

**Transcription ICANN Singapore
Registries Stakeholder Group
Tuesday 25 March 2014
Joint Session with the Registrars Stakeholder Group**

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Cherie Stubbs: If I could just remind everyone to please announce yourself when speaking for purposes of anybody who may still be on remote participation and for purposes of the recording. Thank you.

Keith Drazek: Okay, thanks very much Cherie. And thanks and welcome to the Joint Registry/Registrar Session in Singapore. We'll just go ahead and get started into the agenda.

We are joined today from representatives from the NomCom. With us we have Stéphane, Cheryl, Yrjo and Don representing the NomCom. And I'm sorry?

Cheryl Langdon-Orr: And (John Berryhill).

Keith Drazek: And John; excellent. So yes, so we've got five NomCom reps with us today, and just going to hand it right over. Six? All right, all NomCom reps raise your hand.

Cheryl Langdon-Orr: (Unintelligible).

Keith Drazek: All right, so with that, who shall I hand it too?

Cheryl Langdon-Orr: Me.

Keith Drazek: Thank you Cheryl.

Cheryl Langdon-Orr: What a surprise. Hi, my name is Cheryl Langdon-Orr, and for those of you who may not know me I'm the current Chair of the 2014 - I was about to go 1914; that's - you're obviously at the end of the day - 2014 Nominating Committee.

Thank you very much for allowing us to take a little bit of your time, and it will be a little bit of your time because we have to be next store in 14 minutes. So we don't have to go far but we do have to go on time.

We would like to think that you've noticed that the Nominating Committee is a little bit less opaque than it used to be. You should be receiving regular updates in the view of the report cards that we put out, we're holding meetings that are open and in public. We're doing one tomorrow; that is our normal business meeting.

We've continued on this year with the excellent changes last year to work under rule of while personal data is kept absolutely and strictly confidential, everything else in terms of process and how we operate and what we're doing is to be dragged out to the black box and to be made very much more transparent to all of you. So I hope you've noticed that.

I also would like to think, that let's say that you're all too busy, that you might have noticed that we have got a brand new Web site. It's actually useful. It's not that the other one wasn't, but it was somewhat static where this is a little bit more dynamic. It also allows you to send people just to NomCom.ICANN.org as fair as possible, for instance, for a position because it's much easier to navigate. The Apply Here button is there and even the criteria.

And it is different criteria each year for the positions. It's baseline in criteria that we require for all our leadership positions, and in particular the Board, but there are tweaks each year because in Buenos Aires, we've interacted with the receiving bodies. So we've interacted with the GNSO, the ccNSO, and the Board and the ALAC, and we've asked them what it is they need this year. And with whatever feedback we get, we do modify the systems.

The other thing that's new apart from our Web site, and Stéphane might drill down a little bit more on some of those things, is the form for application. Any of you who've made an application before will have had the frustration of a form, if it isn't online, wasn't online form, that you couldn't even save the document, so you had to commit to a sitting or do everything on some process and then copy and paste it in. It's now a very different process, and let me give you a quick and brief introduction as to what will happen.

If you are an aspirant, you will go, you will click the Apply Now button, you will have a one-page form which is the identifiers; who you are, where you're from, where you're domiciled, etcetera, etcetera.

In response to completing that form and every page you have to confirm that you have completed it, the staff will know that you're interested in applying. And the staff will set up a specific and quite secure space that is yours for your application; it's your profile page.

And we've got people who've been doing their applications since we opened. Now they don't have to finish their applications until the first of April. So the person decides whether they want to check the box for Board or for ALAC or for ccNSO or for GNSO or for heaven sake all of them. And depending on the choices they make, it leads them through only the appropriate questions for those roles.

There may be three or four pages of those questions. When you've uploaded, you see your last YouTube video, whatever it is you want to do, and we'll

accept all of that. Then you confirm on the page that you're finished, and only when all pages are finished do we consider that a completed statement of interest.

That brings me to a very important point. I mentioned the first of April; and yes they are and he is not lost on us. The first of April is a closing date. Aspirants must have begun the application process before 23:59 UTC on that date. In other words, staff who've received a, "Oh, I'd like to apply." Up until that time, we will complete this process and they will be able to work to continue and finish. But we won't give them more than a couple of days to complete this, so smart people will have done it earlier.

But if you've got someone that you might meet between now and the first of April and think you are just perfect for the job, and they look and go, "I would love to work the ccNSO Council," Then they can fill out the application form and it will be fully considered.

I'm going to stop now other than to remind you all that traditional NomComs have extended their dates. Look at me. There will be no extensions. The first of April is not a promise of a stretch; it is a drop dead date.

There will be no surprise extensions for any reasons - not just the fact that I'm probably being a bit bloody minded about it, and I am, but also because we have situations where we have very compressed time. And we cannot complete our processes without jeopardy if we go past that date.

