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BUENOS AIRES – Board with Registrars Stakeholder Group

Tuesday, November 19, 2013 – 14:15 to 15:15

ICANN – Buenos Aires, Argentina

MICHELE NEYLON:

Okay. Everybody, Michele Neylon here from the registrars. If you could take your seats, this is the session between the registrars and the ICANN board.

Good afternoon, everybody. So we're going to start this off. We were asked by the ICANN board to send them a list of topics that we wished to discuss with them, which we did, and we have -- we met within the registrar stakeholder group earlier this afternoon and briefly discussed those topics and assigned members of our stakeholder group to lead the discussion on these topics.

So the first item that we wanted to discuss was the ICANN multistakeholder model and ICANN's top-down management approach, or at least the perception of that, and that discussion was going to be led by James Bladel, so I'll hand over to James.

JAMES BLADEL:

Thank you. Do we have the board or are they still kind of gathering? Should we give them a couple minutes? I still see people coming in, so I don't know if it's rude to begin or -- Steve, are we good? You can't hear me?

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Yeah, I don't -- we don't really have a lot of sound up here. It looks like folks are still kind of trickling in. Should we give them a couple minutes or are we good to go, Steve?

STEVE CROCKER: (Off mic)

JAMES BLADEL: All right. Thank you. So I was volunteering to take the lead as the spokesman on this particular issue and we discussed in the registrar stakeholder group meeting.

Like many people, I think I came to Buenos Aires with a lot of questions and perhaps no small amount of frustration about not understanding what was going on and what -- the actions of the organization and the CEO in various intergovernmental circles, and some of the statements that were made. I was, you know, all loaded for bear, like a lot of folks, but I think that this weekend, the picture became much clearer on particularly what was going on and what -- the approach that was being taken. So I think a lot of those concerns have been addressed, but there are still just a couple of residual points, I think, that registrars would like to communicate to the board.

The first being that because of the -- and I don't want to over-ICANN this by getting into the process, as opposed to the substance, but I will point that because of the way that this was rolled out, a lot of the community, big chunks of the community that perhaps could have been help and could have been leveraged as an asset in this effort were left in the dark

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and were not brought along and we did not know what the playbook was on this issue.

And so I think that that was perhaps a missed opportunity to engage and to make sure that we -- you had help on this topic.

And secondly, there is, I think, a broader concern that we want to make sure that as we are out in these circles defending the bottom-up multistakeholder process that we are being true to that process while we're defending it and we don't send that mixed signal to external stakeholders or external audiences that in order to effectively defend the multistakeholder model, we have to kind of bypass it, and I think that's something that we would be very cautious about.

And then finally, we, I think, wanted to -- there was a third point on this regarding --

(off mic)

JAMES BLADEL:

It was the internal versus the external discussions.

MICHELE NEYLON:

Well, when we were discussing this earlier, I think it was with respect to how things are -- how decisions and processes and things are handled internally within ICANN and then with ICANN towards the rest of the world. I think that was --

JAMES BLADEL:

Yeah. And that was a separate point is really on a separate topic, we are just noting that a number of internal issues are also -- perhaps in the desire to do things expeditiously and quickly, we are perhaps acting in a more top-down fashion than some of us are comfortable with. Particularly with the formations of, you know, advisory panels or groups or expert panels that are, you know, invite-only, where staff or other members of the community are selecting the membership and balancing according to some predetermined membership composition model. And I think what we're saying is we would like to have greater visibility into that process and make sure that commercial interests are understood and represented in those groups and -- because it's not just our businesses. We're trying to protect millions of registrants who have entrusted us with their online identities.

MICHELE NEYLON:

Thanks, James.

Steve?

STEVE CROCKER:

Yeah. I don't know if I'm the best person to give you a response at this time because my inclination is to push back a little bit.

Let try out the following set of responses.

