Transcription ICANN Singapore
Joint Session with the Registry and Registrars Stakeholder Group
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On page: http://gnso.icann.org/en/calendar/#feb

Michele Neylon: Okay, so we've been joined at the table by Mr. Drazek. So, I'm going to hand over to you.

Keith Drazek: Thanked you Michele. Hello everybody. Thank you very much. Keith Drazek, VeriSign and Chair of the Registries Group. Always a pleasure to be here with our customers.

   And I guess this meeting we're coming to your room, so I'm going to hand it back to Michele for chairing this session.

Michele Neylon: Gee thanks. I think we - okay, so we had a couple of topics that we wanted to discuss. I think the unilateral interpretation of contracts was the main one. Was there something else? I can't remember.

   Okay, we're working on that. So unilateral interpretation of contracts which we've already raised with some of the ICANN staff this morning was one topic. So if maybe (Bob) from our side could kick this off.

Bob Weigan: Sure, Bob Weigan, Web.com. So we will be following you at the Board session this afternoon. And we know you're going to be talking about this topic as well.

I don't know who's representing you Keith, at the Board meeting to talk in broad brush strokes about unilateral interpretation but, so we'll be following you. And in various dialog with members of the Executive Committee - Register Executive Committee.

And then in talking to (Bruce Tonkin), their recommendation to me and my comments was to keep it - we have - I had drafted some detailed comments. They had suggested we put those detailed comments into a letter to the Board and with some specific examples just so they have some more concrete document.

(Bruce)'s suggestion was that I talk in broad generality about the concerns of unilateral contract interpretation. Obviously how we believe that, you know, that it's - the RAA is governed by U.S contract law.

If there's disagreement and the parties get together and go through; if they can't come to an agreement then there's arbitration or there is an amendment process. There's legal areas within which we can get together and work through our problems.

And so his - again (Bruce)'s suggestion is that we talk it out - I talk at a broad level and try to, you know, pass it back to the Board to make sure one, they're aware of the issue which apparently they already are. But what they intend to do about it.

And the other thing that I think a lot of the registrars feel, and me specifically is that compliance with registrars it typically uses the three strikes you're out policy to railroad us into taking the position that is favorable to them and not favorable to the registrars.

The smaller registrars in particular don't have the legal staff or a lot of times don't have a large Compliance staff. And so they get nervous when ICANN

comes after them with interpretation on the contract. They go in a direction that maybe they shouldn't be going.

And again my concern is that what's happened with Compliance, at least in my opinion, is it's become more of an adversarial relationship as opposed to be a collaborative relationship.

And again, I think that I'll articulate this to the Board, see what they have to say, but I'd be interested from hearing from your team how they're planning to discuss the topic with the Board.

Keith Drazek: Thanks (Bob), and Keith Drazek. Yes, I think we've actually had several good conversations at the Registry and Registrar Ex-Comm level with GDD staff and Compliance staff and all of that.

So I think, you know, they are - I think at the staff level they are fully aware of our concerns and there's still more work to be done on this issue obviously. I don't think we're all in the same place necessarily about, you know, the language itself or the interpretation itself.

But we've put them on notice as Contracted Parties House, that we have serious concerns. And I think they've acknowledged those concerns.

So the question is, how do we take that to the next level and inform the Board that this is a current issue; an ongoing issue and one that is going to continue to be a challenge for us.

So I think one of the areas and sort of the high level messaging that we've started using and have been using this week is the importance of predictability or the process. And not just the Contracted Parties, but to the entire community. And that there are processes and procedures that need to be followed. And this is sort of a meta-issue for us.

I mean sort of contract interpretation and compliance - the implications of compliance actions from that interpretation is a subset I think, of the bigger issue.

You know we are also looking at issues for example, in the new gTLD Program where, you know, the other components of our community, whether it's the GAC or the ALAC, in various instances, keep coming back and reopening decisions that have been finalized. And finalized through due process.

So I think generally speaking, predictability of process is sort of our topline messaging point for this meeting. And how critical it is, and again, not just to use Contracted Parties but to the entire community.

If other parts of the community think that they can keep coming back for second bites of the apple after process has been resolved, then what's to stop them from continuing to do that? It creates uncertainty; it creates conflict. It creates you know, problems for us as an entire ICANN community.

Specifically on the issue of contract interpretation and compliance actions, I mean the fact is there are some key principles that we have laid out and that we laid out on one of our joint calls with the staff a week or so ago, that basically say that, you know, if there's a dispute or if there is a difference of opinion in terms of some contractual language, then the parties need to work together to resolve it and come to an agreement without one party saying, this is the official opinion. Or this is the official interpretation which is completely unacceptable.

And if the two parties can't, as you said, they should go through a process of mediation or arbitration or something you know, to make sure that there's a resolution that both parties can agree to, under a process. And that's not happening right now.

So I think at a fairly high level, that's the messaging that we're going to take into the session with the Board.

Michele Neylon: And just actually following on from what Keith is saying -- Michele for the record -- we have had a couple of meetings, both prior to this meeting here in Singapore as Keith alluded to on the phone, just over a week or so ago.