And at this point, I'm going to pass on to Yrjo and he's going to share with you a little bit more about that.

Yrjo Lansipuro Thank you Cheryl. Yrjo Lansipuro for the transcript record.

April 1st is also known as April Fools' Day, but I assure you that this one is not programmed, and this is really a fact - the first of April. After that begins

the busiest part of our lifecycle - of the life cycle of the Nominating Committee which starts very slowly after the Annual General Meeting but then it picks up when we get the applications in.

We go through a regime of weekly conference calls (unintelligible). And the first task is to find and select 15 of board candidates; about 15 of them who are the best in our opinion. And they are further scrutinized and interviewed by a headhunting firm (Orge and Bernstein) usually abbreviated in OB.

Meanwhile, when they work on these board candidates, the committee takes a look at the GNSO, ccNSO, ALAC candidates. When we get back this batch from OB, that is to say we get a scorecard for each one of them, and we have asked them to find out about their personalities. We know their background already, we know what that they have done, but we also want to know how they are as human beings, which is the characteristics and qualities they have.

From that batch, we finally select less than ten who are going to be invited to London for in-person interviews. And then finally at the end of the (unintelligible), a face-to-face after the meeting itself has ended, we go into seclusion, black box, and stay there like the finals where they elect the Pope, until we can send the white smoke. Thank you.

Cheryl Langdon-Orr: Thank you Yrjo. And it does make me smile, but as you can imagine, we need to have a feeling and frank discussion and debate during that period. And that is one of the times that we definitely do go behind closed doors.

I'm going to pass it over to Stéphane now and he's got a couple of things to say. And he might also, I'm prompting you here, mention about the other use of OB.

Stéphane Van Gelder: Thanks Cheryl, Stéphane Van Gelder (unintelligible).

Hi everyone. I just have a couple of informational points I wanted to give to you on the way that NomCom, for this year, is ranging its work on the point that Cheryl just alluded to with regards to the firm we are using for recruitment, OB. That firm is also being used for candidate assessments once we have closed the pool.

There's a completely different part of the firm that's used for that, so different offices. There's a complete separation between - and that's a term I'm sure many of you will be familiar with in this room - between the recruitment and the assessment work. But we do use professional help in both those areas.

And that is a choice that each NomCom makes every year. So as you probably know, each NomCom is a separate cycle; it's a standalone year where the NomCom is driven by a set of bylaws -- and those are general bylaws. And then makes up its own rules as regards the way it will carry out its main selection and recruitment and selection work.

And in that regard, Cheryl mentioned earlier on that we have worked very hard since last year to become more transparent and she mentioned a few things that we're doing to do that.

We have begun this year to work also looking at the way the NomCom is structured, so Cheryl has asked me to lead a sub-committee on bylaw revisions that has looked at possibly changing the structure of the NomCom as it stands today.

One of the reasons for doing that, for example, is that one of the GNSO constituencies right now does not have a seat on the NomCom. So there is a sub-committee of the committee looking at that. It will bring a set of recommendations to the Nominating Committee, and those will then, if approved by the committee, go to the Board where - I'm not sure whether you know this or not, but the Board is also looking at the NomCom and the way it is structured and the way it functions.

And a resolution was approved in February to create a working group on the Nominating Committee chaired by George Sadowsky, and it will also be looking at things like the way the NomCom - the size of the NomCom, its composition, and the recruitment function of the NomCom.

Another thing that we've done this year so far, and another subcommittee as mentioned earlier on, there's an SOI form that you have to fill in. That historically was hell; it's now slightly less of a problem, partly because you can save it online as was said. And that is also the product of a subcommittee that was formed this year at our Chair's request.

So just to let you know that the NomCom is working very hard to continue the process of transparency and efficiency to serve this community. Not this specific one but the ICANN community as best it can in selecting the right candidates for these leadership positions. And making sure that we are sufficiently well-armed together, outside of this universe that is ICANN and that is sometimes slightly closed, and find those candidates. Thank you.

Cheryl Langdon-Orr: We have to leave because we've got another appointment. So normally I would ask for questions but instead I'm going to do an advertisement.

Tomorrow in (More Room) between 4:00 and 5:00 pm in the afternoon is our ordinary business meeting but in a public forum. And if you have any burning questions, challenges or discussion points you want to bring up, feel free to come near. The Chair might let you speak.

Thank you very much for the time you spent with us today, and I do apologize but we must dash.

Keith Drazek: Thank you very much Cheryl and Stéphane and Yrjo and Don and (John) and one more.

Cheryl Langdon-Orr: (Unintelligible).

Keith Drazek: So thank you all very much; really appreciate your time and your hard work on this important job.

Cheryl Langdon-Orr: Thank you all; good-bye.

Keith Drazek: Okay, so now we have the balance of the hour for our joint session. And I just want to note that, you know, we put together a very brief draft agenda, but we're certainly not stuck with that. We can, you know, come up with anything else we'd like to talk about together.