First of all, I think it's very helpful to distinguish between the activities that we've been engaged in vigorously over the past couple of months that are the non-ICANN processes -- the building of a coalition in the

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broader Internet governance space -- versus the ICANN business, the internal activities, if you will.

The second thing is to -- that the essence of the multistakeholder model and bottoms up, is that the decisions are subjected to and open to participation. That does not, at least in my mind, translate into every activity, every action, every step along the way is conducted in that fashion because it turns out to be unwieldy and closes off various opportunities.

And the critical juncture of these things comes together in the formation of small groups that are empowered to create ideas but not to implement or make decisions about them.

So the expert working group -- which I know Michele is very familiar with, at least -- to deal with new approaches with respect to directory services, and at least the four -- four of the five panels that were set up that are focused on creating ideas for strategic planning are all of the form "generate ideas that can then be examined, put under a microscope, considered by everybody, and so forth."

There is nothing that precludes the registrars, the registries, separately or together, or any other groups -- business constituencies and so forth -- from forming their own design teams, to use the IETF term of art, to generate ideas, put them on the table, and then continue that process.

With respect to the external activity, events moved very, very rapidly. The board took -- the board took very seriously the urgency and the need to do it without the fanfare of a public announcement that this is what we were doing so we put on the record that we were empowering

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Fadi and team to help build the coalition on the external Internet governance issues, and the results have been absolutely amazing and spectacular.

We are -- I mean, we've been at this game for a while and we are really stunned at how well those activities worked out over this period of time, compared to many other efforts over a long period of time.

And at the very least -- it's hard to know where it's going to wind up, but at the very least, the dialogue worldwide has changed and changed in a very positive way.

So -- but to your point of could we have gotten more help or could -- could you have been more helpful if you'd been involved or were you informed and so forth, I think the -- what comes most strongly to my mind is: Have a little bit of trust.

The -- it's -- it happened essentially in the blink of an eye and then the results were brought back, opened up, and are now on the table and the floor is entirely open to participation and it is not an attempt to change the fundamental way in which we do business. It is an attempt to sort of stir the pot and get things going and then create a framework in which there could be the maximum amount of participation, and in particular, to bring the multistakeholder model of doing business into the larger Internet Governance Forum.

So as I said, you know, maybe this isn't the most comfortable kind of response and maybe some of my colleagues would put it a little differently, but my inclination is to say we're making an issue here

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where there -- I don't think there really is the kind of issue that is being framed.

Does somebody want to grab hold of me and make more conciliatory types of remarks?

Silence. Okay.

MICHELE NEYLON:

Thanks, Steve.

Jennifer? Or James?

JAMES BLADEL:

Just one other point on that is that in our discussions of the Internet governance landscape, I think it would be helpful for the larger community if -- whether it's Fadi or the board or in its communications, maybe coming out of 1net -- I'm not really clear yet what role that's going to play, but I think, you know, a clear articulation of the scenario that we are trying to prevent might go a long way towards helping to enlist -- because I think for a lot of folks it's just sort of this amorphous bad thing out there, and I think that it's not really clear what specifically they need to be concerned about.

MICHELE NEYLON:

Chris?

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CHRIS DISSPAIN: I understand the tendency to assume that we're doing something because we want something else not to happen.

I would pose a slightly different question, which is: Surely it makes sense to have an open-wide dialogue on the future of Internet governance. Full stop.

Right now, we -- I've just -- I spent an hour with the ccNSO this morning talking about exactly this thing.

Right now, the Internet Governance Forum, which is our multistakeholder dialogue, is a multistakeholder dialogue of basically all of the usual suspects.

Thousands and thousands and thousands of people who have an interest in this thing don't even know it exists.

So the point is -- one of the points is that it's about -- this -- the 1net thing is about having a dialogue, and that dialogue is an open dialogue. That does not -- that does not mean that ICANN, in its multistakeholder model, should not be preparing, having its own position to feed into 1net, to feed into the IGF, to feed into et cetera.

It's a much wider thing than that.