And since we've been here in Singapore, Keith and I were with the Board on Sunday morning and we both kind of spoke to pretty much the same thing.

One of the areas that -- and I've had this conversation with a couple of members -- one of the areas of let's say, pain for registrars and for registries is that under the current ICANN process you have, you know, various communications between Compliance and the Registrar.

And then at some point it goes to some form of breach which is published, which is public, which can lead to all sorts of pain and suffering in terms of PR, share prices; all sorts of other things.

So one of the conversations we have been trying to have with ICANN Compliance and ICANN Legal is trying to first off make the, understand the issues around this. That the - that while they may feel that they're going through a quote, unquote, process that in many respects the publication of something which may be relatively straightforward to resolve, there's no difference between, oh my god, I killed somebody and, I don't know, there's a blank space in (unintelligible) or something completely innocuous.

So there's been - there has been some discussion between ourselves and with ICANN staff to see if there can be a possible way of modifying how that is disclosed. I mean I'm not sure exactly how far we're going to get with this, but we are talking to them about that because we are very conscious of the fact that simply saying to us, and I'm going to paraphrase, and then Akram will turn up and probably belt me over the head, but that's okay.

I'm going to paraphrase - what was the wording you used; we're all trying to -- what was it -- badge down the new contract, or adjust to the new contracts or, I can't remember the terminology he used. But the thing was that from our side it was like okay, that's nice guys but we're the ones whose contracts can potentially be terminated; not yours. So this quote, unquote, period of adjustment is rather one-sided.

Keith Drazek: Yes, thanks Michele. I would just add, and then I'd like to open it up for discussion or comments or questions, I think one of the things that I mentioned to both Akram and to Allen Grogan in the session that we had on Sunday that Michele referred to, was that you know, we're obviously dealing with issues right now where there are differences of opinion in terms of contractual language, interpretation, and the effect that it's having in compliance on our businesses.

But I also want to make sure that there's a process of a procedure put into place to prevent any more from happening.

You know I asked the question to the room, both Registries and Registrars with ICANN staff there saying, you know, are we sort of a steady state right now where, you know, the interpretation is pretty much what it's going to be? And there's a handful of items that we may disagree on.

And the answer I got back was no, it's not steady state. We keep getting hit with different interpretations and this is sort of a moving target.

And you know the comment I made was, you know, to Allen - to Allen Grogan was, we need to have a process where, you know, if there's going to be an interpretation of something new, that we need to have a conversation. There needs to be a dialogue about that and a clear process for resolving it if there's a difference.

And you know, I was a little bit troubled that the reaction I got was sort of like well, you know, this could be, you know, there could be thousands of instances where we do, you know, interpretations every day. And you know I pushed back. I said, you know, I think that's really unacceptable.

What we're trying to do here is to prevent these types of disagreements in the future. So there at least out to be a conversation that takes place.

So I think that's something that we probably ought to push on it. Again, having a procedure that we can all rely on; that everybody sort of agrees to and that is predictable, that helps us avoid problems in addition to (unintelligible).

Bob Weigan: And Bob Weigan again, just for the record, and a quick comment. Did you talk at all about you know, the clarifications? I think the direction you're going is these clarifications; best practices documents that get shot out across the bow by ICANN, which then they kind of - the client's team then takes and runs with them and says, well this is gospel. This is the way the agreement is supposed to be interpreted.

And again, for the smaller registrars in the room, they say okay, I guess I'd better line up and do it the way they've told me to do it.

Alternatively we tend to push back and say no, that's not the, you know, correct contractual interpretation. They steadily walk you up to a three strikes, threaten to breach. Then you end up putting the other large legal memorandum saying if you want to go to court and fight over this, we're perfectly justified in our legal rights here. And then they send you an email that says, case closed.

So it's just a - that's why I say it's become such a, in my opinion, an adversarial versus a collaborative environment. But back to my question, did

you talk to them at all about the clarifications and best practices documents that they sent out?

Keith Drazek: So I don't know that we specifically reference it on Sunday, but we have definitely raise it previously, and multiple occasions where just for example, the who is, clarification documents that have been, you know, sort of floating around for several weeks or a couple of months now, that the Registries have been dealing with at least, for the new gTLD Program.

You know really, you now, sort of in our view sort of inappropriate that these clarifications are begin used in a sense, to interpret policies and develop implementation that is outside the bounds of the agreement. And maybe subject to interpretation but again, back to the point, we need to make sure that we're all in agreement before a clarification somehow moves the ball forward to a point that - yes, exactly.

So any questions or comments? Jeff?

Jeff Neuman: Hi, Jeff Neuman at Valideus. So where do we go from here? We all know that we tend to, every three months; four months or whatever it is, meet with the Board.

We express our discontent and then we go on and nothing ever happens. So what can we as Registries and Registrars do together to push this forward to make sure that it doesn't happen, to send a clear message?

So we send a Contracted house communique, issue it, and have it on there and make sure that we get some sort of redress or some sort of action before the next meeting, and demand that we get some response?

I think - we seem to be having the same issues and it just gets worse and worse and just keeps, you know, asking in other places and nothing gets done. And now you know, we're all here from the Board that they don't even

enjoy -- not that you should enjoy it -- but they don't even want to meet with us, right.

