.

              And I'm going to take off in just a couple minutes and try and coral the right people before the meeting across the hall starts. So I think we at a minimum we've done ourselves some real benefit here, so thanks.

Man:          Okay, thank you, (Rob). Tim?

Tim Cole:     Just wanted to take a minute to try to clarify the confusion we had a little while ago. And I think this will hopefully clear it up for (Mackaly). (Mackaly), thank you.

              We are trying to clear up the confusion that we had a little earlier. What you guys are reviewing are some staff - the staff was advised to come up with

some proposals about some work that still has to be approved by the GNSO, and that's what you're reviewing.

What I was referring to is some of the adopted recommendations involved changes to the actual policy itself. So they removed an excuse, for example, and then they amend a couple excuses. So we have to - staff has to draft the new language for the policy to implement those things. And that's what I said we have under legal review.

So it has nothing to do with the staff proposals that you're referring to. I just wanted to make sure that we weren't talking across purposes.

Man: Thanks.

Tim Cole: Well maybe other people in the room were confused too, so thanks.

Man: Okay. So our registry friends are here. But while everybody's getting setup then I know I have two pieces of housekeeping to discuss. With one is tomorrow is our friend, Jeff's birthday. Right? Now what? The taller one.

And, yeah, and I understand you're...

Man: (Unintelligible). I'm going to be on a session on becoming an ICANN Accredited Registrar that Tim is chairing. So I'll be doing shots before that if you want to come and see me.

Man: Well which is probably good, because Thursday is Tim's birthday. So that works out well too. So happy birthday to you both. Everybody make sure and buy these guys a cocktail.

Okay, any other - we've got just a minute. Any other business that we need to cover before we start with the registries, because after that we're going to be finished for the day. Okay.

All right, (David), Jeff welcome. Thanks for coming. So on our agenda that we discussed there's a bunch we can talk about. Here's what we discussed before we arrived in Dakar. Changes to bylaws - each of our group's bylaws to avoid vertical integration conflict, the (unintelligible). I'm not sure where that stands right now.

(RRA) on boarding, (unintelligible) new (GTLE)s. We talked about the (RAA) or we've talked a lot about that. But maybe we can talk about our board interactions and then the (Unintelligible) will vote tomorrow.

And, (Tom), wanted to add OFAC restrictions, right, to the agenda?

Man:        Yeah, yeah.

Man:        What was that again?

Man:        I'll let (Tom) discuss it. OFAC restrictions. I think it has to do with trading in other countries. Okay. So I might suggest if it's okay with you guys that we start just with a discussion on the (RAA) topic and just summarize where I think we are.

I mean, as you were made aware today in your meeting the registrars have agreed to - hi, Jonathan. The registrars have agreed to a process where by we will immediately enter negotiations with ICANN's staff on a fairly significant chunk of amendments to our accreditation agreement.

The board has been notified, and I'm certain the board and the (GAC) are discussing as we sit here. So that leaves the short piece of business about tomorrow's GNSO vote. I'm not sure if any of our counselors would like to talk about that. (Stephens) not in the room.

But, you know, my understanding is we're pretty well in agreement on the motion at this point. Jeff, maybe you could address that quickly.

Jeff Neuman: You mean voting in favor of it? I'm kidding. Just joking. Yeah, no, even before you guys had come and told us that you're working on amending the agreement we were pretty much set at voting against it. The whole notion of the GNSO council having some sort of approval right to us just is not in line with the whole bottom up consensus policy process.

And so even before you came in we were going to vote against it. And now, obviously, we're still going to vote against it. And I'm sure you guys are going to - I would think you guys instructed your counselors to actually talk about it while the discussion is going on and give the background and give some more information.

Man: Not formally. I mean, at this point it's a bit (unintelligible) really. Adrian, did you want to make a comment?

Adrian Kinderis: Yeah. We haven't had a chat about exactly what we're going to say. But I don't know that this - are you inferring that it makes sense to provide some color or?

Man: Sorry, say that again.

Adrian Kinderis: Are you inferring that it makes sense to provide some color around why the decision?

Man: Yeah, I think it would for people that have not heard the news today or don't read or whatever. Yeah, I think it would make a lot of sense to provide some color.