MICHELE NEYLON: Bertrand?

BERTRAND DE LA CHAPELLE: When we talk about Internet governance and as a pre-remark, one of the consequences of this interaction this morning is there is likely to be



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a discussion tomorrow very early between 7:00 and 8:30 in this very room on precisely this topic, because it was felt and the message was given by previous groups who asked, basically, the same question: How does the ICANN community discuss this topic that is now percolating in all the different sessions?

So that being said, when we talk about Internet governance and you look at the definition of Internet governance in the World Summit on the Information Society, it deals with basically the governance of the Internet and the governance on the Internet.

Governance of the Internet is what we've always been doing here within ICANN, in the RIRs, in the IETF standards-setting bodies, W3C, and so on.

This is an ecosystem, distributed, multistakeholder. It has functioned so far. It's under pressure, it's under discussion, but it's functioned so far.

The governance on the Internet, things that are related to freedom of expression, privacy, copyright, and all this, that is not related to the domain name system itself but touches upon it and is dealing with the content in the applications.

Today, apart, as Chris said, of the Internet Governance Forum which is framing some of those issues, there are no spaces to discuss this.

The challenge is, we might be saying this is not of concern for us because it's not within the remit of ICANN, which is true.

The problem is twofold.

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If nothing is being done particularly, these topics will have to find a place, and the likelihood is that the place will not be a multistakeholder space unless a sufficient number of actors push for it. Not only ICANN, but other actors push for it.

If, on the other hand, people don't want to do this, the pressure that we're seeing at the moment is a strange pressure, which is, "We may have concern with you, ICANN, but as you are the only game in town, why don't you take up the subject of spam and filtering and so on."

As a matter of fact, registrars and registries are in the front line in this thing. You're feeling the pressure very much. And so one of the things that this whole debate is putting on the agenda is to say, "If we want to remain focused on the remit of ICANN and at the same time not see all the other issues being moved into an environment that does not function in a multistakeholder approach, we need -- we need, with others, to raise this topic so that the principle that issues of governance on the Internet should be handled in a multistakeholder manner become a main message.

This is not a message just for ICANN and it needs to be broader. I wanted to make this distinction.

And it is not just to protect; it is because there are issues that need to be addressed in the multistakeholder manner, and if nobody pushes for it, it will not happen.

MICHELE NEYLON:

We have James and then --

JAMES BLADEL:

And I'm sorry and I don't mean to belabor this and I'll drop this here in a moment. I just --

To Bertrand, thank you. And to Chris, thank you as well.

And I just wanted to point out that a casual registrant does not understand, or probably bother to care, what the loss of the multistakeholder model of Internet governance means. We have to communicate that somehow.

How do we do that? What is the message? Can we begin -- and maybe this is a job for 1net. You know, to start to build that message. But as the commercial providers who have customers, we have to be able to take that and it has to fit on a bumper sticker, you know, message back to the public.

Thank you.

MICHELE NEYLON:

Ray?

RAY PLZAK:

Thank you. There's a couple things being talked about back and forth here, and I just want to pick up one of them and extend maybe the remarks that have been made by Bertrand and by Chris.

What we're actually seeing here is another thing, which is the intersection or interaction between multiple multistakeholder groups.

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ICANN is, in and of itself, a multistakeholder group. The ISTARs is another multistakeholder group. The IGF is another multistakeholder group.

And so the question is, from the perspective of the stakeholders in our universe of ICANN, how do we most effectively work together and integrate our activities with the nearest collection of multistakeholder groups, which are the ISTARs and the bigger ones.

So it's a matter of how we participate. What's the mechanics in doing it.

I don't think it's a matter of somebody getting out too far forward or whatever. It's a matter of the mechanics with which we do it.

There are certain times when certain types of consultations are needed. There are certain times when trust is used to move something forward. And so we have to work out our mechanics that we have to have the understanding.

