

**GNSO
Domain Tasting design team teleconference**

1 April 2008 at 20:00 UTC

Note: The following is the output of transcribing from an audio recording of the Domain Tasting design team teleconference 1 April 2008. Although the transcription is largely accurate, in some cases it is incomplete or inaccurate due to inaudible passages or transcription errors. It is posted as an aid to understanding the proceedings at the meeting, but should not be treated as an authoritative record. The audio is also available at:

<http://audio.icann.org/gnso/domain-tasting-drafting-group-20080401.mp3>

<http://gnso.icann.org/calendar/#apr>

Participants on the call:

Alan Greenberg - ALAC
Mike Rodenbaugh - CBUC
Kristina Rosette - IPC
Robin Gross - NCUC
Christian Curtis - NCUC
Tim Ruiz - Registrar C
Jeff Neuman -gTLD Registry C

ICANN Staff

Liz Gasster - Senior Policy Counselor - GNSO
Marilyn Vernon - EA

Coordinator: Excuse me, today's conference is now being recorded. Thank you.

(Liz): So, okay. Well let's go ahead and get started.

I just want to let people know that I am working on the "Final Report," really poorly named document.

Man: Yeah.

(Liz): So just the - basically an amalgamation of everything that was in the draft final report with updates on - any updated constituency statements that we have received.

Also, the public comments from the latest public comment period. And so the summary of those public comments plus the comments themselves would get appended to the document.

And for ease and convenience, this document is already 120 pages long. I think I'll peel off all those comments and make them into attachments that are actually separate.

And so, hopefully, that'll make the document itself less wieldy. I don't think it's going to be particularly helpful to this discussion or to the Council decision-making because it really is just recap of everything that we've received.

But it is, you know, the comprehensive record of everything that transpired to date and, you know, we'll reflect that in the executive summary as well as the document itself. So I just wanted to update people on that.

And for the moment, it's due Friday, which does present a complication for the NCUC, which does intend to file comments and also - or update its constituency statements. I don't know if anyone has heard from the (ISPs) or from the registrar. And so I wouldn't necessarily assume we're going to get updated constituency statements from either of those groups. So...

((Crosstalk))

Man: They were on the call in - they were at - everyone was asked that question on the Council call last week and they didn't speak up.

(Liz): They didn't speak up, right. So I think that's kind of a resounding no in terms of expecting them.

So I think the issue is only if the report - if we keep to the report date being Friday, I can - and I get the NCUC statement kind of before close of business on Friday, I need to give IT folks in time to actually post this. You know, I can append it at the end, but I can't...

(Tim): It's (Tim) joining.

(Liz): Oh, great. Hi, (Tim). We're just getting started and I'm - this is (Liz) and I'm just giving everyone an update on the "final report." And then we can talk about the substance of the call. But I won't be able to actually add the content in.

And, (Tim), do you - we're assuming that the registrars are not planning to submit any addendum or addition to the previous constituency statement, but I wanted to double-check with you.

(Tim): Not - there's no plan that I'm aware of.

(Liz): Okay. Okay. And we also don't have...

((Crosstalk))

(Liz): ...one from the (ISP), so I'm just proceeding, assuming that we won't get them.

So the only issue related to any of the, you know, before the Council was (Robin's) request that you have until Friday, which is a logistical issue from me.

And, you know, I can either incorporate it, you know, take the time to incorporate it and have the report done by, say, next Tuesday if the Council wants to approve that. Or I can stick to Friday and just (unintelligible) at the end if I get it in time before I realistically (unintelligible), you know, proceed with the completion of the final...

Man: I think we don't have - really have any choice but do the latter. And then, should you choose afterwards, you can revise the final report.

(Liz): Yeah, I could do...

((Crosstalk))

(Liz): ...(corrected to reflect)...

Man: Yeah.

(Liz): ...if there's - so I don't know how much of the text I'd want to get into...

Man: No.

(Liz): ...(unintelligible), so that's fine. That's your call. I just wanted to bring it to everyone's attention.

Man: That's certainly my feeling, that give - passing the information on to Council should be sufficient. You know, formally incorporating it into the report is I don't think is necessary for any decision-making process.

Woman: I agree.

(Liz): Okay.

Man: Sorry, what time Friday did you say that you'd need the report?

(Liz): Well, you know, again, you know, I'm just going to - let's just arbitrarily say 2 - Pacific Time, US Pacific Time.

Man: Can you say that again? The line just...

((Crosstalk))

(Liz): ...2:00 pm, yeah, that was my call waiting...

Man: Okay.

((Crosstalk))

(Liz): ...sorry.

Man: But I don't...

((Crosstalk))

(Liz): ...it comes at an inconvenient time, 2:00 pm, Pacific Time.

Yeah, it was actually due - just so everyone understands, it was due last Friday. So we're just sticking (till the end) to accommodate, you know, and (Robin) made a point of saying that she did have extra comments she wanted to offer. So, you know, I want to include it if there's any way possible.

(Kristina): this is (Kristina).

If - will it be possible when the updated statement is submitted to also maybe post it to this list so that we have a chance to, you know, for me at least, even having those extra couple of days to read it will be extraordinarily helpful?

(Kristina): Okay.

(Liz): So this is (Liz) again.

I know we have - we want to get right to the motion and talk about it. I actually have one question I'd like to raise, which we could do at the end of the call because, you know, I'm putting together the report and just - when I did the public comment summary, I note that some of the public comments, logically, also address people's views about the other options.

So, you know, there are comments that say, well, we, you know, reject the resolution and we don't support the resolution because we think the (unintelligible) should be abolished entirely or, you know, whatever they say.

Their - or a few comments that relate back to the budget proposal -- not many, but if you comment specifically (Jeff), there's this one that, you know, wasn't your Number 1 point, but you made a point of also saying it would, you know, that - subjecting to the budget approach.

And others have - what I guess I'm asking is, is there anything - because it was relevant but not specifically presented, I'd like - if we could have a short discussion on what - any clarifications you all would want to make to me to just help me characterize the options (accurately) about why these shouldn't be considered together if your view is that they shouldn't be considered together, or any other concerns that you think are important to note about the budget proposal vis-à-vis the resolution option and the elimination of the update period.

So it, you know, it comes up in the context. It's not directly what we've solicited public comments about but public comments sort of inevitably were made on that relevant, you know, related topic at the same time.

So if there's anything you want to (share) or clarify with me for my preparation in the report, I'm just wanting to make sure that it gets articulated accurately in terms of - and it's more (clarifi) - if you want update statements, that's fine, too, of course, but I'm asking it more just to - as an educational thing for me.

And if you - there are notes you want to send me an email or if you want to have a brief discussion at the end, that's something that would just be helpful to me.

Man: You want to have it at the end or quickly have it know?

Woman: I prefer to have it at the end.

Man: Okay.

Woman: Anyone disagree?

(Liz): (Unintelligible) five minutes, you know?

Woman: Yeah.

(Liz): But thank you because it's just - I think it's important to note it. And any - and I want to make sure that - to know what's going into it, what people's views are.

So let's go back to the (resolution), then I'll turn it over to the group.

Should I not turn it over to the group?

Man: (Yeah).

(Liz): We have some specific suggestions about - in the comments...

((Crosstalk))

(Liz): ...about...

((Crosstalk))

(Liz): ...the changes that would be, you know, possibly get made to the language so that might be a place to start in terms of our discussion.