So just for the transcript, this is Keith Drazek, Chair of the Registries.
Welcome to Michele.

Michele Neylon: Thank you Keith. You welcome me to what exactly? There's a party? There's something going on?

No, thanks for coming. These joint sessions are usually semi-useful; sometimes very useful.

We raised a couple of issues - oh, that's better. We raised a couple of issues with the Board earlier this afternoon. Some of them are things where it may be an elaborative effort between both the registries and the registrars might help to mitigate this kind of scenario where policies that have a direct and tangible impact implementation are kind of tossed over the wall.

You're forced to shove things into your contracts; you have no choice because you weren't really consulted on it. And the contract language that you end up with is hardly the language you may have wished to have ended up with, and then we're stuck trying to implement whatever the hell comes out of our end of that.

Even with some charming language even in this baseline registry agreement already without any of the extra stuff. I think what was it - Category 1 or something. I'm not a new TLD applicant so I can't - I don't keep track of all these things. But it's a Category 1 - thank you, thank you Statton.

We raised that with the Board today in terms of looking forward as opposed to trying to mend the past. They've made some wonderfully vague commitment on that - (unintelligible).

Is Mr. Eckhaus here? No, no. Okay, never mind.

The other thing that I possibly wish to raise is - is James Bladel here? I can't see him; I'm going blind. Oh, there he is. James, maybe you want to speak to the thing in the Council, the kind of non-motion discussion thing?

James Bladel: You mean for the data - is this on? I can't hear myself. Is this on?

Okay, you mean for the data retention waivers rights. So just a little bit of background; a number of registrars have expressed concern with the way ICANN is handling the data retention waivers, particularly registrars in the EU.

For now, I think that the concern is that this is starting to involve registrars perhaps that are outside of the EU and in other areas. And because I think that, we're looking at different options on how we could potentially get - yes, sure - looking at different options on how we can start to unstick this gear.

What we've added to the discussion on Wednesday's GNSO meeting is just an open forum essentially on what different procedures could be adopted to get us past this issue. Because I think there's a number of registrars that would like to get into RAA - sorry - RRAs with new gTLDs, but are unable to sign the new RRA first.

One of the potential remedies that's in the agreement is that ICANN could temporarily suspend enforcement of the data retention specification. And that's kind of what we'd like to put on the table is that that's one way out, while we're taking all of these waiver requests and working out all the issues associated with that, that might be something that we could do.

So that's going to come up Wednesday during the Council meeting. Jonathan is over there; maybe you can put us on the docket for tomorrow. Hopefully we can (unintelligible).

Jonathan Robinson: Yes, thanks James. It's on the agenda. As you know, you put it on the agenda. There was a discussion about, first of all, whether it should go on the agenda. It was accepted by the Council that it should be there and it's a substantive point.

The only thing is to set expectations; I wouldn't expect a direct outcome from the Council Meeting. But having set it firmly on the agenda, I'm having aired that we get the public exposure of this issue and the prospect then of a motion or some other form of substantive outcome at the forthcoming meeting as when we'll expect to happen. So just to kind of infect expectations for the meeting and what might happen.

James Bladel: So this is what you're looking for Michele?

Michele Neylon: Yes because as most of you know, it is a subject which is having a direct and tangible impact on me personally. And I've had various observations with senior ICANN staff, so I'm trying to not be directly involved.

Jon?

Jon Nevett: Thanks Michele. So, James, very supportive of a new TLD operator and knowing that more than half of the European registrars haven't signed a 20 - whatever it is - 13 RRA. And can't tell our names, obviously it's very

problematic from our perspective; puts us at a competitive disadvantage, again, from my perspective.

Another option you might want to consider is the waiver of the provision that requires new TLD operators to only sell through registrars that have (found) a 2013 RAA versus 2009 RAA. And I don't know how many of you know the way to get there...

James Bladel: I would just love to put that on the table Jon. I don't know where it's going, but I would love to put that on the table.

Jon Nevett: Yes, this is another option. You're shaking your head.

Michele Neylon: The problem is there's a lot of us preemptively signed the 2009 back when they did the entire dog-and-pony show in Sidney. So that means all our contracts expire in July of this.

James Bladel: In June, after June of this year they will no longer be such a thing as a 2009 RAA.

Michele Neylon: There's a few people who signed on for 2009 - didn't sign...

Jon Nevett: But did sign it in 2012 would still...

James Bladel: Right, but for those who are renewing.

Michele Neylon: And a lot of us signed on preemptively because ICANN...

Jon Nevett: That could be a short-term thing until that point (unintelligible).

Michele Neylon: Yes, very well.

Jon Nevett: If they want to do that. Either way, we're very supportive of your actions and activities and we'll help in any way we can.

James Bladel: Okay, Volker?