On Tuesdays they want to reschedule. The want to basically do some completely different things. They don't get anything out of our meetings. The said that to the GNSO what, on Sunday? So we need to actually take a step up and do something.

Volker Greimann: Thank you Jeff. Volker Greimann speaking for the record. It is I think, just something that you said. I don't think that the Board does not want to meet with us. They're just dissatisfied with how the structure of the current meetings is.

And there is a certain feeling that the different stakeholder groups come to supplicate to the Board and expect them to wave a magic wand to make the problems go away. And they're looking more for an interactive format away from the pre-formulated answers to the pre-formulated questions that have no real surprises and no real promise of progress so to speak.

So that is something that's going on, on the Board level and also discussed at the GNSO level, how to restructure this day. But sometimes we need to think about if the Board is the right place to address our concerns.

I think in this case there is some concern, but we should consider that as the Registries have already raised, if we should just say as Registrars look, the Registries have raised it. This is our problem as well but we're not going to harp in on it. You heard it already. We have the same opinion. Next topic.

That's something we might want to consider. Because for the Board having to hear the same problems over and over again, it does not seem like a valuable investment of time on their part and I tend to agree with them.

Keith Drazek: Thanks Volker. Yes, I think in the sense from the Board about their frustration with Tuesdays was not specific to the Contracted Parties House exclusively. I think it was just a general frustration. So (James), did you want to jump in?

James Bladel: Yes Keith, (James) speaking. And just to reiterate some of what Volker was saying, it wasn't a question of the Board wanting to opt out of those discussions, it was the request to change the tone of those discussions from, you know, if I can be blunt for among friends here, from a complaint fest where everybody kind of lays their problems on the Board and says, you know, and then the Board nods and asks some intelligent questions.

And then we go away for three months; print, repeat. I think that's what they were trying to disrupt and get that more to, well if you have an issue with another side of the community or staff, that's who you need to be talking to, not using the Board as that intermediary.

Going to the issue of a stable and predictable environment for business and for investment, I think that we need to continue to hammer on this point. This was part of the key note from IR Magaziner that the creation of ICANN was to foster an environment that took all these wild and crazy and fast-moving technologies that were operating at the fringe of the legal and political environment and make that a safe area for business and innovation to occur.

And I think that one of the ways we do that, particularly now that this model is under a microscope as far as whether or not it is just a temporary fixture on the landscape or whether this actually works going forward in the future, is we have to defend the processes that we have.

We have to defend things like we may not like the GNSO, like the PDP, like Compliance you know. For those of us who actually invest in the people and the tools to comply with some of this stuff that we have to comply with, while there's Registrars and Registries out there that have no intention of making those investments.

So we have to help Compliance draw that line and sort those folks out. Because if we don't, we continue to have this issue where interest groups and governments and other folks will lobby directly to the Board, lobby directly to the GAC, lobby directly to the ALAC and try to do these end-arounds and create what we consider to be a very unacceptable level of uncertainty in our industry. Thanks.

Keith Drazek: Okay, thanks (James). I've got Pam and then Jonathan.

Pam Little: Thank you. I want to make a suggestion in response to Jeff's question about what we go from here. And personally I feel the problem with all this confusion and discussion and the challenges we have is really ICANN Compliance has always suffered from this lack of what its role should be.

What should be the performance metric for ICANN Compliance? And it wouldn't surprise you, when I was with ICANN Compliance I asked this question of senior executives. They didn't have an answer for that.

Even I would probably bet that ICANN Board members would not be able to tell you what its role should be. There's no clarity on that. So we all suffer from that.

You can see the data; the metric Compliance put out. It's about how many complaints they received. How many breach notices they issued. That's their metric about what they do.

So there seems to be a perception, the more complaints they process, the more breach notices they issue, the more effective the compliance function or the better job they're doing. And to me, that's wrong, right.

Ultimately what are they trying to achieve? Are they trying to have a more healthy environment or ecosystem, then there should be meaningful metrics

built around that so we are measuring their function; their performance against those metrics, not by how many complaints they've processed. And it's become mechanic and become meaningless, and become a burden to us - Registry and Registrar, doing our business.

So I think it's our job to come up with meaningful metrics that we can measure their performance against so we can all be better off. Thank you.

Keith Drazek: Thanks Pam, very helpful and I think that may go you know, in part maybe the response to Bob earlier about you know, what is it that we can do?

And you know Bob, I think you mentioned you know, that (Bruce) had suggested a letter of some sort, sort of underscoring the issue. And maybe there is an opportunity for a Contracted Parties House letter or communique as Jeff noted earlier.

You know so basically going on record as the Contracted Parties House about these issues, and maybe the Compliance metrics is one component of that, as a recommendation forward. So Jonathan, you were in queue next.

Jonathan Robinson: Thanks Keith, two points. One on the issue of the Board meeting with the stakeholder groups. I think it's important to recognize that that agenda item was part of the discussion between their Council and - or during the Council weekend sessions for the GNSO and the Board.

It was an issue that we raised with the Board as part of our agenda for them. And there was about how the sort of perceived, increased distance and disconnect between the Board and the broader communities.