Man: Okay, it could be as far as just explaining what we've done up until today or up until then. Right? From a registrar point of view.

Man:            Well, I mean, to say, obviously, we're voting no on this motion, because we have a process that's already underway. This is the process we think is right. And, you know, because otherwise just to vote no without any kind of color is - as you would expect, it has been turned around and mischaracterized all week by certain other houses or one other house. Yeah, you don't want that to happen.

Man:            I think it makes sense to - and I'm addressing this to my stakeholder group as well, I think it makes a little bit of sense to detail a little bit chronology about what's happened over the last, you know, little bit. And that should be enough of substance to justify why we may voting in - why we're voting in that particular way.

                Is Tim on the line?

Man:            Yes, Tim, you're on the line? (Unintelligible)?

Man:            Yes, I'm online.

Man:            Yeah, Adrian, wanted to bring you into this.

Adrian Kinderis:   No, I just wanted to make sure that I'm in line with what he was thinking.

Man:            Tim?

Tim Cole:        What was I thinking?

Man:            The question to you from Adrian is making sure that you're in line with what he's thinking for tomorrow's discussion during the council vote on the (IPC) motion.

Adrian Kinderis: And just in case you missed what I was saying, Tim, just quickly going to - Jeff said that, you know, potentially it makes sense to bring up the topics. Sorry, when we're discussing how we voted to bring up a bit of a chronology about what we've done and why we're voting no. So it might be a good opportunity for us to explain that course of action more recently.

Tim Cole: Well, yeah. And will the announcement be going out before that do we know or is that not for sure yet?

Man: That's a good question. It's not for sure yet.

Tim Cole: Because I think how much we - you know, exactly how we frame it or share - what we share there, you know, will depend on that, right, because you don't want to jump the gun if it's going to be an issue.

But, yeah, certainly to what extent we can explain, you know, what we've agreed to with staff and how we're going to proceed I think we should.

Man: Yeah, it's a good point. Let me clarify that while we're meeting here.

Adrian Kinderis: And, Jeff and the other counselors, do you have a sense that anyone else will be voting no? Did I miss that already?

Man: I don't think anyone else will vote no. I mean, I think we'll vote no.

Adrian Kinderis: No, no, the other house do you think it'll be unanimous in the other house?

Man: Yeah. Yeah, I think they're -

Man: It was last time. I'm sure it'll be this time.

Man: You think it'll be unanimous on their side?

Man:            On their side?

Man:            Yeah.

Man:            They'll vote in favor of the motion?

Man:            Yeah.

Man:            Unless anything's changed today.

Man:            No, I actually heard there were a couple of non-contractive that were considering voting no.

Man:            Okay.

Man:            Yeah.

Man:            Hey, Chuck, sorry.

Chuck Gomes:    Does it make sense to bring (Andre) into this or no? I mean, I'm not advocating one way or another, but he's the other vote in our house so.

Man:            Well...

Chuck Gomes:    Is it possible to at least tell him what's coming on even if your announcement isn't made yet?

Man:            Yeah, of course, that's an option.

Man:            Yeah, I think so, yeah.

Man:            Go ahead, go ahead.

Man: No, I was just going to make the point that we've talked about it with the board. We've talked about it in this open session. So I think it's pretty well known at this point. So I don't know if we need to worry about waiting for any official "release".

Man: Okay. I didn't want to say anything that we have to backtrack on later if, you know, staff has some tweak or board has some concern. But it sounds like there's not so.

Man: Tim, go ahead.

Tim Cole: Yeah, Tim Cole. You know, I can't speak - I can't speak for (Kurt). We've been chatting during the day today about whether it might be actually counterproductive to put a release out, because that seems to make it - raise it to a certain level that also is a target to be shot at. And the release itself can actually end up engendering more controversy than just letting things play out as far as the people being informed and so forth.

Jeff Neuman: I actually have a different view point. This is Jeff Neuman. I think we already have a huge target on our back. They're voting no every single time this comes up. And without any kind of explanation of what's going on and certainly an endorsement by ICANN staff.