Volker Greimann: Yes, just to get back to John's point, we raised that point, that question, very soon and very early with ICANN. And we're very - really - told by ICANN from the top down, ultimate top down, that this will never fly, that this will never happen. So new gTLDs will be forced under the 2013 by decree of Fadi.

James Bladel: I think it would be good for them to hear it from someone other than a registrar, so I think there's merit to bringing it up. But like you said, we know where it's going.

Michele Neylon: I mean the other thing that a couple of us have been trying to float is in order to move forward, consider they're now in this kind of, we have to negotiate our national laws with them, that they suspend compliance actions or suspend those particular clauses pending conclusion of outstanding negotiations with those of us who have requested waivers.

Of course, to make it all the more interesting, they haven't published all the waiver requests that have been sent in whereas every single exemption requested only you guys have sent in are all there. But I mean, you know, consistency, what the hell is that?

James Bladel: Okay, thanks very much. Who else? Chuck, sorry.

Chuck Gomes: I'd like to hope there is something that comes out of the council meeting. I know it can't be a motion.

But to the extent that anymore consultation with ICANN legal and ICANN staff on the options, the sooner that would happen after the Council Meeting, assuming the Council is supportive and I can't believe why they wouldn't be

based on what I heard the other day, the better, so that if a motion is needed at your next meeting there is plenty of time to get in that in there in time.

Jonathan Robinson: Yes, I mean Chuck, that's fine and I would expect that James, likely - I don't want to put you on the spot. But I would expect a follow-up to take place pretty quickly to the extent that there's an opening to do so, I would expect it to happen pretty quickly afterwards.

But it's a point well taken - so that there's less chance of any sort of different or other reason why it doesn't get acted on as soon as possible.

Keith Drazek: Okay, thanks. Just a quick question. Is there any known opposition or anticipated opposition to this type of a motion or this type of...?

James Bladel: You mean besides from staff?

Keith Drazek: Yes, besides staff, right. No, from the community?

James Bladel: We'll have to see. I mean, you know, I don't want to name names, but you know, there were some very clear interests that wanted this requirement inserted into the RAA, so any talk of a waiver of this obligation will probably get their attention.

Keith Drazek: Thanks. Go head Becky.

Becky Burr: Rather than talking about waiver, haven't they approved one revision?

Michele Neylon: They fully approved one which is for (Ovihey), a French registrar. They have a preliminary one for a Belgium registrar, and they keep making mutterings about a couple of other registrars in other jurisdictions.

Becky Burr: Are the French and the Belgium waivers different?

Michele Neylon: I think Volker can speak to that better than I can since he has a law degree and I don't.

Volker Greimann: Yes, I haven't looked the Belgium one yet, but the French one looked like they misappropriated a law that is only tailored to the communications access providers that allows communication access providers to retain data. And in their waiver request, they relied on that law and just applied it to themselves, as ICANN said, "Well one year is good enough, let's go with that."

Michele Neylon: Just to add a small bit of flavor, I mean the ICANN was trying to get us to all agree to one year retention. But we basically told them that we didn't think breaking the law a little was a very good concept.

I know that negotiating these things with North American lawyers can be a little bit tedious. Under Irish law, you cannot sign a contract that you know you're going to break immediately, even if there is a severability clause or whatever in it because it just doesn't make any sense. My legal counsel just flat out refuses. He's never really let me sign something he knows I can't comply too.

Becky Burr: Well my suggestion is that we find a formulation that all of the European registrars with live with and then go to ICANN and say, "Make this applicable to all of the registrars." Because if you take up the European registrars, then you might as well just change the requirement.

James Bladel: Becky, and actually if I could weigh in on that, one of the things that we're hearing from staff is that, "Well you know, this many registrars and such and such percentage are from Europe." And you know, trying to kind of contain this as a European problem.

But we're seeing, you know, in South America and some in Asian Pacific areas are also watching this issue. Some of the State of Protection authorities are saying that the problem follows the registrant, not the registrar. So there

is - so this issue is spreading I think beyond just the EU and could conceivably, you know, involve even a North American registrar like Go Daddy filing for a waiver at some point in the future.

Becky Burr: Well, if you do something that if you come up with something that covers what the EU registrars need, you likely cover the Latin America/Asia ones.

But at that point, I think it's just silly to talk that way. First, we should just change the RAA.

Keith Drazek: Okay, let me just jump in real quick; housekeeping. Please state your name - excuse me - when you're speaking for the transcript. So we had James Bladel, Becky Burr, Michele Neylon and Volker Greimann as part of that last exchange for the transcripts.

Michele Neylon: I think for the transcripts, most know people at this stage know that the soft spoken Irish lad is me. So I think most of the time they know that, but yes, Michele Neylon - sorry. Sorry Mr. Drazek.

Keith Drazek: I was just acting on orders.

James Bladel: So am I dismissed?

Keith Drazek: Yes, thanks James.

Michele Neylon: Did you just dismiss (Unintelligible)?