So I think that it was a more universal point that my sense it is pretty widely felt that one way or another, there needs to be more effective mechanisms by which the Board is better engaged with the community. And whether that's

through participation in sessions, informal meetings to discuss contentious topics, by whatever means.

So I think there's some movement on that. And so I think that to me was how - that's the sort of scene setting for that topic.

Switching to the other point which (James) and others have made on the process, I think one of the words I react a little bit too is defending the process. I think we need to assert the process and the sort of universal value of the process.

It is universe devaluable to not - not only to us but to everyone who participates in it to have a reliable, predictable process. So I think it's incumbent on all of us to keep banging that drum and keep asserting.

This is the framework in which we work. And everyone, it's incumbent on everyone who participates that to make that valuable by participating and playing by the rules.

And frankly I think it is linked to the transition because I think if we can get universal acceptance of the need for predictable, reliable process, it demonstrates the maturity of the ICAN and the multi-stakeholder model and therefore the readiness to take on the transition. Thanks.

Keith Drazek: Thanks Jonathan. Volker?

Volker Greimann: Yes Volker. I'm speaking to avoid any comments from Michele. The issue that Pam raised is I think something interesting that we should both, as Contracted parties, look in to, i.e., analyze what metrics Compliance actually uses to measure their success. And potentially suggest different metrics that may reflect the Compliance function better, and may yield the results that would be more meaningful to both ourselves and to Compliance.

I don't have a solution there, but I think that's something that we should look in to together as Contracted Parties, because I also see the current way that Compliance measure its success as a problem. And that's something that we should address, not to the Board, but internally and then come back to ICANN staff and Compliance and suggest an alternative way.

Michele Neylon: Thank you Volker. And no, stating your name won't get you off the hook. Right, moving things along, there are a couple of other matters we need to discuss with our colleagues on the Registry side of the House.

The GNSO Council issues motions is another one. And as we are lucky enough to have the Chair of the GNSO here, maybe he might want to make a couple of mumblings - sorry, say a few words.

Jonathan Robinson: I think you're referring to me Michele. It's Jonathan for the record.

Michele Neylon: Oh sorry, I should have specified clearly, since obviously GNSO Council (unintelligible) spreading. Jonathan, yes.

Jonathan Robinson: Thanks. I won't mumble and there are no motions on the table. I walk through or engage on any key topics for the agenda tomorrow, but right now there are no specific motions on the table to discuss.

Michele Neylon: Okay, that makes that topic pretty easy to deal with. Does anybody have any comments or anything on this? Or any issues that they want to raise? Okay sorry, I thought you were trying to queue something up.

Okay, topic of discussion - ICANN Board, we kind of covered that. We have touched on the Ex-Comm's meeting with GDD staff on Sunday night. Unilateral interpretation; what else?

Oh yes, the intersessional meetings, does somebody want to - okay, I'll do it. As you all know at present we meet three times a year; public meetings. And

from time to time there have been regional meetings for Registrars and Registries. And for example the one in Amsterdam, applicants were also able to attend.

And then we've had a few meetings around the 2013 RAA. There were a couple of more Registry-focused events that were held over the last year. So it's been, you know, several of these kind of intersessional type events.

I'm not sure who was on the GDD who brought this up the other evening, but it sounds like ICANN is planning to - (unintelligible) okay. It sounds like ICANN is planning to increase the number intersessional meetings by a factor of about 300%.

And what was presented to us in a kind of here, we're doing this, we all kind of stepped back and went, what. Was that they wanted to have three intersessional meetings per year which would mean effectively that we would have a full public ICANN meeting three times a year, I mean subject to the new meeting thing that they're doing. Plus another intersessional meeting in-between each one.

So you would effectively end up with six ICANN meetings per year, or for those of you who aren't very good at math, every two months. Bret?

Bret Fausett: We just asked about this in the Registry meeting with GDD, and I suggested that six meetings a year was a little bit of an overload.

While I welcome the opportunity to be with our Registrar colleagues at an intersessional meeting away from all the ICANN meeting hubbub, I don't think we need three.

Chris just said that though, a first one is scheduled April 22-24 in Playa Vista, but that whether we go - whether we have more will depend on the feedback that she gets from us Bretand how desirable it is to have more.

So I understand that we may be in control of whether we do this six times a year or just once a year.

Michele Neylon: Okay, I see Mr. Greimann and Mr. (Keller) possibly, because he's gesticulating madly.

Volker Greimann: Volker Greimann speaking Michele and naming myself for Michele Neylon. The thing is here that this would not only affect us, in fact the Non-Contracted Parties House already had their first intersessional meeting. And as far as I could see, this was fully funded as far as travel expenses go, for ICANN.

So whatever we are doing the other House is clearly taking this opportunity to meet and strategize during those meetings and take advantage of ICANN funding which ultimately comes out of all of our pockets.

So if we were to take this up, we would on the other hand also open the opportunity to the other House to increase their numbers to also three, if they don't already have that. That's something that we need to find out for ourselves as well.