Because I will tell you the last document put out by (Kurt) on this issue that was sent to the council list I think did us more harm than good when it talked about the GNSO having (unintelligible) amongst themselves and can't agree on a process going forward.

If you look at that document it was what two weeks ago?

Man: Yeah.

Jeff Neuman:    That was a horrible document for us, because it was basically ICANN staff
                saying that all the problems are because GNSO can't resolve the procedures
                and the procedural matters. And it came across the complete wrong way.

                And we just got attacked the other day at the (GAC) why would we vote no on
                this? It's ridiculous. So if you guys as staff support the notion or the ongoing
                process I think you should say that otherwise all the targets are on our back.
                And after this weekend with the (GAC), you know, there's already a target.
                And we'd rather be shared.

Man:            Chuck.

Chuck Gomes:    Yeah, what about putting the two I guess together, Tim's and - in other words,
                making your announcement prior to the motion and the vote right then and
                not doing it in advance so there's no chance for people to attack it
                beforehand.

Man:            Well just so we're all on the same page. I mean, the board has been notified,
                and the board is now meeting with the (GAC). The board was notified by staff
                this morning that we were able to plan. So the board has bee notified. They're
                meeting with the (GAC) now. I'd be very surprised if this weren't top five if not
                top one, you know, items on the agenda.

                So my guess is those who are most exercised about this issue are already
                aware of it. So that's not to say that we can't - we can announce it on our
                Web site. We can put it on our public distribution list. We could take any
                number of avenues. But I guess the question of the moment is how do we
                approach the vote tomorrow if we - assuming we did or we didn't make an
                announcement do we give context for the vote or not?

Tim Cole:       This is Tim. Yeah, this is Tim. I think we do. I mean, regardless of what else
                we do or how else - you might have announced it beforehand. I think Chuck

is right that we should, you know, reiterate that. Explain what we've agreed to with staff and then make that statement prior to the vote.

You know, I think it will serve little purpose to do it afterwards. And even if there has been (unintelligible) I think it's good to reiterate it at the public meeting right before the vote.

Man:                    Jonathan.

Jonathan Robinson:    Thanks, Mason. It's Jonathan Robinson. I think it's vital to put the context into this. I mean, it's quite clear that there is a portion of the community that's characterizing potentially the registries and registrars as a self-interested, mutually allowing, commercially oriented voting block. And we need to demonstrate very clearly that we're a thinking community, oriented group that actually does respond.

And also that there's any sense that the GNSO is dysfunctional and unable to solve its own problems. And for both of those reasons, at least, not least of which is also - the registrars concerted effort to deal with this in the background in any event. I mean, all of those are good reasons why we absolutely must layout.

And Chuck earlier made a very sensible suggestion about just sticking to a fact based chronological step-by-step, this is where we are, this is where we've got to, and this is why we're voting no. but on the other hand we're doing a lot of constructive work.

And I think that those two messages need to come across loud and clear. There's a very good reason for voting no, but that doesn't mean there isn't very good work going on. And they just absolutely have to go hand in hand. So that's my strong motivation for putting context on the vote.

Man:            I like the way that message is organized, okay. Any other thoughts on this issue? Tim, Tim?

Tim Cole:       I just wanted to say that I will - right now (Kurt)s in the middle of presenting something. But I'm seeking, you know, his -

Man:            Clarification.

Tim Cole:       I'm sharing with him your concerns and seeing what will, you know, what can be done about the announcement.

Man:            Okay. Okay, thank you. Jonathan.

Jonathan:       (Unintelligible). The (unintelligible) that's almost regardless of whether a final resolution has been reached for ICANN staff or not to the extent that it has been great, but to the extent that it hasn't been indicating that there is further, you know, hard work and constructive effort going into a solution that was unable to be presented right.

                At the point of the vote it's still indicative of further constructive effort to get the resolution.

Man:            Okay. Anything else on this topic, (David), from your side?

(David):        No, I have nothing.

Man:            Okay. Okay, we talked about that, that. (Tom), do you want to bring up your issue now?

(Tom):          I have a question for you registries in the room. There's a U.S. requirement called (OPAC) which dealt with prohibited countries and organizations that U.S. companies can do business with. And I'm wondering how the registries, particularly the ones based in the U.S., are complying with (OPAC).