Man: Well (Jeff) answered or addressed a number of issues...

Man: Yeah.

Man: ...that were raised in the registry update. And I think in - from my point of view, he got the - right on. A number of the issues we're saying we really want it stronger, or we want it weaker and don't, you know, don't micromanage so much. And I think his answer has pretty well addressed those things.

Man: Yeah. I mean, I didn't see anything in the comments that necessitated - necessitated, is that - whatever word is (required).

Man: (Okay). I don't think we need to make any changes. I guess it's my bottom line. I think the motion should stay as is. I didn't see anything in the comments that should change that.

Man: No. I - the issue of, you know, what does it do to (PRR) or what does it do to the registries that don't have any tasting at all, I think the clause in the contract, which says how quick it is implemented will - is contingent on how urgent it is and how urgent it is will depend - is there - on a registry by registry basis as far as I can tell. And I think that addressed - that addresses a (larger amount of) number of the concerns on the one-size-fits-all issue.

Man: Right. And it may, you know, it may take VeriSign longer to implement because they have, you know, 1000 registrars, which is probably

double what other registries have, you know, the (closest) registries. So it's going to take them naturally longer not because of the way but just because of time.

Man: I'm not convinced that whatever the solution is, if it's an automated one, varies based on the size of the community. But I'm not going to - we're not going to debate that right now.

((Crosstalk))

(Jeff): ...implementing its...

Man: Yeah.

(Jeff): ...billing, and then...

Man: Yeah.

(Jeff): ...there are changes that we need to make.

And by the way, the ICANN staff should be sending around an announcement today that the Board did approve the affiliates of NeuStar.

Woman: Great. Congratulations.

(Jeff): So, our goal is - at least our goal is to get it done - get it out there by (probably) the first of the month. We're aiming for June 1, but it has to be July 1.

(Mike): And (Jeff), I'm just curious. It's (Mike). To follow up on what you're saying about VeriSign. And why it would take longer just because they have more registrars? Why would that take longer?

(Jeff): You've got to make updates to all the billing system and code changes and testing, and it's easier for someone who's got lesser registrars to do it. I'm not saying it will take longer, I'm just saying...

Woman: It could potentially.

(Jeff): ...it could. I'm not saying it's a reason for them to delay and say, hey, you know, everyone else is taking three months -- they should have a year. I'm not saying that. I'm just saying, you know...

(Mike): No.

(Jeff): ...you can't really prescribe and say everyone needs to implement it within 30 days or 60 days. You've got to - there's other factors that may play in to how long.

Man: Yeah.

Man: I don't think we want to prescribe the time. On the other hand, they're the only registrars, as far as we can tell, that has a - that where there - tasting is a major issue.

So if we use the urgency clause in the contract to say why a specific registrar who has absolutely no tasting and can demonstrate it by the - by their AGP numbers, you know, may take six months to do it, but I wouldn't want to say VeriSign now, therefore, has a year.

You know, we certainly want - for people where there is a tasting issue, we want it addressed reasonable quickly. I'm not trying to prescribe exactly what that time is, but...

Woman: Right. And, you know, those were comments that the IPC made and INTA did as well, and that - I should just say at the outset that I wrote both. So, if you (comment these), that's why.

But in any - I mean, that was really the driving concern there, is not so much that we thought that we had to say, okay, this has been such a problem for so long you only have 30 days to fix it.

We didn't - that was not the intention at all. What we really wanted to do was to kind of cut off the possibility that it would just linger and linger and linger and linger. And I don't know that we can find a way to do that, at least in light of what (Jeff) has articulated his concerns of.

(Jeff): Yeah. I mean, I - you just don't want - I don't want people to oppose this motion or to file an independent review or whatever based on, you know, adding language on, you know, time frames or anything because that would be, you know, it's my view and it's of the registries' view that that particular part is not a policy issue.

(In) making a statement in a note to the Board when you forward the motion saying we'd like to see you guys and we'd like to see this approved and implemented as soon as possible, I don't see harm in that, like in a cover note from (Avery).

Woman: Uh-huh.

(Jeff): But it - making it a part of a formal motion, (we just) - adds another ground that I don't want to see.

Man: I...

((Crosstalk))

Man: ...I agree with that.

Man: I'm going to make the comment that (Liz) asked for at the end of this meeting, but - just one statement, that I would agree to not implementing the budget measure that was proposed, which was 20 cents, if this one is going to be approved and implemented on a similar time frame, you know?

So that puts it in saying we, you know, if it could be done in several months, fine. If it can't be done within a reasonable number of months after it's approved by the Board presumably in June, assuming it goes that far then, you know, we have a problem. So...

Man: Uh-huh.

Man: ...we're talking - we should be talking months, not...

(Jeff): (And it would only)...

((Crosstalk))

Man: ...half years.

(Jeff): And I would have no problem (unintelligible) and it would only apply to registries that haven't implemented this yet. In other words, I don't want to see these registrars being punished if we've already implemented this. Now they're just being tacked on legitimate beliefs.

Man: Yeah. Okay, we'll go back to that discussion afterwards.

(Jeff): Yeah.

Man: But that's the kind - I think we need a similar time frame to that. And if it's going to go on for another year, you know, before it's implemented, then we have a real problem. How we do that in a cover note or something, you know, we (spring) to the Board is - I'm not sure.

(Jeff): Yeah. I mean...

((Crosstalk))

Man: ...a question - or, you know, I'm not sure, you know, how registrars are going to ultimately vote on this particular motion given that, you know, we're opposed initially to a (PDP) in the first place. It's hard to get a feel for that.

So that has me a little bit concerned. The other - so one - another question I have is just on the registry statement that said it would not be opposed but does not necessarily indicate that they would vote in favor.

And it's kind of interesting in terms of getting a little flavor for how likely we are to get the required vote on this motion.

(Jeff): From the registry viewpoint, I don't know the answer to that. We have a meeting tomorrow. I will better know that after that meeting. I would like to see a way when the registry statement was submitted. So I wasn't part of that - although I noticed that in certain parts they copied what I had submitted as a comment.

Anyway, I think they will - I don't know, I don't know. My goal is to try to get them to vote in favor. But...

Man: Okay, to the extent that we can address their concerns, you know, perhaps in a similar way to the way you did, (Jeff), in your email, I assume that will help somewhat.

(Jeff): Yeah. I mean, they're not go - let's put it this way. They're not going to oppose it because of the process complaint...

Man: Okay?

(Jeff): ...right? So that's...

((Crosstalk))

Man: Okay.

Woman: Uh-huh.

(Jeff): So, you know, they (unintelligible) we still, you know, we're not backing off from our comments that we made months ago that we didn't like the process that was followed. But be that as it may, you know, we are where we are.

And so, they're not going to - my gut - my feeling is that they're not going to oppose it because of that.

Man: Are there some other reasons they would oppose it given that their constituencies update (unintelligible) they're not opposed to the motion?

(Jeff): No. No, no, no.

Man: All right.

(Jeff): The question was - I'm sorry, the question was, whether they would vote affirmatively for it.

Man: Rather than abstain?

(Jeff): ...rather than abstain. I haven't heard that it was the plan to abstain.

I think the goal - I think the last time we had a discussion a few weeks ago on this, it was we really didn't like the process. We don't want to send the message that this is the process. We should follow going forward, but we're not going to stand in the way of this becoming a consensus policy.

Man: (All right), what about the registrars? (Tim) do you have any gauge on your constituency and how they're going to vote on this motion?