I think having such a meeting can be beneficial if there's a need for it for a specific discussion. But I'm just plainly putting on the calendar three times a year just because the other House has it, might not make sense.

I also suspect that we would not be equally funded for the same privilege. Therefore we should analyze this very carefully, not only from what they're offering to us, but also what the other House is asking for and looking for and getting from ICANN staff.

Michele Neylon: Okay, thank you Volker. Jennifer, did you want to say something? You can move - make...

Jennifer Standiford: Jennifer Standiford with Web.com. I think to the reaction regarding the dates, there was no engagement from the Contracted Parties as far as when the date was set. We were informed of that Sunday evening during the Ex-Comm session.

Michele Neylon: What she means -- Michele for the record -- we weren't consulted is what she's trying to say. The date was just dropped in the room with no discussion. It was like oh, we're doing this on this date.

Now I'm speaking for myself, my calendar for events is decided several months in advance. I mean, like I'm sure I'm not the only one. So if somebody turned around to me and goes oh, you've got to ship yourself half way around the globe for a super duper important meeting in about two months' time isn't exactly convenient. Tom and then Jonathan.

Tom Keller: Thank you, Tom from 101. That question that raise is basically how we're supposed to do that. I mean if you have a look in the room I think we are somewhere around, I counted it, roughly 20 Registrars that make it out to Singapore. So it really depends on where the venue is.

But besides that, and whether we'd get travel support or not, that's not really the question. The question is whether we can pony up the time to actually do it.

So I have (unintelligible) big issue to tell my employers why I have to fly out three times a year. And they're always concerned that's way too much.

So having six meetings is something I'm not even going to talk to them about, right. So and then I don't know what we would achieve in one, or three or more meetings, right.

So I think three times a year, its fine but we maybe should think something for ourselves as the Contracted Parties House, how we can use the time more effective of what we have.

I will talk to the Board later on to how many things we have to do and how many of these processes we have to take part on. So in case you don't know, currently there are 22 activities we're supposed to be part of, which I think it outrageous.

So it doesn't fix it by having more meetings, right. We have a certain capacity of volunteers and we have a certain capacity of time, and then it must be done. We are not paid by ICANN for actually doing that. We pay ICANN to do it.

Michele Neylon: Thanks Tom. Jonathan and then Keith.

Jonathan Robinson: Thanks. As Keith said, we just hear from them - from the GDD on this. They talked about these as being meetings focused more on operational rather than policy issues.

I don't - in my view, I didn't say it to them. I was sort of processing the point. I don't think they've articulated clearly enough, and I don't think it was a satisfactory articulation that we got of the outcomes. It was kind of waffled. They kind of said well we are going to have these meetings.

We're not 100% sure why we're having these meetings. It will be kind of up to you why we have these meetings, as well as us. So there might be that we wanted three. We got the impression that those three would be in different locations. It wasn't necessarily clear whether we would benefit from attending all three or not. So I think they've got some work to do to really articulate what's going on.

I think Volker makes a valuable point. The NCPH has had a recent intersessional meeting in January in Washington. It was the first time they've had such a meeting in two years.

But it's a very good point that A, that it was funded by ICANN and B; that there will be an attempt to mirror it.

Now to be fair, I have heard some people saying, the last time Registries and Registrars had a meeting was two years ago in Amsterdam. So to some extend we've been asking for it.

But nevertheless, the response has come I think, probably not in the right way. It's come as you said, rather suddenly with a predetermined ate in LA without a properly articulated position.

So I didn't give them that feedback now, but I think somehow we do need to get that, or a variation of that feedback, back to them.

Michele Neylon: Don't worry Jonathan, I think they're going to get us. Volker?

Volker Greimann: Volker Greimann speaking. Just, I think we need to focus on two points here. The first point being if we want to have such a meeting it should be on our terms, i.e. at our request, on a time that we all find agreeable and a location that will be ideal for all of us.

And the second part being, have a close watch on what the other House is doing and getting because otherwise their travel expenses are - their travel allowance is already very high compared to what is allocated to our side - our House.

And with additional meetings, I'm guesstimating that this one meeting will be the only one that they are holding this year. Otherwise the GDD wouldn't

have launched this half-baked idea at us to have this meeting as well, to equalize the sides.

Otherwise, the travel expenses in the ICANN budget will get out of hand. And there's a lot of better things that ICANN could spend that money on or not spend that money on even, than this.

Michele Neylon: Okay, thank you. Keith?

Keith Drazek: Okay, sorry thanks Michele. Yes, you know I think I seem to remember -- and I may have it wrong -- but I seem to remember one of the reasons they suggested three, so there would be regional rotation.

So you know the opportunity of having maybe the same session three times in different regions to make it easier for travel. I may be wrong about that, but let's not rule that out as a possibility.

I think my initial reaction, I agree with everything that's been said. You know obviously more detail needed. You know there's still probably a question of whether it's necessary, whether it's once a year or multiple times or at all.

But I'm generally open I think, to the idea of an intersessional that's not necessarily policy focused, that gives us as, you know, contracted parties and, you know, businesses that work together the opportunity to engage on things that we care about, outside of the typical ICANN structure.

So I wouldn't want to rule it out, out of hand, but certainly more details need to be flushed out.