And the education piece of it, which is -- which you're talking about, going back the other way, is an entirely different matter, and if it's something that we do within the mechanics of how we try to manage our multistakeholder input into a larger multistakeholder group, then maybe that's the way to go. I don't know. But we have to be cognizant of the fact that when we talk about a community of multistakeholders, we're actually talking about probably more than one group of people and we have to make sure we understand how they integrate together.

MICHELE NEYLON:

I have Fadi in the queue.

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FADI CHEHADE: Yeah. I think you'll be all receiving notices through your leaders, each stakeholder, if you haven't already, but we have in this room tomorrow from 7:00 to 8:30 --

MICHELE NEYLON: I've already sent it to our stakeholder group just in the last half hour.

FADI CHEHADE: Sorry. There's a -- you did notify them?

MICHELE NEYLON: Yeah.

FADI CHEHADE: Okay. In this room. Everyone is aware?

MICHELE NEYLON: Anybody in this room who is a fully paid up member of the registrar stakeholder group has received a notice. If they're a registrar and they have not received it, it's because they haven't paid their membership fee.

[ Laughter ]

FADI CHEHADE: Incentive. Pay your membership fees so you can hear from Michele that we have a meeting tomorrow morning here for everyone to give us input on the Brazil conference and 1net. 7:00 to 8:30.

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MICHELE NEYLON: And will you be guaranteeing coffee during this session, Fadi?

FADI CHEHADE: Yes, we will.

MICHELE NEYLON: Thank you.

FADI CHEHADE: If you paid your membership fee. We'll be checking. Bring your cards.

[ Laughter ]

MICHELE NEYLON: So you just wanted to follow up?

JAMES BLADEL: After Jeff, I just wanted one more statement.

MICHELE NEYLON: So we can move on to the next topic? So next topic is being led by Jeffrey Eckhaus.

JEFF ECKHAUS: Thank you. Jeff Eckhaus here from Demand Media. So don't worry when you see the topic on here about the response. I do not intend to

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dig through the specifics of the response and say what should be in column A or column B.

I want to actually thank the board and committee for moving ahead and doing a great deal of work and hopefully bringing this part of, I guess, the new TLD program to closure. Very excited about that.

The only problem, I would say, is that as a registrar, I read many of the PICs and the safeguards that were included there. And almost every one of them includes the words something, something "will require registrars," which immediately I start to think that means a lot more work for me and my team.

Being that we're excited about this program and we have been big backers of the program, I don't think any -- I mean, I would say even all of the registrars, we don't mind doing this work. But I think as a registrar, we would like some specificity on the next steps. We have the 2013 RAA all of us are diligently working to implement. We have the integration with the TMCH and that whole piece and the testing there. So we're working at 100% right now with very little wiggle room to drop in new tasks.

It's really -- everybody's working flat out I think at every registrar here, every team. I'm lucky enough that we have a large team. But I know for some of the smaller registrars, they're just -- they're drowning at this point. And I think now with the new safeguards coming in, they're looking and they are saying, "Hey, this going to be even more."

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So I'm not asking to lighten the workload. You know, this is -- we're businesses. We've stepped up. But I think what I'm asking for, for the registrars, are we're looking for greater process predictability.

So, for an example, with the advice with the response, is this letter going to be a first step or is it going to be final as written?

Is there going to be a process to start implementation? Will registrars be included? I think that is -- I think us as registrars is what we're looking for because there's constantly new items being thrown at us. And I think with that, and I think that there are -- the other part is that there are dates that are thrown around. And I think a lot of us as driving teams, both in business and engineering teams, we hold those people to those dates. And we'd also ask the board to direct staff that if dates are given, to try and commit to them and hold to those and be some accountability with those dates.

So, just in closing, I would say, you know, we're -- as registrars, we're contracted parties. And we're that for a reason. We run businesses. I can't shy away that's what we're here for. We are running businesses.