Man:              I can start off. The good news that (PIR) is the question has not come up. But we are aware of (OFAC) for a variety of other reasons unrelated to doing business with registries. And so far as I'm aware if we had, for example, a registrar in North Korea we wouldn't have to figure out how to avoid violating (OFAC).

(Tom):            I guess my interpretation of (OFAC) it's registrar from North Korea, Iran Cuba, not just registrar, so - and users.

Man:              Yeah. Although I think that's a registrar relationship, which would not affect the registry. Well although as I think about it maybe I speak too fast on that. You've not given -

Tim Cole:         They end up - they end up in your database.

Man:              I'm sorry, Tim, what was that?

Tim Cole:         I said they end up in the registry database, the (unintelligible) registry, right, so.

Man:              It's a very good question. I'll have to do some work on that. (Tom)?

Man:              Anything else?

Man:              There's several other U.S. registries in the room. I don't know if they want to respond.

Man:              You know, the registries want to chime in on this? Okay, all right, thanks, (Tom). Jeff, you wanted to talk about - I'm sorry, Jeff Neuman, you want to talk about another (PDP) underway right now?

Jeff Neuman: Yeah, there's not a motion at this next (GNSO) council meeting, but it'll probably be at the one after that on the (EDRP) and whether to do a policy development process on the (EDRP). The ICANN staff came out with the recommendation in their preliminary report saying, no, don't think there should be any (unintelligible) of the (EDRP).

There were solicited comments, registries and a lot of other submitted comments. I'm not sure if you guys did or not. The final report says that they do not recommend a (PDP) on the (EDRP) at this time. And they say if the council wants to consider it perhaps they'd do so in 18 months. And just - or I'm sorry, 18 months after the launch of the first new (TLD).

And that was what they had said. The governments also weighed in and said they don't think that - for the first time ever the (GAC) provided "advice" to the GNSO council saying - not only saying, you know, we don't want you to change the (EDRP). They basically said we don't even want you to do a (PDP) on the (EDRP) at all, which is actually kind of - I think kind of historic, because it's basically the (GAC) kind of telling us not to do something that's in our internal procedures. It's really kind of unheard of.

But given that, given the strength of their advice, given the opposition by the IPC and business constituency the registry stakeholder group discussed this. And discussed a possible compromise to this would be to have - and I've talked to some noncommercial stakeholder group members, and they seem to be supporting this. Although they want a (PDP) at this point in time.

A possible compromise is to give the (GAC) and the (IPC) the delay that they're asking for, but not just a delay for delays sake. But to propose that in 18 months after the launch of the first new (GTLD) that there actually be an issue report by ICANN staff reviewing not just the (EDRP) but something else they've asked for, which is reviewing all of the existing rights protection mechanisms.

This way we're not just saying we're delaying and it, you know, never gets (unintelligible) again, which is what happened in 2003. And we're eight years later, but we're actually saying, okay, here's a concrete deliverable that we want done by ICANN staff so it actually makes a step forward. This way we can answer back to our community saying we are moving forward on it. (Unintelligible) with a delayed timeframe. And we can also say we've (unintelligible) (GAC) advice and the advice of the (IPC) in having a delay.

So this is something that we just wanted to get the registrars thoughts on. It doesn't have to necessarily be now. But it's likely to come up at the next meeting in November.

Man: Okay, floor is open for that. Boy, we're ripping it up here now aren't we? Would any of the counselors be able to talk about this? Tim?

Tim Cole: This isTim, yeah, I'll just support the idea. I think that it makes sense. The (EDRP) has been in place for a long time. It hasn't gone into review. I think it makes perfect sense to at least target when that review is going to take place. And I think it's a reasonable compromise that we should support.

Man: Okay. Adrian, other thoughts on that? Okay.

Man: (Unintelligible).

Man: Bring up the other one that...

Man: Sure.

Man: So the second letter of (GAC) advise the GNSO council on reserving certain international Olympic committee marks or Olympic marks and red cross marks. The GNSO if you recall there was a board motion at the Singapore meeting for the GNSO and the (GAC) to provide advice on whether we

should have a permanent reservation for those marks and/or what to do at the second level.