(Tim): No, I really don't.

And, you know, I think that's the stuff that we have to try to get to. In fact, you know, we really haven't had much for discussion about it recently at all, you know, (updated) statement to submit.

But I think, you know, but the overwhelming concern with registrars seem to be about the possibility of the elimination of the add grace period altogether.

And so I think - what I'm hoping is that - since it's not what this is proposing -- and that is a reasonable compromise -- you know, if we can come up with something reasonable to take into account the 20-cent fee that ICANN wants to impose, you know, (so that) we're not kind of duplicating the effort here.

And I think (Jeff) made a good suggestion that maybe the - that that fee only apply to registries in having get implemented the policy or something of that nature since those kinds of things might go certain ways at least to getting more support from registrars...

((Crosstalk))

(Jeff): (But) also maybe, (Tim), given the fact that the Board just approved the (unintelligible), this is the same mechanism. That might be a positive thing.

(Tim): Right, right.

(Jeff): I think in terms of the registrars, the only reason that we're not going ahead with (and abolish) the AGP is because of the relatively detailed response from the registrars saying there are some valid uses that we feel would be - has to be replaced in a, you know, on a much more cumbersome way if the AGP were not there. And the registries supported that position.

So essentially, we listened to what the registrars said and have adjusted the proposal, you know, over the last (end) months to try to address the concern that they raised.

(Tim): Right, right. You know, so I think that's gone a long way, and I'm hoping that there'll be more positive support.

Woman: Well I just want to say for the record, I don't know what - how we're going to go about this in terms of going through. Are we going through the summary of public comments or how did we want to do that?

Man: Well let me ask the question. Let's turn around (unintelligible) from the registries and the registrars. I'm assuming the IPC would vote in favor of the motion with no changes.

Woman: That is my current understanding and (instruction). We have a - I mean, we do have a very strong preference that this, you know, the exemption, extraordinary circumstances exemption information you made it publicly available.

Man: Okay. Now the - now, so the last email I know I submitted pretty close to the call, does that make any sense so that...

Woman: It made sense. I just don't know that I necessarily agree or believe that it ameliorates the concerns that were driving the suggestion. And to be more specific on that, for example - hang on, let me get to the right place here.

Man: (Mike), can you say what that is? Because I don't see an email.

(Jeff): Oh, it's (Jeff). It is...

Man: So I'm sorry, (Jeff).

(Jeff): It was just sent - so I think I sent it to everyone, right?

Woman: Yes.

(Jeff): Okay. It was sent at...

Woman: I got it at 3:20.

(Jeff): There you go. So 40 minutes before the call.

Man: Okay, I got it here. Sorry.

(Jeff): Okay.

Sorry, so you were saying...

((Crosstalk))

Woman: Yeah. Well, I mean, here is kind of the - in terms of - with regard to your first point, I recognize the point that you're making in terms of - we're talking about, you know, potentially different systems that are getting (test) into here.

But I would think that any type of incident or event that, you know, the IPC and INTA view on this is that any type of event that's going to be sufficient to trigger that type of exemption from consensus policy because that's what we're talking about here.

Really just in the interest of transparency and accountability, that that information needs to be made available. I mean, you were potentially looking at issues of security and stability. In fact, I would say that in the example that you provided, those issues are of even greater concern.

Man: Right. But let me (try not) to be too blunt. But, well, what the heck, let me be blunt.

(Kristina), (unintelligible) the (IP) attorneys. No offense, but is ICANN - who are you to judge that? Who is INTA to judge that (with) ICANN, who is the coordinating body, the technical interface? If they want to refer something to the Security and Stability Committee, if they get reasons that they don't feel legitimate, let them do that.

But it's no business to (IP) attorneys, to the business constituency to - even the rest of the registry constituency for that matter, if a registrar has an issue where they needed an exemption but, you know, the registry gave that exemption for whatever reason, that goes to ICANN,

ICANN judges it against the policy, make some sort of recommendations, and at the end - during the review period, they can summarize in a nonproprietary, non-confidential manner what has happened.

There's no reason that I would need to say that Wild West Domains, for example, you know, a subsidiary of (Guliani), had an issue where someone took control of one the - this has never happened, by the way - where someone's taking control of their connections, maybe it's a reseller there, submitted a whole bunch of fraudulent claims, it didn't affect any other registrant. The problem was noted within the five-day period but, oops, it put Wild West Domains above the limit and NeuStar gave Wild West Domains an exemption.

If ICANN staff reading that - if their Technical Committee goes - after all the evidences are submitted says, you know what, that's the - I mean, if the registry says that's legitimate, ICANN staff reviews it (unintelligible) legitimate, sorry, but what business is it of yours?

Woman: (Is that) - you're talking about, as far as I know, for the first time creating a process under which individual contracting parties can seek exemptions from the application of consensus policy?

Man: No...

((Crosstalk))

Woman: And that's why I have a concern, because I think that if the registrar wants to say, this is important enough to us that we want the

exemption, then to me that's the trade-off. The trade-off is that the community has a right to know that they sought that exemption.

Man: I...

((Crosstalk))

Woman: It doesn't have to be specific. It doesn't have to be, you know, it doesn't have to get into the detail, or you could even have like one- or two-word description, (but)...

((Crosstalk))

Man: ...that isn't known until the extraordinary circumstances are evaluated. But if they sought an exemption an under these extraordinary circumstances and ICANN and staff decided that it was a good call, then they haven't breached any consensus policy, they haven't (thought) (unintelligible) exemption - the exemption policy, it's part of the - it's provided for in the policy.

((Crosstalk))

(Liz): This is (Liz). The only - to the degree that there is a situation that might involve certain security issues, hacking and that kind of thing, I do - I can understand why there might be a need to make sure that the disclosure is limited, because you don't want a situation where you're sharing with the general public security breaches or potential security breaches that could have led to - I mean, that's, you know, there is a history of this in the broader security context where, you know, you

may have to share it with, you know, the - with the need to know and, you know, you could discuss collectively.

Man: I mean, there are...

(Liz): But (group of) individuals that includes - but I just - I am mindful that, you know, from the company's perspective, they're not going to want - it's not really constructive to make that a public disclosure necessarily.

Woman: Well (then fine). They...

((Crosstalk))

(Liz): Yes.

Woman: ...the exemption.

(Liz): Yeah.

Woman: No one's forcing them to apply for the extraordinary...

(Liz): Well, no. I will say that I think, you know, this alternative where they would still submit the information but, you know, (unintelligible) what's publicly exposed. It may be more appropriate because it meets - hopefully it would meet the need of wanting to have some documentation or verification or, you know, what you were striving for but at the same time not create additional exposure...

((Crosstalk))

(Liz): You know, it's just the middle - is there a middle road there?

(Kristina): And, (even think)...

((Crosstalk))

Man: The bottom line is that you all have to try to figure out where we can compromise in order to try to get the support that we - that we're trying to (unintelligible) the (market) constituency. And I think we're all making some compromises here, and this - it's this one area where we're asking the IPC (to make)...

((Crosstalk))

Woman: ...the motion.

Man: Well (unintelligible) that they do it.

Woman: Right. Well here - let me - okay, then, you know, we're just going to have to agree to disagree. And, you know, I can assure you that we will be watching closely when staff is reporting as to the utility of the exemption. Let's just leave it that and move on (unintelligible).