And if we all want success in the new TLD program, we need all of our businesses to participate and for that we need some degree of certainty. And that's what I'm asking for from the board and I guess maybe from others here. So I think that's -- I'll stop there and just see some thoughts on that.

MICHELE NEYLON:

Thanks, Jeff.



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Mike?

MIKE SILBER:

Thanks, Michele. Thanks, Jeff.

That was a very interesting observation and something that you have now encouraged me to go and take on because as the entity that touches the customer, the registrar is -- fulfills an incredibly important role but is also a very convenient fall-guy to just dump everything relating to the customer on. And I do understand your point, and I do take the point that there needs to be a balance. And especially if you've taken on the customer, then you're accepting certain responsibilities. But to have certain of these PICs imposed on you (audio dropped) behind the scenes, I already have certain concerns about how enforceable or not certain of the PICs are. And what you are saying just raises a great deal of concerns. I'll certainly look into that.

In terms of process, I think the team are getting much better at it. And I would be interested -- I'm not trying to put you on the spot now about where we haven't gotten it right. But I would be very interested when those events do happen if you could point it out to us because on the whole, I think the team has been a lot better. Dates are being kept to. Sometimes they are even being -- or things are being done in advance of dates. So it's useful to know when people get it wrong so you can watch it. But the question is whether these are a few residual problems or if this is still a systemic problem.

JEFF ECKHAUS:

Thanks. I just wanted to add something. Mike, thank you for that.

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I think that -- I think for us on, for example, going back to the PICs and what's been dropped, I guess, into our laps, you know, as a person who makes the decisions on a business, if I have something -- I'm looking at the list right now, so don't take any inference that I'm favoring one TLD or another.

If I decide I want to sell dot credit card or dot insurance, which happens to be in the safeguards, went through a -- that's going to be my decision. And then I will say, "I need to implement all of these safeguards as a registrar to do that."

What I would need is to say, "Okay, I'm going to do that. I will know when the safeguards are in place, when it's going to be so I can develop a timeline for it." So I think that's where it is. I'm not -- I'm not going in here to talk about Spec 11 and what are the specifics and if we can do them or not. A lot of I think is as a business you should be able to make that decision.

But I think knowing what is going to be involved, it seems there is going to be some additional -- a good deal of additional work to get a pretty firm time frame of what I would need to do to implement that if I want to sell dot pharmacy or whatever it may be.

MIKE SILBER:

I think to me the critical issue is there's some registrars who are going to take those PICs seriously and they are going to build process. And there are some that are going to claim to do it.

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And then the question is: Will the registry do due diligence? Will the registry audit? Or do they rely on ICANN compliance to do the audit? In which case, what is the impact on the registrar?

And you're going to be squealing at some of your -- well, maybe you will be enjoying it if some of your competitors are getting compliance notices for failing to honor.

But in the meantime, there has been a nod and a wink behind the scenes with the registry operator. So these are some of the things we want to raise the standard across the industry rather than letting it fall to the lowest common denominator.

JEFF ECKHAUS:

Right. And we would -- and I think as the people -- the ones who touch the registrants and who deals, we would love -- I don't know if I'd say "love." I don't if I want to say "demand," but request a seat at the table when these implementations, if they are coming through, to work through there versus saying "This is what's been decided. Here just go do it."

MICHELE NEYLON:

Jennifer?

JENNIFER STANDIFORD:

I would like to re-emphasize the point that Jeff made. It's not only that we'd love, to some extent participate, require a time frame to understand what the planning cycle is of those PICs when they are going

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to be dropped and to ensure that the registrars are participating and represented accordingly.

MICHELE NEYLON:

Thanks, Jennifer.

Just one note I've had as well, I mean, the implementation for a lot of these things, it is a big burden on registrars of all shapes and sizes. The three of you -- the three registrars to my left account for a very large percentage of registrations. For a registrar of our size, implementing some of these things is going to be a major headache. And there is lots of other stuff going on as well, and it's not just gTLDs out there. We also have to deal with ccTLDs. We have to deal with all sorts of other interesting things.