The (GAC) has very specifically said that they want a permanent reservation at the top level of these names and also that they would like permanent reservations at the second level of these names. And have implied in their letter, although have not stated it that it's exact matches of those names.

The council is trying to get some sort of joint committee with the (GAC), although that's very difficult to do to work on some - work on that proposal. The registries have discussed it. We think it makes sense, because it's tied down to these two marks or sets of marks. These two organizations actually have statutory protection around the world in many nations around the world. And there's no other marks that anyone has found similar, so we don't think it's setting up bad precedence for other types of marks since it's very uniquely positioned.

And what we're working on is a potential mechanism to release those names when there's another legitimate or another possible registrar that has legitimate rights. For example, in the United States although there's an act that protects the Olympic marks it does say that there's an exemption for any, anybody that was using those marks prior to 1950.

One of those companies actually uses Olympic Paint as a trademark. So if you had, I don't know, dot art, and Olympic Paint wanted to get Olympic.Art, you know, there'd be some way to release those names to that legitimate mark holder. Similarly if there was some transportation, I'm making this up, TLD and Olympic Airlines wanted Olympic.Transportation there's a release mechanism for that.

So given those and the registries support at this point the (GAC) proposal, subject to some clarifications and a mechanism to release those names for legitimate (unintelligible).

Man:              Adrian.

Adrian Kinderis:   (Unintelligible) just going to make a slightly different point on that. He said the dangerous precedent that it sets seems to have had at least in my eyes with respect to (unintelligible) Africa.

I'm hearing some of the verbiage come out over the last couple of days that it ought to be a protected mark as well in the same sense. I don't know if anyone else has been hearing that. I certainly got that sense at the announcement the other day.

If you read the transcripts you'll see what I mean. So that's my only concern in seeing some of this, yeah, that it needs to be protected in the same way that the - that it was actually referenced in the same way that the Olympic and Red Cross terms are.

Man:              Adrian, does Africa have the statutory protections that the other two categories do?

Adrian Kinderis:   I'm not advocating it.

Man:              No, no. No.

Adrian Kinderis:   We could shoot it down. I've got no issue with it. But I'm saying that by having this out there at all you're going to get, you know, a few folks that want to line up for this. And are we prepared to have to deal with each one of those? That's my point.

Man:              And as you probably heard me say over the weekend, in the registries our concern early on on this was the precedent problem, which you're exactly talking about. So what impressed me with the (GAC) letter, the latest one, is

that they really very competently dealt with that possibility and provided some very, you know.

So for anybody else to claim the same thing they need to come up to the same standard. And I don't think there's many who can including that one.

Man: (Jim).

(Jim): Just to share a piece of information here about the (Unintelligible) Africa thing, because this is one of our favorite topics so far has been 60% of the continental name issues there's a requirement on the applicant for the continental names for the - I mean, the (unintelligible) region names.

So speaking of which, we are particular the several potential dot Africa, I mean, the applicants what we found is that some of - I'm not going to say who, because the source has not been verified. But they have reports the African union for sort of an endorsement which will allow them to be sort of away from that particular 60% of that type of requirement.

And I'm not sure if it's the same thing that you were talking about. But I'm pretty sure that the applicant is seeking for government or intergovernmental - I mean, the organization their endorsement maybe to put it on a reserve list of to use that. So it's simply as an endorsement, but just a piece of information.

Man: Anything else? Okay. So I think there's probably one more thing that would be helpful to discuss, and that would be the (RRA) issues. I'm sorry, did I miss a comment?

Man: (Unintelligible).

Man: Okay, sorry.

Man:            No, I'll go afterwards.

Man:            No, Jeff, go ahead.

Jeff Neuman:    So one of the issues that came up I believe in both the registry meeting with the board and I know in our meeting with the board was about take downs and procedures - the takedown procedures. And making sure, you know, that that is an effective process.

                And I'll sort of - I maybe vent a little bit about some of the registries in here, the process that there is a very different - there's not a uniform process on takedowns from court orders and other law enforcement request.