Keith Drazek: Well he asked. Okay, so any further discussion or conversation on that? John.

John Berryhill: Yes, I wanted to just say to Becky that if this is your first exposure to this debate, the registrars would welcome to your engagement on it as you have been a wonderful help to the registrars in the past.

But going to what you said, it is further ICANN's position that there is no such thing as European law. That the national implementation acts which occur under the European system are controlling, and that this notion of European law is illusory.

Is that an accurate summary Volker or what they've been saying?

Volker Greimann: Pretty much; yes.

Becky Burr: Okay well, they're wrong.

John Berryhill: Well you know, further along the lines of the waiver request procedure is that the opinion from the Council for the company submitting the waiver request has to be from a law firm of national repute. It's not clear to me that there's been on the U.S. end of it a law firm of national repute that's been guiding their view of this matter.

Man: All right. Thanks, it kind of feels like being on a bazaar. They are trying to come to us for about six months. Can you do six months? Let's do six months. And then we say no we need to this and this and this maybe three months. Three months is not good enough. How about six months. Okay.

Man: For the transcript, that was John Berryhill, Volker Greimann, Becky Burr. Maxim is up next and then Jothan.

(Maxim Alzoba): Maxim (unintelligible). If ICANN as American legal body entity allowed to knowledgably enforce the (sub) party to breach local legislation

Man: They believe so.

(Maxim Alzoba): I think we should invest some time into investigation of this because the companies which have more money on this stage of negotiations they

stopped (unintelligible) and in person saying yes we agree. So we might need to investigate this from legal point of view. It might be just remove this issue.

Keith Drazek: Okay. Thank you, Maxim.

Keith Drazek: Jothan, state your name.

Jothan Frakes: Jothan Frakes of domain. I don't - I think that the registrars have a lot more exposure to this issue than we do and we can you know do everything we can to brainstorm at this point but I would be in favor or just following their lead and having them submit something to us and just supporting them in it because it seems that they've been through this before. And I think that might be the most efficient way to do this.

Keith Drazek: Okay. So any - and forgive me but are there any European GEO TLDs, new TLD applicants or registries here? I see (Dirk) in the back. Okay. There we go. Thank you.

Michele Neylon: Michele for the records. The reason is I raise this is in the past there have been only two contracts that were negotiating with ICANN prior to the new TLDs where ICANN has made changes to the WHOIS display requirements. One was in the case of (dot tel) and the other one was Maurice and he was in the case of (dot cass). Maybe I'm wrong I can't remember. But, you know, it's been limited.

And I know that from speaking to some of the European registry applicants that they - some have delayed signing contracts and others were trying to signing the base contract and then going back for reconsideration or some kind of negotiation. Some of the issues here are going to be very very similar because ICANN provides a process saying one thing to you followers and then they don't respect us. So if you are going down that route may the force be with you.

Man: (Unintelligible) we signed a contract immediately. We didn't negotiate because we didn't want to wait two other years so whatever so whenever we get a complaint about this we go the way that (dot) to end and have it all afterwards. So right now at the beginning to sign the standard contract.

Man: And same with (dot Berlin).

Michele Neylon: Will you each have the valid excuse you've been waiting 20 years anyway.

Keith Drazek: Yep. So all joking aside I think as contracted parties to ICANN and, you know, we're in a relationship with one another this is really troubling stuff. And I think as the contracted party house we need to take a strong position on this particular issue to the extent we can work together as it relates to registry or registrar agreements or the where they connect or something that we need to really take a strong position on.

So let's make sure that we work together closely on this and Jothan thank you for taking this forward on the counsel level and let's make sure that we keep in close touch on this and then if that means having ex-comm calls more frequently and focusing specifically on this issue or on the issue that we discussed earlier then let's make sure that we do that.

Michele Neylon: Okay. No problem. Always a pleasure to have those joint ex-comm calls.

Keith Drazek: So what else do we want to talk about? I mean, we put some stuff on the agenda about strategy panels and the other counsel motions. Jothan, was there anything else on the counsel motions that would be of interest to the joint group?

Jothan Frakes: No, probably that we just to clarify we intent to vote in support of all of the motions. If we have that already that's our intention. We've worked through the five and discussed in relatively briefly. We haven't spent a lot of time on

them but that's our intention. So I guess if you guys aren't or have any concerns about them it would be good to discuss those now.

Keith Drazek: Okay. Thanks, Jothan. While people are contemplating that maybe it would make sense for us just to give a brief update of some of the conversations that we had with the board. We talked about, you know, really three - well, four issues.

The first was just giving sort of an overview of a lot of the applicant and new TLD registries experience with the global domain division. I don't think we need to talk about that in a lot of detail with you all.

But we talked about the financial reporting and basically the process of you now, that ICANN has been going through with the verge of the strategic planning and planning process concerns that we have continuing concerns that we have lack of visibility and transparency into the budgeting process and a level of detail early enough where we can comment and contribute an influence of the budget before the board actually approves.