The other topic we wanted to discuss with the board is Jennifer's little baby. So I will hand it over to Jennifer.

JENNIFER STANDIFORD:

I think we covered it from the majority speaking. I think there was some questions related to kind of 1net and the process around how that was created, its objectives, how it's being funded. So, you know, as registrars, we'd like to get some further information around that.

MICHELE NEYLON:

Around which, sorry? 1net, is it? 1net, okay.

Fadi, can you speak to that?

FADI CHEHADE:

Yeah. 1net was born in Bali when hundreds of people got together and agreed that they would like to bring their voices together through a common channel, named it 1net, and put up a Web site.

Since then, they have a mail list. People can sign up to the mail list and participate in a general dialogue.

Next week they will have a more -- a real Web site really with some mechanism for people to communicate and chat and open subjects and discuss and shape things together. It's just a general site for people to participate.

The site is going to be owned and directed and managed moving forward by AfriNIC, Adiel Akplogan, the CEO of AfriNIC, has taken this task in Bali. He proposed that he would -- he would lead that.

But he is on his lists asking for people to participate and to give input, and the list has been extremely active. So if you have not yet signed up, please go to 1net.org and sign up and you'll hear -- you'll participate in the discussion.

And, yes, they are planning to have all the people participate and chip in to make 1net express whatever activity it wishes to express.

The only activity that the 1net group that met in Bali agreed to work with is the Brazil conference. So they're the ones working with the Brazilian CGI and the Brazilian government to figure out how we can be helpful moving forward. I hope this is helpful. But that's basically it.

And tomorrow morning, again, in the session only for members, we will -- we will -- only for Michele's friends -- (laughter) -- we will talk about

that a little bit and it will be a chance for all of us to share our ideas and shape how this things grows.

JENNIFER: Thank you.

JAMES BLADEL: And I think that this is not on our list of topics so we are going to wing it here a little bit.

Mason Cole, would you mind if I pick on you for just a minute here.

Mason, please. Going to make you stand up.

So everyone notices Mason for the first time in who knows how long is not up here at the table. Mason, past chair of the Registrar Stakeholder Group and a GNSO Council for the North American region, is stepping aside effective this meeting, is now moving from the Registrar Stakeholder Group to the Registry Stakeholder Group.

Am I stating this correctly?

We just wanted to let you know that and let you know how grateful we were to his service not only as a powerful voice in the registrar community but also just in the broader ICANN ecosystem and we just wanted to publicly acknowledge that with you and thank Mason.

[ Applause ]

MICHELE NEYLON: Just to follow on with that –

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STEVE CROCKER: Stand up and take a bow.

MICHELE NEYLON: Stand up and take a bow, as you're there.

[ Applause ]

MICHELE NEYLON: And just following on from that, James Bladel will be taking up a seat on the GNSO Council at the end of this meeting. And Oli Hope who is somewhere in the room, I hope, sitting, hiding down the back will be joining the Registrar Stakeholder Group excom as our new treasurer to replace James. So thank you.

I think we're actually coming in under time. Is there something you want to raise with us, Steve?

STEVE CROCKER: When are you going to get control of all the resellers? No, I'm sorry, just joking.

MICHELE NEYLON: We can have that conversation offline.

STEVE CROCKER: That's astonishing. We're done, really?

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MICHELE NEYLON: Unless there's something you want us to raise with you. I mean, we can -- we can raise lots of issues with you.

STEVE CROCKER: I'm getting vigorous arm-waving gestures of the kind that disturb large animals.

MICHELE NEYLON: Now, now, leave poor Chris alone.

STEVE CROCKER: Thank you. This is remarkable but appreciated. It is a grueling day for everybody. So we'll take it with pleasure. Thank you, all. Good interaction.

MICHELE NEYLON: Thank you.

[ Applause ]

[END OF TRANSCRIPT]