                Some of the registries when they receive a court order will - or take - well especially with takedowns and then sometimes transfers, we'll take the action themselves and then notify the registrar. And if the order is for a transfer will do the transfer themselves. And then as the court order asks them to do it. And then will notify the registrars and say this domain has been transferred per this court order and we also received the court order at the same time.

                But then other registries say you're the registrar you have the business relationship, you take care of it even though sometimes the court order specifically is directed at the registry to do it.

                So I don't now, you know, some of the registries, do you have a specific policy that's posted, are there, you know, specific reasons for, you know, because, you know, I don't want to say any names but I know for example who doesn't do things and point to the registrars but I'll just tell you I know VeriSign will do all of it themselves and notify the registrars.

                And I have to say it's pretty clean and easy and it's a simple process. But others will say you have the business relationship, you take care of it. Is there any reason, you know, maybe we could discuss why there's a divergence

there or is there somewhere stated when are the times that the registries will take it down.

Because I know registries do take down domain names. I know you guys do it all the time. But why sometimes you'll do it; sometimes you'll pass it onto the registrars. Is there a policy? Because I have to say it's kind of maddening that in some of them you'll take it down yourself and then some you say well you guys do it; we don't want to do it even though you've received evidence from law enforcement.

You'll do it, you know, you say you guys take care of it while other times you'll ask us to do it. And then we don't and you say well you're being a bad registrar. So if you could - I don't know maybe we could discuss this, give some of the reasoning or the rationale because it's extremely frustrating to me.

David Maher: I can start off speaking for .org. We generally do ask the registrar to make the transfer in these takedown cases unless there's some other reason - well in the first instance we'll ask the registrar to make a transfer. If the registrar refuses or ignores our request, which happens, then we'll do it to comply with the order.

We don't publish that particular policy on our Website. It just developed. There's been such a - enormous growth of court orders in the past few months. We really haven't had time to sit down and develop a policy. But it did seem to us better to allow the registrar who has the business relationship to make the transfer.

Mason Cole: Matt.

Matt Serlin: Yeah, thanks, David. So, I guess, you know, obviously this has evolved for all of us. And I understand obviously not wanting to publish something on a Website. A lot of the registrars take that same kind of position. But I

wondered if - to Jeff's point if it might be something that amongst the two groups, the two SGs, we can kind of start to document and formalize some of that stuff amongst ourselves so that we can have a better understanding of how PIR handles things, how Info, you know.

And so just and vice versa too, frankly, I mean, if it's helpful for the registries to get a better understanding of how the registrars would handle things. Because you made the comment that the registrar has the business relationship. Well I have the business relationship with the gaining customer a lot of times but I don't have it with the losing one nor do I have it with the losing registrar a lot of times.

So to tell a registrar that I have to go and transfer a domain from a registrar, you know, if it's Jeff or Michele or someone sitting around the table that's great. If it's, you know, who knows who domains in wherever that's more challenging. So I just wonder if maybe it's something that amongst ourselves we can start to formalize more.

David Maher:    I'm absolutely in favor of that. (Joe).

(Joe):          Yeah I just wanted to add that I think the driving factor behind a lot of the decisions is what is specifically in the court order. In many cases court orders are sealed and you are bound to execute those without notification.

You know, we don't prefer those; I think it's always best to engage the registrars in any of those operations. But, you know, the language in the order is what really drives - I'm sorry, language in the order what really drives, you know, the process.

And I think it's good that we'd have a discussion and come up with a common set of kind of ground rules and policies but I think we need to recognize that in many cases the orders themselves are very specific about what actions are required to be taken and who's to take those.

Jeff Neuman:      Yeah so I think that's a good point by Jeff. Some of the orders are sealed but what Nuestar will do is we will write or we'll call the - if it's an attorney that had it sealed or law enforcement and say okay we understand it's sealed but give us something that we can tell the registrar as to why it's being moved.

And usually it's something very vague but at least they understand it's pursuant to an order. And I agree that I think we should work on this to develop something. We have kind of a hybrid approach where we will - we'll do the takedown and notify the registrar.