So (Chuck) so you want to just touch on that briefly or (Paul), either one of you just a little bit more detail there maybe we heard.

Chuck Gomes: Well, I asked a very specific question as I've been getting generalities for years. I asked quickly for the fiscal year 2016 budget and they said that because we're not going to get the detail this year. It's already a known fact. Get budget detail them to the project level that's a specific term in their new system by February of 2015 which presumably would give us enough time to analyze them into some comments with enough lead time so the board could consider them before they approved.

And I essentially got the answer no that they just can't pull it off by then. Had some side conversation with (Xavier) afterwards, (Paul) and I both and there may be some ways that we can get what we need. It's not clear yet. Not

going to hold my breath but at least the point was made that we don't have enough detail right now.

So (Xavier) seems optimistic that there may be ways that we can work around this and we'll certainly work with them on that. But I think if nothing else and even had one board member approach me later and say you're right on on the concern on the budget but we'll see where it goes.

Keith Drazek: Okay. Thanks, chuck. And if anybody wants to ask any questions or respond then by all means do. Another topic that we discussed was a recent letter that came from the ICANN board with regard to the acronyms, the IGO acronyms related to new GTLDs. While the substance may not be a significant concern to the registrars today I think the procedural issue is. So, (Jeff), if you want to touch on that briefly.

(Jeff Neuman): Sure. We basically let the board know that under the bylaws they have two options with respect to things that go through our PDP especially with consensus recommendations which the acronyms of IGOs and this went to the board consensus recommendations the board has the option of either approving it or rejecting it by a two-thirds making a specific finding that the recommendations are not in the best interest of the ICANN community or the ICANN the board did neither of those and rather created its own policy with this letter that said we know that GNSO said no acronyms in the TMCH and no sunrise but we think the better proposal is to allow two variations of each IGO including acronyms go into the clearinghouse and everyone has to do sunrises on those.

And they said that to the GAC is their quote compromise proposal and CCd the GNSO and we let them know in no uncertain terms that that was a violation of the bylaws that they really had to - they had no right creating policy that's against the bottom up process and that the real way to rectify this is to withdraw their proposal to the GAC and to either accept the recommendations at this next meeting or reject them making those specific

findings and letting the PDP group know what they did wrong and if they wanted to reject it.

And if it did reject it then to facilitate a dialogue between the GAC and the GNSO directly to figure out some sort of compromise if possible but not middle in the development of policy. And they have obviously heard this a couple times this week and they just - they just said hey we've heard you, we're going to address this and we'll get back to you on Thursday with either accepting it or rejecting it and moving on.

I do think in what you said as a group this is a constitutional moment for ICANN. They can't really go out and say to the world that they are all in favor of the multi stakeholder bottom up process and when it comes to the PDP which is the cornerstone of the multi-stakeholder bottom up process just basically throw it out the window and create their own policy. I think they took it. They - we'll see what they do on Thursday.

Keith Drazek: Okay. Thanks, (Jeff). Sarah Falvey, do you want to get on the queue on this?

Sarah Falvey: No, I was just wondering if you could save me like a minute at the end.

Keith Drazek: You got it. Of course. Okay, James.

James Bladel: Thanks. James Bladel for the transcript. And thanks, (Jeff), I'm glad to hear that the message seems to have been received in your session with the board. For those who were here this weekend the scene was surreal. Counselors were reading the bylaws to board members and explaining essentially exactly what (Jeff) laid out.

Jeff Neuman: Thanks, James. That was another point I brought up. Again, I'm not sure they - we brought it up, I'm not sure they got it. We'll see. But again on the session that was this weekend the interesting thing it didn't seem like it registered with some of them because in their minds they thought well we will eventually get

through accepting it or rejecting it but they kind of have the mentality that the new gTLD program committee has all along with everything that's not a PDP so they can just create whatever policy they wanted. It's up to them to create the compromise. And we as the registries and any other counsel did it this weekend, told them that that's not their job.

And we understand that they have a difficult situation right now. It's either you accept the GNSO recommendation and go against GAC advice which is not easy to do especially in this time of transition of the IANA functions and, you know, Brazil coming up and all that stuff or accept the GAC recommendation or the GAC advice and voting down the GNSO bottom up process.

And so that's difficult for them too because again they've been going around saying it's a bottom up profit needs to be adhered to and that quote they said it in three meetings today I got transcripts and three meetings the board does not create policy but that's exactly what they did here.

Keith Drazek: Okay. Thanks very much, (Jeff), for walking us through that now and your excellent job with the board earlier. Okay, any questions before I hand it over to Sarah and then depending on what Sarah says or doesn't say I might put myself in the queue as well. So go ahead, Sarah.

Sarah Falvey: I feel terrible. I'm like one minute before five. I just had a question about specification 13. Our understanding was that specification 13 that the language has been posted and was essentially ready for board approval and then I know that there were a number of registrars that were sort of concerned with some of the language specifically around the registrar piece.