Man: I will note that I don't think our current motion says that the reason for the extraordinary circumstances be reported to ICANN.

My thought is this.

I thought that...

((Crosstalk))

Man: Maybe it's there, but I can't see it looking at this moment.

Woman: In addition to all other reporting requirements to ICANN. It's Paragraph 1C.

Man: Okay, sorry about that.

Man: Yeah.

Man: Okay.

Woman: All right. Next.

Man: (Maybe I can) - just one added point and not to (drown it), but even public companies that have pretty much disclosed everything have certain exemptions from the SEC (unintelligible) in the United States, that they can be granted confidential treatment in certain things. And that's really...

(Kristina): Right, but they're not...

((Crosstalk))

(Kristina): ...regulatory benefit.

((Crosstalk))

Man: ...they are. (Unintelligible) not to disclose it.

(Kristina): Well...

((Crosstalk))

(Kristina): ...you know...

Man: ...that has had a huge benefit.

(Kristina): ...an additional regulatory benefit.

Man: But, (Kristina), they're not asking for exemption from the policy. They're asking for exemption from paying a fee...

Man: Right.

Man: ...which is part of the policy.

(Kristina): (Right). Like I said, I think we're just going to have to agree to disagree on this one and move on.

Man: Certainly, your comments will be aware - available to the Board should they decide that this, you know, if we get that far, should they decide that this is only if it's necessary.

Man: Yup.

So what's the other - I guess that's related to the other comments too about the - oh, delineating what the extraordinary circumstances are.

(Kristina): Right. I mean, all three of those are really tied together.

((Crosstalk))

Man: Yeah.

Man: Yeah. One of the other ones is defining how often it occurs where it's not deemed to be extraordinary anymore.

Man: Yeah. And again, I think that's kind of...

(Kristina): I had a question that actually I'm still not clear on.

With regard to Point 2 in terms of the implementation and execution, is (unintelligible) going to get the information and report it in real time or is it going to be subject to the three-month delay?

Man: (That gets it) right away, right? It's just that the three-month delay of the reports that you see on the Web site is due to the public (unintelligible) that, so...

Man: We may need to specify one, you know, in a comment or some - you know, that our expectation is, the staff will review it on a month-by-month basis and not wait for the three months or do it every six months or whatever.

Man: The staff should review it...

((Crosstalk))

Man: ...you actually did report it every month, right?

Man: Yeah, we submit the reports every month. By the 20th of the next month, I think, is what it is.

Man: And including the AGP numbers for everyone?

Man: Yeah.

Woman: Uh-huh.

Man: Okay. The AGP ones, I thought, are only published quarterly, but they're submitted monthly.

Man: Right, that's...

((Crosstalk))

Man: Yeah, it's submitted monthly and then it's published, you know, whatever those guidelines are. I guess it is quarterly.

Man: No, no. They're published monthly...

((Crosstalk))

Man: ...with a three-month delay?

((Crosstalk))

(Kristina): Right. And that's my concern...

Man: But the...

(Kristina): ...is that I just wanted some clarification on that.

Man: Yeah.

Man: My recollection was the AGP numbers specifically broken out from other (deletes) were only submitted quarterly. (That's) what I vaguely remember, but I may be wrong.

Man: Well I - I mean, submitted every month.

Man: Okay.

Man: I don't know...

((Crosstalk))

(Kristina): I think it's submitted by every - by - every month now.

Man: Okay.

Man: Yeah.

Man: (Yeah). I'm looking at the report that's (unintelligible) every month, yeah.

Man: Certainly, there's - our expectation in drafting this is that staff, in terms of monitoring staff, will...

(Kristina): All right.

Man: ...be on the ball.

(Kristina): All right. Well, no. I just - I don't even know. I mean, I don't even know, for example, if the staff have access. In other words, does non-registry-related staff have access to those reports before the three-month freeze or are they subject to it as well, I guess is what I'm asking.

Man: Staff has it. They just can't disclose it to anyone outside of ICANN staff.

And for VeriSign is a big issue because they're - as a public company and since knowing their numbers will give you insight into their revenue for the...

(Kristina): Right...

Man: ...quarter...

(Kristina): ...right.

Man: ...they actually are prohibited from allowing that to be disclosed except after three months or after the quarterly results are announced.

(Kristina): No, I'm not disagreeing with that. I'm just trying to make sure that when we're looking on getting our first report back from staff, that we're talking about, you know, six months from implementation, not nine months from implementation...

Man: Oh.

(Kristina): ...if that makes sense.

Man: So you're saying when staff report to the GNSO for its six-month review, is their - and is the information that the GNSO is going to be given three months out of date or not?

(Kristina): Correct.

Man: Or four months (unintelligible) instead of...?

((Crosstalk))

(Kristina): Whatever it is, right. That's what I'm trying to get a handle on because it's been a question by a number of people.

Man: Uh-huh. My expectation would be, they would sanitize the information sufficiently so they will be current, you know, within reason of processing time. If we need to say that, we should.

(Kristina): All right. The only other concern that I have is - in a moment of weakness, I guess, is probably the best way to describe it.

I subscribe to the (GA) list. And there seem to be an awful lot of traffic that appears to be gathering momentum about calling for the elimination of AGP. And I have to confess that I haven't sat down to try to figure out whether it's the same people posting over and over and

over or whether it's actually, you know, an increasingly large number of people. But I...

((Crosstalk))

(Kristina): I'm sorry. Go ahead.

Man: I'm on that list and I still monitor it. It's the same people over and over again.

(Kristina): Oh, okay. I - because I just want to make sure...

((Crosstalk))

(Kristina): ...that we are - I don't want this motion to get out to the point where the Council is voting on it and to be subject to the criticism that the user community was -- and I don't know if this is true or not -- was, you know, overwhelmingly in favor of elimination of the AGP and the Council ignored those views.

(Liz): But definitely, it looked like the same people over and over again.

(Kristina): Okay. (Sorry).

(Liz): I mean, it's very hard to measure. And I can get to the important question because it's, you know, it's a noisy group, whether it's a large group or not, I don't know.

Man: But you have to subtract one or two people who just need to be subtracted out.

(Kristina): All right.

(Liz): But even (unintelligible), they're so segmented that, you know, aggregate population that thinks of the way to answer it and does feel strongly...

((Crosstalk))

Man: Indeed, a large part of my community does.

Woman: Right, right. And, of course, even part of, you know, others who might have started with that but view this as the compromise, right, I mean...?

((Crosstalk))

Woman: Oh, yeah. I'm raising my hand.

Woman: Yes.

((Crosstalk))

Man: I seem to...

Woman: I saw you, too.

Man: I seem to remember a meeting which included registrars and registries where that was the answer also.

Woman: You know my reaction is that it's extreme, if you haven't tried some (unintelligible) first that to the degree that the AGP does provide useful, you know...

Man: I think (Roberto) posted something on a (GA) list. He said, "Why kill a mosquito with a bazooka?" I think was his comment.

Woman: Yeah, yeah.

((Crosstalk))

Woman: ...(comment) to that and that's why this recording or this, you know, the review is so important to make sure that this is effective or the degree to which it's effective and whether, you know, alternatives are going to require for the future. And it is kind of behind my question a little bit on the (unintelligible)...

((Crosstalk))

Woman: ...to understand that that, you know, not - the people view it as not as effective, (but it was) (unintelligible)...

Man: Well it depends on how our people define effective, right? Is abuse of the AGP as we know it going to stop? Yes. Will there be other ways to do the exact same thing? Probably, but they'll have nothing to do with the AGP.