When there's a transfer we don't notify the losing registrar we will notify the gaining registrar because we want them to initiate the transfer so that they fit it into their billing system or however they handle it. For us it's good to work with the gaining registrar so that they, A, know it's going into their system and, B, if there's anything special - we've been asked by certain registrars that have a lot of transfers to them to do it this way.

And we just think it makes sense to extend - if it doesn't make sense then we could talk about that. But we don't - when we get a court order we do not contact the losing registrar and tell them to do it; we actually do it because the order is directed at us.

Mason Cole:      So, all right, so, yeah, so Jeff, I understand that. And as you said - because you said some registrars who get a large number of incoming transfers have asked you to do it that way. But it's - what I'm saying is it's not something - we have to think about what works for everyone because I know that if it was brought up by the Board to both of us in our meetings - both of our constituency meetings with the Board it's an issue that they've been hearing.

So it looks bad for both of us so that's why I think that - I think a working group trying to get some - maybe not uniformity but some standards and

some things that people can understand. And I agree, David, you might not want to post it on your Website; we don't want to post things on our Website.

But at least that we can discuss it so that we don't have these issues saying well they're not taking it down and then we point fingers at each other and say well they're supposed to do it and we say they're supposed to do it. Let's just get these, you know, the takedowns done and then this shouldn't - and then we won't have - we won't be painted with the brush of being noncompliant.

David Maher: So do you want to set up a working group here and now?

Mason Cole: We can.

((Crosstalk))

Jeff Eckhaus: Yeah, I brought this up; I would be happy to volunteer to be on that working group.

Matt Serlin: Yeah, I was going to say I'd volunteer but I think we'll put a call out on our members' list to ask for volunteers and then we'll kind of come back to you guys with a plan. But I think that's a good idea.

David Maher: We'll do the same.

Mason Cole: All right so Jeff Eckhaus is going to take the lead so if you're interested in that please get in touch with Jeff. Okay? Anything else on this topic? All right so one other one I think we started to cover this is the RAA issue.

And I think there's been some work going on in parallel. I think - I know this was under ICANN staff's considerations. We've been contacted by Neustar with an effort to coordinate the same thing on the registry side. So, Tim Cole, do you mind if you just briefly talk about what's going on at ICANN?

Tim Cole:    Sure I, you know, as I said earlier, you know, we're aware of this joint effort but, you know, they're planning to sort of kick it off after Dakar is my understanding. And so, you know, and I don't know how many of the registries have been involved with that - those discussions.

But, you know, the idea is that folks want to talk about how much, you know, whether there could be, for example just, you know, a single application that could apply to all the different registries. So a registrar could fill out one application that would then be - that could go to any registry of the new TLDs for example.

You know, as I understand it it's kind of like the college application system today where, you know, juniors in high school fill out one application and they select which colleges they want it sent to. So, you know, it could be something like that for the TLDs.

As far as ICANN is concerned, you know, we're also putting effort into operational readiness and looking at ways that we can bring the individual appendices online into the ICANN Website and have simply kind of one form that a registrar signs saying I agree to be bound by all of the appendices that apply - that apply to the TLDs that I'm registered with.

You know, and so that they sort of - it gets us away from a lot of paper flying back and forth and trying to coordinate all that. So those are some of the things that we're working on trying to streamline the process in advance of having 500-5000 new TLDs for registrars to work with.

David Maher:    Thanks, Tim. Is Roy Dykes on the phone today?

Roy Dykes:    I am, David, thank you.

David Maher:    Oh okay, you're the expert.

Roy Dykes:     Yeah, no I was just going to let Tim finish talking. Just provide everyone who's on the phone or in the meeting who may not be aware we solicited input from registrars in late July, early August for improvements for the on boarding process.

And we also collected names of registry people who are willing to be involved in the process improvement and would start with the registrars who responded and those names that we collected from the registries as well as four or five ICANN representatives that I've gotten names from.

I think the next step is set a sub team working group meeting that would look in the very short time here send out a Doodle. The Doodle will come from Sherry Stubbs on when we can have that meeting; probably the week of November 7.

And the goals of that meeting would be to, one, walk through - and hopefully Simon - I'll get his name wrong - Raveh from ICANN who was involved in the centralized zone approval pilot earlier this year - can talk to that process and that pilot because I think a lot of the learnings from that are applicable in this case.