Michele Neylon: Chuck.

Chuck Gomes: Thanks, Chuck Gomes from VeriSign. And a couple of you already hinted what I'm going to say I think, so I'm just going to clarify a little bit.

What I've heard is they've given us the opportunity to determine the agenda. And I think the criteria of whether we have a meeting - and again, a couple of you have said this, is can we - can it be productive for us?

And that means we would very quickly, especially if it's in April -- maybe it's not in April -- but can we make it useful. Is there something we could do (unintelligible)? And I think that's the determining factor of whether something is a good idea is, what agenda could there be for us together to do that.

So that's probably the biggest action item out of this, could it be for us and if so, what would that mean, and then we need to communicate that.

Michele Neylon: Thank you Chuck.

Reg Levy: Reg Levy, Minds and Machines Registry. I wanted to respond briefly to what Keith said about how this might have been an opportunity for us to have the same meeting in three different places so that the U.S. based people didn't have to fly to Singapore and the Singapore people don't have to fly to Playa Vista.

But that was something that was discussed, at least within the Registry Group, with ICANN staff with relation to the phone calls that they sometimes have; the Webinars.

And our feedback was that it was not appropriate to have the same meeting more than one time because there's different questions and it ends up being different meetings, and that forces us to attend all of them.

And so it would be better to have one meeting, even if it's completely inconvenient for a certain group of people, and then rotate that.

So I don't know if that - how that really fits in here. But I think that it's something to keep in mind that the feedback that we have given them is that we don't want them to do repetitive things.

Michele Neylon: Thanks. Sir, (Maxim).

Maxim Alzoba: Maxim Alzoba for the record. Actually if the meeting happens, we have to insist that there is a proper amount of (unintelligible). So those you cannot fly there can (unintelligible).

Actually if they want to do something like maybe with roadshows, these things were useful. New bits of information; new ways of some questions, but to do so we have to have remote (unintelligible), but we didn't have it.

Michele Neylon: Okay thanks. Let's move on to the next topic because we're running short of time. And just for those who - for the Registry side, I think we will be raising this with GDD when they do come to us later. And I think we'll make it quite clear, our feelings on this.

Okay, translation and transliteration PDPs on the list. Can we make this one really short and just say we all hate it? Just one second, I'm going to do as we've done already a couple of times today, just making it a little bit faster.

Is there anybody in the room who is fully supportive and loves the idea of translation and transliteration of contact data? And I'm not seeing thousands of people rushing. Okay, (James) and then Volker.

James Bladel: Just that we note that Registrars made a comment I think, articulating our issues with this in the comment period. I think the comment period closed right before this meeting, February 1. And I think that the Registries did lend their support to that, so thank you.

I think that as this group then takes those comments on board and moves from a draft report to final recommendations, we need to continue to monitor this, particularly as it starts to way to the Council.

We talked about things like workload, you know, we have to really think about how we've - look, everybody is busy. But you know we let this one go to the point where it's really far along now in the process. And it's had very - I know Emily has been working on it. I know a couple of other folks have tried to, you know, watchdog this one.

But you know it's just another example of a very determined and motivated and narrow interest has been able to push something very. Very far down the pipeline before it hit our radar as something that was a threat to our operations and our business. And we are now playing catchup trying to catch up to it and put the brakes on it.

So this is just one of those things where I think a good example of why we need to spread our coverage as well as we can to make sure that we're catching these things a little earlier on in the process.

Michele Neylon: Volker?

Volker Greimann: Volker Greimann speaking. Yes, thank you. Just one thing. The initial report that's out there isn't controversial in itself as it presents the different options.

Personally I have no objection against transliteration translation o whose data, as long as it's not mandatory and the reports asks for opinions in just that question, i.e. should this be mandatory or not. And gives arguments in both weight, I think the argument for non-mandatory transformation are stronger and have been supported in both of our comments.

Now I've also seen that following our comments the Non-Contracted Parties House, especially AB and BC have launched, (unintelligible) campaign to

influence the comments in their way. But we will have to see what the working group does with these comments and what they come up with now.

This has to be closely monitored as (James) said. But it's not all black at this stage.

Michele Neylon: Okay, Jonathan.

Jonathan Robinson: It's bleakly connected; not absolutely directly, but it's worth being aware that in the spirit of what (James) talked about, getting involved early in the process and being in tune of what's coming on, there is a discussion item on the council agenda tomorrow relating to the pending PDP on gTLD registration data which, you know, is kind of who is (Mark) too.

And so I think that's something which could be very impactful and it's something that, you know, I'd encourage you to I think just keep on top of through your counselors or have one or two people track that work closely as possible.

Michele Neylon: Oh, thanks Jonathan. Just Michele for the record, as we had Margie Milam and Mike Zupke with us earlier, and part of what they were looking at was stuff to do with the session that was run yesterday on the all things for ways, in big quotes.

And there was slide that they put up on the screen which -- I'm trying to see if I can put this diplomatically -- it was the most ridiculous visualization of a set of concurrent policies that I'd ever seen in my entire life.