Man: Yeah. And will there be another abuse of the AGP that comes and hits us afterwards? Maybe.

Man: No, I don't think it's...

((Crosstalk))

Man: It's not going to be tasting, reducing the number from 10,000% to 10%. It's not going to allow tasting as we know it. Is there going to be some other use of the AGP that everyone finds a sense of and comes in under the 10% mark? Maybe.

Man: I think it's a little different. I think...

Man: Yeah.

Man: ...we'll (pare) the - (who are) - people who are considered tasters now, get their data they did need in another way.

Man: Uh-huh.

Man: And I think the answer is, yes, they will.

Man: Oh, yeah.

Man: So it's not going to - I mean, I don't want to disillusion anyone. (Even) getting rid of the AGP completely is not going to stop the problem.

Man: (And) I think most of us who have thought about it know that.

(Liz): Which is stop the use of that (vector)?

(Kristina): Can I make a suggestion, (Liz), just as a follow-on to our discussion?

I think it would probably be helpful all the way around if there was perhaps some discussion or some, you know, even just a paragraph in the final report about the fact that there is an acknowledgment that there is a segment and not necessarily - and it's a substantial one, you know, certainly not a majority that views the elimination of AGP as the preferred outcome, but that this motion is being presented as a compromise in an effort to eliminate the problem? Because I'm just - I really don't want us to get in a situation where, you know, we've all worked so hard to compromise and then, all of a sudden, there's just (unintelligible) explosion...

((Crosstalk))

(Kristina): ...of outrage that, you know, the GNSO Council is ignoring the users again, et cetera, et cetera, et cetera.

Man: Well, yeah. But I would never...

((Crosstalk))

Man: ...authority...

((Crosstalk))

Man: ...everybody who come ended on that - on the (GA) list that actually got copied to the comment archives and I thought that we've included as some of the summary of comments that (Liz) had already done?

(Liz): Right. But I do want to reference it in the final report, too. And I don't think - I mean, I think it's a fair articulation of at least some of the key stakeholders here that - I mean - and it's clear in your constituency statement that there are a number of big companies and large organizations that probably would have preferred elimination of AGP at first consideration, but that are opting for this as a compromise and...

Man: As long - (Liz), as long as we're not going to give that concept more weight than the others...

(Liz): Well that's what I'm trying...

((Crosstalk))

Man: ...the weight of comment to back it up.

((Crosstalk))

(Liz): ...right. Well, and of course the comments are a statistical vote of how many people are there. So the fact that we got nine comments that support the resolution and seven comments that support elimination of the AGP, you know, clearly, (those can't be)...

((Crosstalk))

(Kristina): And I don't think anyone's suggesting and I certainly didn't intend to suggest...

(Liz): No, not at all. No.

((Crosstalk))

(Liz): I didn't speak (unintelligible).

((Crosstalk))

(Kristina): I just want to make sure that it's reflected in the report that, you know, we read the public comments, we discussed them, we understand that there is a segment of the community that believes...

(Liz): That's right, that's right.

(Kristina): ...elimination of the AGP is the way to go. You know, we're not, you know, it's not that we're ignoring those views. It's just that on deliberation of all the stakeholders who need to participate and frankly have to agree for there actually to be some (change), that the decision was made to move forward with the motion as originally (drafted).

Man: Yeah, I sort of agree with that, but I sort of don't.

(Kristina): Why not?

Man: Because I don't agree with that statement that it's just as a result of compromise, that that's the only reason that we're - we didn't vote to eliminate the AGP. In other words, I think registrars, from my perspective, made a compelling case...

(Kristina): Uh-huh.

Man: ...or produced evidence on why it shouldn't be eliminated, whereas the people who - this is my personal opinion - the people who said we just would prefer getting rid of it...

(Liz): So that's part of the story.

Man: ...(unintelligible)...

(Liz): That's the part of the story. So, I mean - not the story, that's the facts. I mean, the facts are that that's also true. So I think the two both (stand). What (Kristina)'s saying is accurate in terms of some of the key constituencies, and what you're saying is absolutely accurate in terms of what - I mean, that was in those registrar presentations that outline the uses of the AGP.

Man: Yeah.

(Liz): And whether you can argue, like somehow on the (GA) list that, oh, yeah, you could (unintelligible) or order verification to solve the problem (of the type) or, you know, whether those kind of things (unintelligible).

Man: Maybe, you know, a better way to do this is to just go forward with the motion and not add anything, and then if individual (councilors) want to put statements out as to why they voted the way they did, (have that). That's what the Board does.

(Liz): So, I think that...

Man: Well, the problem I have is that if you put something like that in any official-type capacity, again you're just going to get - you're going to get people who are going to focus on that rather than the motion itself. And I'm - I want to see the motion go through (unintelligible).

(Liz): Right, right. No, the final report has to get written. The final report has to summarize everything that you guys are saying because it's in the constituency statements and it's in the public comments and it's my job to do that. And so I'm going to do my best to...

Man: Right.

(Liz): ...accurately describe what everybody said and the reasons why we are where we're here today and that's why I asked the question. So, everything you're saying is, you know, helpful to me in drafting, but I'm going to draft that and it's totally independent from the resolution. And I will do my best to accurately describe what I see because, you know, everything that...

Man: Right.

(Liz): ...has transpired.

But I think you're also trying to anticipate kind of where the (barometer) is out there. And, you know, I think we should have the same discussion about that we just had on the budget issue, too.

Man: Yeah.

Man: (Liz), if we go back to history when I made the original request for an issues report, some of us -- and I know (Kristina) was one of them -- had a long - had a debate on should we be asking for elimination of the AGP or address action on domain tasting. And I very carefully kept it on domain tasting because it wasn't clear at that point whether there were other methods of tasting other than the AGP...

(Liz): Uh-huh.

Man: ...and we were looking for the widest possible (group).

I think the issues reported is - in hindsight can be faulted in not pointing out that elimination of the AGP is not going to get rid of tasting completely. I mean, we now know that it should have probably been there but it wasn't.

So I think it's important that we're focusing on domain tasting as we know it today to try to reduce it or eliminate it. I think it will be helpful if you have to address the issue of the complete elimination of the AGP to point out that there was a consensus or a general wisdom or something that, you know, people who are really interested in tasting will find some other method of finding domain names to try even with - even if they were complete elimination of the AGP. But it's not going to necessarily solve the tasting problem.

(Liz): Yeah, I understand. And that's a good point to bring out. I mean, it was something I addressed in the (unintelligible). You know, these guys...

Man: You know, tasting may or may not a problem. I mean...

((Crosstalk))

(Liz): ...tasting and...

((Crosstalk))

Man: ...it isn't tasting for the - it isn't tasting in the widest sense of the way you - it could be defined as tasting - if the method of tasting is (really) the issue and somebody wants to register domain names...

Man: Yeah.

Man: ...to see what kind of (track) that he gets and make a decision whether to keep them (out) based on that, I don't really see whether that's necessarily a problem, you know, except (unintelligible) all over other people's...

(Liz): Uh-huh.

Man: ...intellectual property rights.

Man: But if they...

((Crosstalk))

Man: ...trying to eliminate all tasting and (unintelligible)...

(Liz): Right, right.

Man: ... (unintelligible) eliminate nothing. It's causing the problems we're seeing.