And then the second goal of the meeting would be to walk through a proposed process that Barbara Steele drafted to identify where we can start automating the process. So that would be kind of the first goals of a working group meeting. It's going to be a lot of people so I want to make sure the agenda is tight beforehand and get input from people. But that's sort of where I am in the process. And by the way this is Roy Dykes from Nuestar.

David Maher:     Thanks very much, Roy.

Mason Cole:      Roy, thank you - thanks particularly for joining the call. I - David just saved me because I remember I invited you to join the call and then I forgot you were there so I apologize.

Roy Dykes:       No, no issue. I just - just make sure I had the right dial in.

Mason Cole:      Yeah, you did, thank you. All right input or thoughts on this? I don't think - I don't see - see if anybody is online. No. Okay. Okay, David, any other business you want to talk about today?

David Maher:     Well we did have the question of the charters and the rules of procedure to avoid conflict and crossover in membership.

Mason Cole:      Right.

David Maher:     Our new charter that we adopted within the past year or so provides that if you're a voting member of one constituency you can't vote in the Registry Stakeholder Group.

Mason Cole:      Right so I'm not sure which direction you want to take the discussion. I'll let the registries know that the registrars right now are in the process of taking a very comprehensive look at our own bylaws for a number of reasons not the least of which is vertical integration approaching.

                 So we have the same issue - you can't, right, you can't be a member of both. But pretty soon at least a few of us are going to be both. What are your thoughts about how to address that problem?

David Maher:     Well as I say we feel we have addressed it. Our charter is posted on our Website.

Mason Cole:      Okay.

David Maher:     But we're, you know, that doesn't foreclose talking about it...

Mason Cole:     Sure.

David Maher:     ...if people have ideas.

Mason Cole:     Anyone? Yeah, I wish Rob Hull were here because...

Chuck Gomes:     Chuck.

Mason Cole:     ...okay - I wish Rob were here because he's in charge of our bylaw revision right now but he's busy with a NomCom. Chuck.

Chuck Gomes:     Well basically all we really did is comply with the requirements that no member can be a voting member of more than one stakeholder group or constituency so we incorporated that. And so we would allow, for example, an organization - now keep in mind our members, probably like yours, are organizational memberships not individual memberships.

                 But an organization that is a voting member of the Registrar Stakeholder Group could be an observer in ours but could not vote. If they elected to change that and be a voting member in the Registry Stakeholder Group instead of the - what we have and I don't remember these - the precise things.

                 We have some time constraints in there so that it doesn't become a gaming issue for a particulate vote. Like David said those are available with our charter. So - because we thought well this could be gamed because of some volatile vote that's coming up, you know, to load the voting. So - but that's basically what our charter does. Is that right, David?

David Maher:     Yeah that's right.

Mason Cole:    Okay. Questions? Further input on this? I mean, you guys are - you're ahead of us; we've got more work to do on this. So I do wish Rob had been here but that's okay I'm sure he'll be interested in how you did your own revision. Okay.

All right ladies and gentlemen any other business for today? Okay - Matt, sorry.

Matt Serlin:   This is Matt. I have something. So this marks the end of Mason's chairmanship of the Registrar Stakeholder Group. He'll take his seat as a GNSO councilor tomorrow. So I just wanted to end the meeting with a note of thanks to him for his service and a round of applause for him through what's been a - he's had a bit of a rough week this week so I know this means a lot to him. And, Mason, thank you.

Mason Cole:    Wow, I wish you guys had been in the room with the GAC; that would have made that a lot more pleasant. Thank you very much, that's very kind of you. I guess we'll celebrate tonight with cocktails with the Board. So just a reminder we are having drinks with the Board at 7 o'clock. Tim, is that right? Seven o'clock outside by the pool. So be sure and join up then.

Mason Cole:    Mason is picking up the tab.

((Crosstalk))

Mason Cole:    All right so thanks everyone. I - that's very kind of you. I've enjoyed my service as chair very much. It's been a great privilege and I look forward to continuing to serve you as GNSO councilor. And we are adjourned.

END