I'm sitting in front of a very, very large LG TV screen which it's big enough that I don't need my glasses to read the text. This thing - there were so many isoms on it, even with nice contrast and everything else, I was still looking at a fuzzy mess of color.

I mean this is just on who is. And I don't know how many concurrent things at the moment. Somebody probably knows. Tom you said there were 20, what was it?

Tom Keller: Two.

Michele Neylon: Twenty-two. There are 22 things ongoing at the moment and most of them involved with somewhere probably. And it's a stupidly large number. It's crazy.

One of the things that a couple of us have raised at the GNSO over the weekend, either directly or indirectly was the barrier to initiating PDPs. And I mean and the fact at the present it doesn't seem to be a coherent or consistent approach to judging the impact of a potential PDP. Be that in terms of the workload and dealing with it or the operational impact.

Okay, so any other items before we close this out?

Keith Drazek: One comment. Thank you Michele, Keith Drazek. So one thing that's obviously taking up a lot of time this week and this year in this community is the whole ICANN accountability and IANA transition work tracks and discussions and everything that's going on there. I mean it's probably taking up 85% of the oxygen in the room.

And I know we're all very busy trying to run our businesses and to, you know, respond to ICANN compliance and all kinds of other things, but this is really an important topic and it's something that while we may not - I mean the Registrars - I mean (James) has been involved in a number of different tracks. And I mean there's good working going on.

But I mean at some point we're going to need to make sure that the Contracted Parties House is fully up to date and briefed and aware and sort of on the same page, as we go forward with recommendations.

So just to put a note out there, this is going to continue to be an issue all year. And at some point you know, we're going to need folks to be paying attention. And if it's not today it's coming soon. Thanks.

Michele Neylon: Yes, (James).

James Bladel: if I could just follow-on on that -- (James) speaking -- and just to build on what Keith is saying. So you know I know Keith is involved in the ICANN Ability and the IANA Transition and Coordination Group SG.

I know Jonathan Chairs the Cross-Community working group that's developing the proposal, (Graham) is representing Registrars on that group. And I'm on the Accountability and the ICG as well.

And I think what I'm hearing Keith, and what I'm saying, and I'm sure, not to speak for them, I'm sure that Jonathan and (Graham) would agree, is we could certainly use some help and some backup and some more voices. Because non-commercial viewpoints are starting to drive this boat.

And we - you know we are fighting - and we could win every single battle with ICANN, with Compliance, with Policy, and we could lose the whole war if this transition goes south and we end up with an ICANN that's either completely unilateral or you know, has no accountability and is completely unresponsive to its industry and its commercial interest.

And then it doesn't matter how quickly respond to Compliance or what our fees are or how many meetings we have to attend a year. All that stuff just kind of goes out the window and it's like you know, just go write your Congressman and your Parliamentary or UN rep, because that's the only way you have to participate in this process anymore.

So we could really use more help. I'm not trying to scare everybody, but I'm just saying, you should be scared. And let's get some more help (unintelligible) rationality -- is that the right word? I'm trying to be diplomatic.

Let's get some rationality injected back into some of those discussions. Let's bring it back in and focus on the needs of (unintelligible) and the needs of the customers of IANA, and the customers of the customers of IANA. And let's go from there. It's something about inmates and asylums though but, I'll stop.

Graham Bunton: This is (Graham) for this transcript. If I can dovetail on that pretty briefly, is as the Registrar rep out there, I feel reasonably alone and it would be great to have some more support. Or at least feel like I have a stronger perspective from Registrars that I can represent a bit more clearly in there. Thanks.

So if you feel strongly about that or anything about that, please come chat. Let's figure that out.

Jon Nevett: And I forgot - Jon Nevett from Donuts. My apologies, also one of the ICG.

Michele Neylon: Okay, thanks guys. And Michele for the record. Yes, I believe from what I've heard over the weekend and from various people that there is a serious concern that we, the Contracted Parties, are not as engaged in this entire process as we should be.

We probably do need to do something about that, but I'm not 100% sure what exactly that is.

Registrars, if you have a look on the Registrar mailing list, (Graham) has sent through an update in the last couple of days, and there have also been other documents that have been circulated. And if people can take the chance to read over them and provide some kind of feedback or input, both (Graham) and (James) have tried to highlight the areas of concern.

Jonathan, please.

Jonathan Robinson: Yes, I think there's - I mean I think there's probably a legitimate concern about the focus of the group. The group has been quite strongly focused on perhaps a more limited set of areas than it should.

I'm not sure - we brought - the group brought its problems to this ICANN meeting. And as a result it's been characterized as being only problems.

But actually that's not entirely fair, because really we bought - we didn't bring the stuff that we thought we could solve, we brought the stuff that we found challenging.

So I think to some extent there's a bit of mellow drama being played out about the group's all problems, but that's partly because we brought out problems for discussion at this meeting. We presented a discussion document with some challenges and some questions.

That said, I do think it would be very helpful to have some rational voices. No one understands what it means to have a service level agreement with a provider and to sort of balance out the weighting of sensitivities in the group and to make sure that ultimately a key component of the group's work is to make sure that a future - a currently adequately performed technical function is suitably performed in future. So that's a critical underlying thing that needs to be sorted out.