Man: But now you're looking at the, you know, documenting some of the motivation in registering a domain name, which is not anywhere we're going to go.

Man: Right, right.

Woman: Okay. So we have just a few minutes left on the call. I think you guys have decided you're not going to change anything in the motion, right?

Man: No. I think when we think about it on Council and maybe, you know, those of us who are around this group, and once the motion is - once we make the statement that the motion is going ahead as is, I think we can on the Council mailing list start talking about some of these issues of why we didn't address some of the comments.

(Liz): Okay.

((Crosstalk))

(Liz): ...posting this?

(Kristina): Well, I don't think we can, in all honesty. I mean, I, you know, can we do that yet? I mean, don't we need to at least wait and see whether we're going to get the NCUC statement before Friday?

Man: Okay...

((Crosstalk))

(Kristina): ...confirmation from ISPs and the registrars...

Man: Right.

(Kristina): ...that they understand...

Man: We wait...

(Kristina): ...the updates?

Man: ...till Friday.

Man: (Unintelligible) people on the call right now, can they give us any idea of what the - their comments are going to look like? I mean...

(Kristina): Oh. Yeah.

Man: ...are we really expecting anything, you know, dramatically...

(Kristina): (Unintelligible).

Man: ...out of the blue? Yeah, that hasn't been said by the (AWAC) or, you know, or the (GA) list or people, you know?

Man: Or (unintelligible).

Man: Right.

And (Christian), do you have any idea where you guys are going with the updated statement?

(Christian): We support the proposal as is.

Man: Great. That's the answer we need to know.

(Kristina): All right.

Man: So - and I guess that's that. And we - we'll go ahead and we tell Avri that we've met and we've decided to not make any changes to the motion. And (let's vote on it on the 17th).

(Christian): What is our motion that set out the process called for? In other words, did we...

((Crosstalk))

Man: ...it called for us to meet and confer, which would be now, to discuss the comments and the updated statements and decide whether we wanted to suggest any amendments. Of course, any councilor can still adjust amendments to the motion.

Man: Indeed, and they can get approved.

Man: And this group, what I'm hearing from everybody, I think, is not willing to consider changing the motion.

Man: Or can I ask the question out there? Because I'd be very disappointed if any member of this group makes any motion to the Council that they

have not addressed here or said that they would (state). I mean, I'm not on the Council, but I would be - I'd be very disappointed if someone's holding something back and going to, you know...

(Kristina): All right...

Man: ...bring up in the...

((Crosstalk))

(Kristina): ...I'll put my cards on the table. I can tell you right now that if this motion fails, I will introduce in sufficient time ahead a motion that would be conditional on the failure of this motion. And if this motion fails, my motion will call for the elimination of the add grace period.

Man: That's not altering this motion.

Man: Yes, (no).

Is there anyone...

((Crosstalk))

Man: ...(this is current)...

(Kristina): I don't have any current instructions to do that. Whether, you know, I don't think that there were high hopes that any of the changes we wanted would get in, but I have no current instructions; I have no reasons to believe that I will be instructed otherwise. And that's the best that I can tell you because, I mean, that's the truth.

Man: That's all we can ask from you.

(Tim): And (Jeff), this is (Tim).

I can tell you that I won't put forward a motion if in registrar discussions such an idea comes up. You know, it may come from (Adrian) or it may come from (Tom), but it won't come from me. Just...

Man: Uh-huh.

(Tim): ...(I'll just kind of) remove myself from that.

(Unintelligible) there's nothing planned that I know of, so I just can't guarantee, you know, if something doesn't come up.

(Jeff): Yeah. But it's not unusual for, in the midst of the discussion, someone to decide that, you know, we can solve some perceived problems along the way.

(Tim): Yeah, yeah.

Man: Yeah, I just know that if there's any kind of amendment, I know the registries - probably the registrars, too, unless, they're the ones to send an issue to the amendment. It would probably (set) the table, right, because you can't just...

Man: Yup.

(Tim): Yeah. I mean, it - this is difficult...

((Crosstalk))

Man: ...happened

(Tim): ...to know for councilor what to do based on my having been able to discuss it (unintelligible) with our constituents.

(Jeff): Yeah, but this motion has been out there, right? It's as if - it's not - if there - especially if there are no changes to the motion right now.

(Tim): That's what I'm saying, if there's no changes. If there's changes, that's when things get sticky.

Man: (Jeff), is there a registry meeting between now and the 17th?

(Jeff): Yes, tomorrow.

Man: To what extent are you going to or should we do something to address the concerns that were raised and say this is why we feel there are no changes necessary at this time?

(Jeff): I will explain that tomorrow. I don't...

Man: Okay.

(Jeff): ...think there's a need to...

Man: Okay.

(Jeff): I don't think there's a need to respond to anyone's comments except maybe after the vote is taken. Then each individual - like I said, individual councilors should feel free to post statements as to why they voted the way they did. Otherwise, (unintelligible) a debate coming because of someone's post.

Man: Understand. For the record, I probably will not be on the conference call on the 17th. I'm in Central Africa at that point and unless I happen to be free at that time and can get a good line, I won't be participating.

Man: (And your proxy time and place), right?

Woman: Nope.

Man: I'm a liaison, I don't have a (broad) anyway.

Man: Oh.

Man: (Unintelligible)...

Man: So yes, I...

Woman: But I still want to...

Man: ...give all of you my proxy.

Woman: I still want to ask you all about the budget change. And I also want to ask you whether you'd want to - whether you have an opinion about offering something to - for the Council to consider about what they

should do about their recommendation for the budget change if this were to pass.

Man: I have two comments.

Number one, I would have - I assumed, but perhaps incorrectly, that by the time the Board approved this budget change, they would have added some minimum number of deletes, whether it's 10% or 5% or whatever it is, but would not be charged just as they have in other similar circumstances. I gather that's not understood to happen, but I would have assumed that it wouldn't have been every AGP delete but every one above some threshold.

That notwithstanding, if the motion that we're talking about is approved and implemented by the Board and there's an expectation that it'll be implemented by registries in a comparable but not exactly the same time frame since the Board will only be voting in late June and the 20-cent fee would have come in place a few days later, then I would - I don't see any need for it, for - certainly for registries who have implemented the change and perhaps any of them if we can expect a reasonable time frame (of) implementation.

Remember, we decided we don't want to put a time frame in our motion. That doesn't stop the Board from putting a time frame in their decision.

Man: True.

(Liz): Any other comments?

(Kristina): I mean, the (ICC) statement, you know, the constituency view was that the motion should be, you know, passage of the motion should be in addition to. And I don't have any instruction to...

(Liz): Right. But, I mean, that it's the sense that it's the combination that would be most effective to...

(Kristina): Yeah.

((Crosstalk))

(Liz): ...like if you have - is there a sense that one is the killer app and the other is just a good-to-have or, you know, I'm trying to figure out...

Man: If \$6.50 doesn't do it, \$6.70 will not either.

(Liz): Yeah, yeah. That's what I'm trying to sort of get my hands around.

(Tim): That's very true. And...

(Liz): Twenty cents is so de minimis. I mean...

(Tim): And if my - if our proposed solution is effective in doing what it's supposed to do, then the fee is only applied on deletes or legitimate deletes. And that - to me, I can't come to grips with - it's just a tax.

(Kristina): Well, the IPC view is that it's a cost of doing business.

Man: Well, I thought the...

(Kristina): I mean, again, we're going to have to agree to disagree on this.