Last we had talked with staff - me, this is not the registry group - it seems like this may be derailing specification 13. I don't know if you guys had a chance to talk about this issue within your group or if you talked to the board about it and if you had sort of an update on where that is.

(Michele Neylon): Sure. I'm going to hand this over to Volker who will hopefully be able to give you an exact update and for the record, (Michele Neylon) speaking.

Volker Greimann: Yes, for the record, Volker Greimann speaking. I can post the draft document as they usually do for public comments and a lot of registrars took the opportunity to point out a couple of flaws in that document. These public comments...

(Michele Neylon): Just for clarification this is going back some time, not in the last couple of days.

Volker Greimann: I came back I think last week with the new version of the document which there were registrars that had made the comments weren't quite happy with which all their concerns have been addressed in the new staff version and during this meeting we were asked by staff to basically reconsider one of our requirements or one of our suggestions that we made in our original public comment and we have done so.

Man: Are you happy now?

Sarah Falvey: Do you have (the board) vote on it - what day is today - tomorrow?

Volker Greimann: We have provided both those representatives of the (dot brand) community that were talking to us with the letter that clarified our statement and our position and I hope that this isn't the time for the board to vote on it but I'm not sure about that.

But like I said this was another change to the document that was posted last week so we were just asked if we were willing to modify original comments on the original draft so we did not comment on this draft originally. We supported the new draft fully but we're willing to reconsider one position that will probably lead to a new draft which will have to be published and voted on.

(Michele Neylon): Sorry. Just one second, Volker, for a non-native English speaker you do a wonderful job of acting like an American lawyer in a public place. The number of times you used the term draft over the last couple of minutes my poor head was ready to explode. So I'll break this down into as simple as possible because they confuse me. I think I know what he's saying but he has confused me.

Anything around spec 13 was not a position of registrar stakeholder group. It was a position of a number of registrars who happen to be members of registrar's stakeholder group. I sent this through to ICANN staff whenever the hell it was although that was some time ago, they provided an updated language whenever the hell that was a week or so back and for one of the first times ever they actually listened to our concerns.

Oh, my god, the community has expressed a concern about something and they suddenly decide that we referred to obliquely as this massive issue so we've Volker and I and several others but primarily myself and Volker have spent a (disordinate) amount of time with the (dot brand) people trying to flush out the finer points of this after the meetings we had with the group with the board and I was dragged off into a corner with (Akram Cyrus), one of those contracting guys whose name I can't remember, (Allan) I think his name is. He's one of their lawyers. Some guy from (Bolivia), (Martin) from HSBC and just in case there weren't enough lawyers in the room (Fabricio) from Time Warner.

I committed to send an email CCing everybody with the language that we'd agreed on more or less saying retracting our position or clarifying our position on the one - there's one road block and as long as I had done that before 6 or 7:00 this evening apparently that would have been good enough and considering I did it around 4:30 I'm sure that's fine

Sarah Falvey: So I think if it gets passed I think this is probably a done issue but if it doesn't I think what we should do is you know the BRGs is not an official stakeholder

group but I think it's great that they're being represented but we have businesses while in the registry stakeholder group and it might just make sense instead of the two separate groups negotiating with staff for our two groups to negotiate together if there isn't.

If you think we could probably work it out, I think the reason why it's going on so long is because we probably aren't communicating that well. So I think if it's going to get passed it's going to be fine. But if we need to do another round of edits then we should think about getting more involved and that's as a registry group with you guys.

Jeff Neuman: What do you mean if it gets passed, in the previous form or some format that's been edited during the course...

Sarah Falvey: Our understanding I is that there's just that it's been edited just to adjust concerns that were raised during the public comment period but then I'm not really sure what sort of the final language is going to look like.

Jeff Neuman: Yeah. We don't think anybody does so you're not unique.

Sarah Falvey: So I think we should see what the final language is and see if we're still okay with it. It's really just a concern.

Jeff Neuman: Maybe I can have a little - we're a member of the BRG. So it's our understanding if you look on the ICANN site it is they are holding a special meeting tomorrow with just this on their agenda. So it is their intent to vote on it whether it's to vote on the one that was posted on a week ago Friday or very recently or with this change.

My understanding is it's one sentence that was taken out of the original draft and it's really just this one sentence whether to put that one sentence back in. Maybe it was modified by a word or so but it's not that major. I actually

disagree a little bit with Sarah. I don't think it's really this group as I registry stake holder group that should talk to the registrars.

I think it was a brand issue. I think the BRG was talking with the registrars as soon as they could. The language was really just posted less than a week before most people came to this meeting and so the BRG did a pretty effective job I think in reaching out to the registrars that had the concern. There were a lot of discussions that went back and forth. It's my understanding that it will pass tomorrow but who knows what's going to happen and to hopefully that issue is done.