But in addition, that with the removal of the stewardship role of the U.S. government that the associated absence of that oversight is adequately taken care of, wherever it is taken care of. Whether that's in this group or indeed, if it does ultimately become satisfactorily undertaken, the Accountability then great.

But either way, those to me are the two key themes. One that we get a suitable performance from - a suitable focus from qualified people on SLAs and the performance of the technical function. And two that issues in and around accountability are satisfactorily dealt with somewhere. Thanks.

Michele Neylon: Jeff, please.

Jeff Neuman: Thank you. Jeff at Valideus here. And I'm actually going to speak as both Registry and Registrar here. And I think for myself, definitely overwhelmed with all of the different alphabet soup groups going along with the transition.

And I actually would like to help and give some assistance on this. And I know that others will as well. I mean myself as being the primary contact of our Registry and dealing directly with IANA, I definitely have feedback and I'd love to give that.

But you know the guys who have been working on this like (James), Jon, (Graham), you know, it's been excellent work but we need, you know, for ourselves, we can't say please help us.

I think unfortunately we need it to be sort of narrowly focused and to say, can you help us with the SLAs. Like this weekend was the first time that I have heard that. And I'm happy to have myself and our CTO work on that.

And I know it's -- and this may be me being a little needy -- but if you guys want to help on certain areas on the Accountability on the SLAs on the trend, you know, one of the different parts, if you can - certainly if you can specify it, I think people will help when you say, can you please help us on the transition. It just gets lost.

And I agree, we need to step up. I for one will say I will step up. And I think others will as well. We just need to know a little bit where we can help and we'll be glad to do it. Thanks.

Keith Drazek: Thanks Jeff. And I think that's a really key point. And one of the things that we started hearing this week from people like Larry Strickling and ICANN Board members and others is that we should be focused on ensuring that the IANA Transition CWG Group is more focused on operational accountability.

Though I think, you know, and understandably for all the right reasons, the group has been focused on bigger picture issues because the Accountability Group was behind by months. So a lot of that stuff naturally ended up in the CWG.

But the message we're receiving from the people that matter in this whole discussion in terms of making decisions at the end of the day, is that we need to make sure as customers of IANA, Registries and indirect customers of IANA, Registrars, need to make sure that that community; that working group is focused on operational accountability to ensure that IANA continues to perform up to our needs and expectations for years to come.

And so Jeff to your point, I think we now have an action item coming out of this meeting, to come up with exactly the kinds of SLAs and, you know, operational expectations that we have in the role that we perform in this ecosystem. And that a lot of the other issues will certainly be addressed. Sarah?

Sarah Falvey: Yes, I'm in the Registry Group and I've been on our small working group doing the IANA stuff for our group. And I feel like I'm channeling (donna), but you know we've been working - I think the challenge is that when this all started it was a bit of a cluster and we didn't really anticipate the level of debate that was going to go on around whether the IANA function should stay within ICANN, or whether we need to create an external option.

And to be honest with it, at least in our group it's really difficult if we don't have a vision of kind of what we - where we want the IANA functions to lie.

Do we want the (unintelligible) or do we not want (unintelligible)? It's a bit of a fundamental debate.

And I think we don't have a lot of agreement on kind of where we want that to go. And that was a lot of the debate up until this point.

And so you know, to other people's points we didn't - we haven't been able to focus on things like SLAs and things like that because we've been engaging in incredibly rough and dirty fights in these groups, trying to make sure that the Contracted Parties Group and the people who are the customers of the IANA functions, our voices are able to be heard.

Because it is a multi-stakeholder group and it's really difficult to say, our voice is paramount because we're the direct customers and you're the customers of the customers. And yet other people who say, you know, that they're representing other interested interests are not sort of willing to have that discussion at all.

So I think that the more we can coordinate and the more we can have a vision on kind of what we hope the outcome is, the more we can drive that and be more effective in these working groups.

But I think everyone is working incredibly hard. We're just - it's not - we're not being as effective as I think we could be.

Keith Drazek: Thanks Sarah, very well said. (James), and I think I need to wrap up.

James Bladel: Sarah I think said the magic word which is coordination. You know I think that maybe we could a little bit better at putting together small teams between the Registries and Registrars and Intec, and making sure that we're all pulling in the same direction on these groups. Making sure that we've got coverage if we're going to be this thin.

You know I've missed a lot of ICG and Accountability things. I'm trying to, you know, I've gotten calendars that are triple-conflicted and I know (Graham) and Jon and Keith and Jonathan are same boat.

So I think coordination would be key so that we're aware of each other's positions, and that we are pulling in the same direction. So, good contribution Sarah. Thanks.

Michele Neylon: Okay, thanks everyone. And we've - this did start a little late. We happened to run over a little bit. I'd like to thank the Registries - you're calling yourselves the Registries Group now I believe.

Man: Registry Stakeholder Group.

Michele Neylon: Oh, Registry Stakeholder. I thought you had renamed yourselves. Thanks for coming to join us today. I believe it's our turn to go and join you next time which will be in Buenos Aires. And hope to speak to you all between now and then. Thank you.

Man: Thank you.

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