Man: Passed on to registries.

(Kristina): So be it.

Man: You know, it...

(Kristina): My son told me this morning on the way to day care, that he doesn't like the Kix cereal anymore. It doesn't taste as good as he thought. I can't take it back to the grocery store. I mean, you know, that's kind of what the IPC view is on this.

((Crosstalk))

(Tim): ...I don't know.

(Kristina): I know. But I, you know, I've just seen all kinds of stuff about - let's just agree to disagree and say that the IPC continues to support both and feel that combinations of both is most effective. And I don't at this time have any instructions to contradict that.

(Liz): Okay, then I...

((Crosstalk))

(Tim): ...can I ask a question, though, on the I - if the IPC discussed this? Was it above a certain threshold or every single name in the (AGP) should be charged no matter how much?

(Kristina): Every single one.

((Crosstalk))

(Kristina): ...about the 20% - the 20 cents, right?

(Tim): Right. Then what's...

(Kristina): Yeah.

(Tim): ...the rationale?

(Kristina): Cost of doing business. If you, you know, if you - there...

(Tim): Well, there already is a 20-cent fee on every registration. But if you're now talking about - I'm still unsure. If tasting is gone, if that's the presumption, and tasting goes away, help me understand what the fee is for. I think ICANN is not doing any extra work, no offense. But if tasting goes away, there's actually no work being done by ICANN staff. I don't...

(Kristina): I think it's, you know, our view is that it's an incentive to put in place mechanisms that will ensure that their kind of all of the "legitimate" uses are not really even necessary.

Man: I...

Man: Well, it's the lack of...

(Kristina): And frankly, we're skeptical...

Man: ...knowledge...

((Crosstalk))

(Kristina): ...going to completely eliminate it. You know, that's part of it. And that's frankly the starting point, is that - is our skepticism.

Man: (Jeff), I have a question.

So you mean the budget - ignoring our motion...

(Jeff): Right.

Man: ...and the budget proposal goes ahead and the Board approves the budget four days before the end of June. When does that motion - that change become effective? Would it be effective July 1 in your mind?

(Jeff): If the Board passed the motion, in my mind it would become effective - it's retroactive. So yeah, it would be effective July 1.

Man: And...

(Jeff): ...for the fiscal year.

Man: ...sometime later that you'd - they'd figure - people would figure out how to account - how to actually do the accounting retroactively?

(Jeff): Yeah.

Man: (Okay).

(Jeff): And my biggest problem with the whole thing is that ICANN has the right, if their (unintelligible) don't pay, to charge registries.

Man: Understand.

(Jeff): So, my biggest problem is if a registrar has a delete, should they take it back and we give them credit? Now, ICANN can come to us and demand the 20-cent fee even though we've paid all the money back to the registrar.

Man: Okay. From a (unintelligible) point of view, is anyone going to do any rewriting of accounting systems prior to the budget approval?

(Jeff): Any - well, affiliates. And this time, they have already - if...

Man: No, no. But I'm talking regarding the 20-cent fee.

(Jeff): All (we've got) is registrars. I don't know.

Man: Okay. I find it hard to believe that -- and this is my perspective clearly -- that the Board in a Board meeting the week of the Paris meeting is going to approve some version of our motion and at the same time approve our budget which will not (unintelligible) the other 20 cents in parallel.

(Jeff): Yeah, I - you're going to hear strong opposition from a number of people...

Man: Right.

(Jeff): ...for that.

Man: So, I think what we say at this point is somewhat moot. I just can't see the rationale for the Board making that decision assuming that they have consciously been appraised of the issue.

(Jeff): And let me be consistent, too, in my statements.

(Unintelligible) I said we should not have a Council-specific statement on extraneous things.

Man: Uh-huh.

(Jeff): I don't think there should be a Council statement on the budget fee at this time. If the motion gets passed and we have a consensus policy and then the Council wants to regroup and feel like it wants to say something on the budget fee, it should be said at that time.

Man: I mean, certainly, if this budget is approved - not this budget. If this motion is approved, it would be interesting to see a motion raised by the registries or registrars that the GNSO - in light of approval - approving the domain tasting resolution with a supermajority, that the GNSO proposes not to levy the - that the Board not levy the 20 cents, you know? And there's (three) - there's a month or two to do that one, you know? So that can certainly be a second action after...

(Liz): Right.

Man: ...this is approved.

(Liz): Okay. Well, thanks.

And it's just 2 o'clock here or just at the hour. So, I don't know if there's (more folks) who want to try to do today.

(Tim): I'll just - this is (Tim). I just think that in order to garner registrar support, you know, there have to be some reasonable assurance that an attempt will be made in that to have both of these things go through. How we'll do that, I don't know perhaps, what the - (Alan) suggested is a good idea with the - perhaps a motion.

But I think they feel - they also pretty much like (Jeff) has explained in that, you know, if this policy (does really support it) and it actually does eliminate tasing, then why should (unintelligible) be taxed on legitimate deletes? (Unintelligible) good explanation (unintelligible)...

(Kristina): But (unintelligible) how you're going to know that.

Man: What do you mean how you're going to know? If there's no threshold?

(Kristina): No, no, no. How are you going to know? I mean, you're not going to know whether this policy - whether this motion - assuming it's passed, blah-blah-blah, you're not going to know whether it's effective.

((Crosstalk))

Man: ...you will. You'll know within one month. I mean the registry will know within one month.

(Kristina): Well, yeah, exactly. But no one else will know.

Man: But, (Kristina), whether it's...

((Crosstalk))

(Tim): ...can always go back and revisit the fee issue at any point. I mean, there's no - it's not a consensus policy. It doesn't require, you know, GNSO approval. All we have to do is propose, then get the Board to approve it and the registrars to, you know, to vote on it. And if they don't approve it, then it just - it's automatically implemented to the registry. So...

Man: And let me change my answer.

The ICANN Board will know after one month.

Man: Yeah.

Man: I mean, let's stick to what...

(Kristina): Then let it go through and just, you know, make sure we have our bases covered. I mean...

Man: Well, (Kristina), let's look at what happens if this motion is approved, the Board adopt it.

If tasting is going to continue using the kind of mechanisms we're talking about, then the 20 cents is not likely to change it, \$6.50 or

whatever the fees are going up to now. It's - \$6.70 is not going to change very much. Or registries, registrars, and ICANN are going to make windfall profits if indeed it is worth \$6 to taste all these names. But it - if the dynamics so varied that to say what's going to happen until next (stage) I think is why we put the review in.

(Kristina): Well, exactly. And that's, you know, part of the reason that I think, you know, it's not the primary reason but one of the reasons that the IPC supports pursuing those -- because we want to make darn sure that this is taken care of. And are we convinced that either is going to be 100% effective? No. But are we more inclined to think that the combination will be? Sure, absolutely. Do we have concerns about how long it will actually take VeriSign to get this implemented? You bet.

Man: And that...

(Kristina): So...

Man: - and that's (consideration).

(Kristina): ...if in this time we have the budget in - the budget fee in effect, that's exactly what we need. If it turns out that, let's just say for purposes of discussion, in December it become, you know, VeriSign has put it into effect, it's been in effect for one month, it's clear and it's actually working, fine. Somebody, you know, somebody recommend to the Board or, you know, so - whatever the appropriate mechanism is that look, this other thing is working, we don't think you guys need this fee any longer.

Man: I...