Keith Drazek: Okay. Any other comments or questions on that topic before - I just want to take a minute before we wrap unless Michael) that you'd like to raise.

(Michele Neylon): No. It's been a long day.

Keith Drazek: Just a quick note You know, there's been a lot of discussion this week about the NTIA announcements to sometime in the future disengage from its current and legacy IANA functions. And I just think there's really not enough time for us to talk about that today but I think looking ahead and probably in the near term we as the contractor party has to look closely together to ensure that whatever process is designed is done in a bottom up and consensus-based way in a multi-stakeholder fashion and that the result either the process or the result, neither the process nor the result are dictated to us.

As in the domain provisioning system the registries are obviously direct customers with IANA and this is all part of the same food chain and I think we're going to look to you all as our customer to work with us and help contribute to this discussion moving forward.

We as the registries at least those of us in the room who voiced an opinion today after conversations this week are very concerned that there is a top down management process at play here and that there is an attempt or may

be an attempt to dictate an end result to us as the customers of IANA. I hope I'm wrong but I fear I'm not.

And so I just want to put on the table that we will want to work with you and as the contracted party house I think we need to work together very closely over the next weeks and months as we try to manage whatever this process turns out to be.

So and I'm happy to take any further comment or questions or feedback on that but I just wanted to make a note rally no more time to talk about it today. We've run out of time. If there's any final thoughts I'm happy to take them.

(Michele Neylon): This is (Michele) speaking for the record. Very very briefly. I had several people within the registrant group are engaged in the thing that's our infamous cross community working group. I know there's quite a few of you who have dived into the hornet's nest which is the one mailing list - and I see James Bladel at the mike.

James Bladel: Just a quick question. Anybody here going to Brazil? Anybody going to Brazil? Yeah.

(Michele Neylon): This one's a holiday.

James Bladel: Yeah, the registrars had three folks throw in and three invites.

(Michele Neylon): (Unintelligible).

Jonathan Robinson: Two quick comments. One is that we did - forgive me if we covered this before but our discussion with the board we raised the concern that certainly needs to be on the mailing list which is that prospect or sense that ICANN may be in some way be representing the contracted parties in Brazil and that that's been a concern expressed in the registries stakeholder group and that seemed to come as a little bit of a surprise to the board that by virtue the way

things are structured it sometimes appears in these international forum that ICANN may be representing us and that's a concern.

And second just to (Michele)'s point on the cross community working group, to the best of my knowledge that might morph into something else but as it stands at the moment that's got - it doesn't appear- I mean, that was set up and running and dealing with issues prior to the intention to transition from IANA. So in that sense it hasn't got anything to do with the transition of the IANA contract as far as I know.

So, you know, it may be that under the broad scope of what was being covered there the transition from IANA was being discussed there but in the sense events have overtaken it and so there's at least the question if not more than that as to whether that's being covered in that group. I don't - it isn't encompassing that at this stage.

(Michele Neylon): Michele for the record. I know I think several people view the cross-community thingymabob (sic) whatever the hell you want to call it as being specific to this (unintelligible) (oneness). I'm not too sure we'll refer to that as meeting. Meeting will work.

But they are concerned if we're looking at this larger transition oversight accountability thing we're all supposed to be involved with now that - and the makeup of the group and the way it works we'd probably have to change. But at the same time there's also this cross community concept isn't a terrible idea because it does help to remove some of the silos. I mean the only group who aren't really in there are the GAC and of course they can't be for a multitude of reasons.

Jothan Frakes: So just to very briefly - this is Jothan again - the mechanics are one thing, I.E. the cross community structure and the contents of that cross community group is another and I always make a comment not on the mechanics but on the content.

(Michele Neylon): This is why you're (unintelligible) the GNSO.

Keith Drazek: This is Keith. I'll just note that the cross community working group on Internet governance that we're talking about still is not chartered and there's an opportunity certainly for the community and a cross community way to figure out whether this is sort of a one-time deal to focus on Brazil or if it's a longer term effort to focus on any range of issues related to Internet governance and accountability and all of that.

(Michele Neylon): It could be that. It could be cross community working group on the quality of work for ICANN reasons. I mean, it's open to whatever. It doesn't have a charter because for once instead of spending six months arguing about the position of a comma in the document that only about three people are going to read. They actually worked on drafting the submission to the (oneness) thing we came up with wording that hopefully none of you find offensive. If you do, well, tough it's already in there.

Keith Drazek: The intent though is for that group to complete its charter, to continue its work. Well, at least that's the interest or that's the question, right? Anyway, I guess the point is that we'll probably end on is there still an opportunity to influence and to sort of push that group in a direction that we wanted to go. Or maybe to push against where we don't want it to go.

Okay. Anybody else? Any other business? All right. Let's wrap it. Thanks, everybody. Appreciate you joining us.

Cherie Stubbs: Thank you. We can stop the recording now.

END