(Kristina): But until we get everything ramped up, I think you're just - I just, you know, that's kind of where we're coming from.

Man: Yeah. I could certainly support the fee until the new thing is implemented. That I have absolutely no problem although it sounds like it's an awful lot of accounting work on the short term. But I could certainly support it...

Man: But are you...

Man: ...(essentially).

Man: ...talking - well, you mentioned something different. You mentioned you would support the fee with some sort of threshold.

Man: Well, I would support, you know, there's a number of things that would make me happy. The threshold would make me happy, not, you know, implementing it only until the new one is implemented would also make me happy.

Man: (Unintelligible)...

Man: In both cases, it's gone after the new process is implemented.

Man: I'm a little confused here. What - if the current motion were to carry and there's no refund over 10%, wouldn't the - ICANN's fee be charged there anyway?

Man: Yes.

Man: So, doesn't that already incorporate the threshold?

Man: Hold on. No, according to the current wording in the budget, it does not apply to AGP deletes. In our motion, these are still AGP deletes; they're just ones you paid for. So this might require some words (unintelligible) to...

Man: But...

Man: ...make it right.

Man: ...my guess is if a registrar is going to go over the 10%, they're not going to delete and they'll keep the names and then they'll end up paying the ICANN fee anyway.

Man: Perhaps.

Man: I can't see imagine a registrar going, yeah, we're already going to get charged but we're not going to keep the name.

Man: It's interesting. In that case, the - let's see. No, okay.

The 20-cent fee is to a registrar in any case, although the registry is liable if they don't pay it.

(Jeff): Right. Which, I've got to tell you, scares the heck out of the registries because there's no mechanism to recover any fees for us...

Man: Yeah.

(Jeff): ...and we have to refund the registrar.

Man: Yeah.

(Jeff): So we're - there's double dip. We have to pay the registrar and pay ICANN for something we didn't do.

Man: If this motion passes with a supermajority, then the Council may have some work to do to suggest to the Board what to do about the other fee. There may not be unanimity, but we probably have an obligation.

(Liz): And what's the significance if it passes with a supermajority?

Man: Well, if it passes through...

(Kristina): (Unintelligible)...

Man: ...with a supermajority of the Board...

(Kristina): ...adopt it.

Man: ...the Board is obliged to implement it...

(Liz): Yes. It's...

Man: ...unless...

(Liz): But that's not likely to happen? Or...

Man: What's...

((Crosstalk))

(Liz): The supermajority.

(Kristina): It depends.

(Liz): Yeah.

Man: Oh.

Man: (Like I said), it seems like we're unanimous. That's what we're trying to get to..

(Liz): Yes, yeah.

Man: Yeah, uh-huh.

Man: If the GNSO doesn't have a supermajority...

(Liz): Then...

Man: ...it implies registrars and/or registries have not supported it and the Board may have second thoughts...

(Kristina): Right.

Man: ...all right? That's...

(Kristina): But if it has...

Man: ...just the reality.

(Kristina): ...a supermajority, the Board has to reject it by supermajority.

Man: With a supermajority, which is not likely.

Man: Well - and they also think - if you look at the contract, if it's not - one can easily make the argument that if it's not a supermajority support, that it's not "the view of the Council" as it's defined and therefore it's not a consensus policy. And therefore, the Board cannot oppose it on the registry.

Man: I don't know if one can really take that view, but...

Man: Yeah.

Man: The Board and their lawyers would discuss that (unintelligible).

Man: Absolutely.

Man: Not - all right. You know...

Man: One could easily - actually, it's very supportive of all the contracts. Not that supportive but it is. (Unintelligible).

So, let's not get into that.

Man: Yeah.

Man: No, let's not. Let's not.

I think, you know, actually, I've got to run here. I think I don't have anything else to say on this, so...

Man: Thank you all.

Man: Good luck on the 17th.

Man: Good luck on the 17th.

Man: I'll let you guys know by email if something is going to turn out differently.

(Kristina): Right. And (Tim)?

(Tim): Yeah?

(Kristina): If you could possibly give us a heads-up if there are going to be amendments coming from the registrar constituency?

(Tim): Gee, I - I'll try to do that...

(Kristina): I don't want to put you in an awkward position, but to the extent that we could know ahead of time to try and figure out, like how to respond as opposed to just having the train wreck on the 17th. I...

(Tim): And we'll have...

(Kristina): ...would...

(Tim): ...you'll have to (unintelligible) quickly because I think it has to be posted by the 10th to a list, right, to even be considered.

Man: So why don't we - who wants to go ahead and make this motion formally to the Council? I mean, why don't we just do it right now?

I can do it or (Kristina) or who - anybody who wants to, but...

Man: Well, let's get (Alan) to do it. He's originally (unintelligible) guy at ICANN.

(Kristina): Yes. You can't make a motion?

Man: I don't think so. I can vote...

Man: No.

Man: ...but I don't think I can make motions.

Man: But you're not going to be there either.

Man: I also won't be there, yeah.

I don't think I can make a motion. I'm pretty sure I can't motion or second.

Man: I could go ahead and do it tomorrow.

(Tim): All right.

Man: Why don't you wait till after the final report comes out? Or do you need to by tomorrow? I don't know what the (time frames are).

Man: Well, we don't need to - you don't need to. I just want to do it as soon as possible so that people have as much time as possible to, you know, come up with any changes they might want to...

(Kristina): Why don't you then - why don't we kind of come up with - why don't you pose something to the Council with - based on the discussion today, it appears it's unlikely that, you know, there are no changes to the motion, we don't have the final report, we understand there may be an updated constituency statement. But at this point, we don't anticipate anything. And that way, on the 10th, we will have had the MCUC and whoever else is going to do something. And that way, we're kind of listening to everybody's voice.

Man: Do we want to schedule another call for next week just as a contingency?

(Kristina): Oh, just go ahead and shoot me.

Man: I think...

(Kristina): Yeah.

Man: ...by the way, I think (Kristina) should make the motion, not (Mike).

(Kristina): Why?

Man: Why?

(Kristina): Yeah.

Man: Because your constituency has had some qualms.

(Kristina): Well, (unintelligible)...

Man: And if you're willing to support it - if you're willing to support it anyway, I think it's a nice touch. But that's just me.

(Kristina): Let me see if I get any squawks from my people. And as long as (it says) okay, I will. I mean, I just heard you guys; I'm going to be hard-pressed to put - spend more time on ICANN next week in addition to the two hours for the - two days for the face-to-face thing. So...

Man: Okay. Okay, I will have mail when I - email when I'm away, but it may well be only once a day or so just in case anything comes my way that (you'll need messaging).

(Mike): All right. So, did I hear - no one has objection then to me making the motion just qualifying that we still may have further comments and stating that we should, you know, ask for anybody to - if they have any objections or propose amendments, to make them as soon as possible?

Man: Yup.

Man: All right.

((Crosstalk))

Man: Hey, (Mike), could you make the motion just letting everyone know that we met and that there were no changes?

(Mike): Of course. No, I will. That we've met...

((Crosstalk))

(Mike): ...and conferred. We went through the comments and then updated statements, blah-blah-blah. I'll...

Man: (Extensive) conversations (unintelligible).

((Crosstalk))

Man: Okay, cool.

(Mike): All right.

Man: Good-bye all. Thanks.

(Kristina): Bye-bye.

(Liz): Thank you.

((Crosstalk))

Man: Bye.

Man: Bye.

(Mike): All right.

END