

**Registrar Accreditation Agreement (RAA) DT
TRANSCRIPTION
Monday 03 August at 19:00 UTC**

Note: The following is the output of transcribing from an audio recording of Registrar Accreditation Agreement (RAA) drafting team meeting on Monday 03 August 2009, at 19:00 UTC. 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/gnso-raa-20090803.mp3>

On page:

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

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Present for the teleconference:

Avri Doria - GNSO Council chair
Tim Ruiz - Registrar c.
Stéphane van Gelder - Registrar c.
Kristina Rosette - IPC
Steve Metalitz - IPC chair
Marc Trachtenberg - IPC
Cheryl Langdon-Orr - ALAC chair
Alan Greenberg - ALAC
Carlton Samuels - At Large

ICANN Staff

Margie Milam
Heidi Ullrich
Glen de Saint Géry

Absent apologies:

Phil Corwin - CBUC
Bill Drake - NCUC
Adrian Kinderis -RC
Konstantinos Komaitis - NCUC
Mike Rodenbaugh - CBUC
Liz Gasster - Policy staff
Marika Konings - Policy staff

Avri Doria: Okay, thank you.

Glen, can you go through the list of participants?

Glen DeSaintgery:I sure will. Thank you, Avri.

On the call we have Carlton Samuels, At-Large, Cheryl Langdon-Orr, ALAC Chair, Avri Doria, the GNSO Chair, Alan Greenberg, ALAC, Kristina Rosette, IPC, Steve Metalitz, IPC and the Chair of the IPC, Mark Trachtenberg who is IPC and Stefan Van Gelder.

For staff we have Heidi Ulrich.

Woman: Oh, excuse me.

((Crosstalk))

Glen DeSaintgery:Sorry. Tim Ruiz has just joined the call, Registrar. So there are two registrars. We have Heidi Ulrich for staff, Margie Milam and Glen DeSaintgery.

Avri Doria: Okay, thank you. Hi, everybody.

Glen DeSaintgery:And we have - sorry, Avri. May I?

Avri Doria: Certainly.

((Crosstalk))

Glen DeSaintgery:We have apologies from Bill Brake who is NCUC; Adrian Kinderis is the Registrar, Konstaninos Komaitis who is NCUC, Phil Corwin who is BC and Mike Rodenbaugh who is also BC.

Avri Doria: Thank you.

Okay, I put together -- this is still a forming activity and we haven't picked anyone else to do the coordinating efforts. I'm still working with staff to coordinate the efforts on this.

I put together a proposed agenda which we've already done the first part -- roll and now we'll actually we're doing the first part; then the discussion of the charter proposed by Steve, a decision if it's possible to make one. Otherwise how are we going to get to a decision on it?

We will need to figure out when it's going to make the Council agenda. And depending on what we're doing we may need to figure out when it's going to make the ALAC agenda.

Review draft summary of registered rights and responsibilities that'll be done with presentation by Margie. And then some discussion of what the next steps are; then the basic decision on how to proceed organizationally. Is it one group? Is it one group with sub groups? Is it two groups, etcetera?

And that's just something that we need to figure out, you know. And we need to figure out with that being that part of the effort is seen as a GNSO managerial effort and part of the effort is seen as a joint ALAC GNSO effort. So how we deal with that complexity?

And then if we can have some sort of discussion on how we coordinate (such) lead. You know, and I'm saying coordinate now, 'because there was a question whether need chairs at all. So, that part of the discussion.

Any discussion or changes on the agenda?

Okay, great. Then we can start with that. And while I do speak to you in advance about this, Steve, are you willing to sort of take us through the charter you've proposed?

Steve Metalitz: Sure.

Avri Doria: Well, I did volunteer to prepare the first draft here and ask the staff for any guidance or prior documents I could work from. And I was surprised to find that apparently there haven't been charters for drafting teams that have been prepared in the past, but there have been charters for other groups such as working groups.

So I kind of adapted a couple of examples that the staff shared with me. And that led to the document that you have in front of you. It really just repeats the resolution that was adopted by the GNSO Council back in March that established the drafting team and also established the group to work on the Registrants Rights Charter.

It tries to identify what are the questions that the drafting team will work on, which I've listed as identifying the topics on which further amendments to the RAA would be desirable and then proposing a time table in process for drafting and considering such amendments.

My understanding is this group is not supposed to draft amendments itself, but would as noted there identify the topics and propose a process. And then most of the drafting team process part of this document is really lifted pretty much from the working group proposal, you know.

And it just provides that it will function on the basis of rough consensus and that - what the chair will do, how you restrict the participation of some - of any disruptive participants which I'm sure we're not gonna have anyway, archive mailing lists.

Again this is all kind of boiler play. And the last point that I put in there is that it would maintain liaison with the Registered Rights Charter group also called for by the Council resolution.

Again that's just my suggestion of how to put this forward. Obviously that's something we'll be discussing today as to what the relationship will be.

Then there's a set of time milestones. Again I proposed a fairly aggressive timetable, but it's obviously for discussion. And that is to try to report back within 60 days after the Council approves this charter.

And there's a number of TBDs which would be filled in as far as the Chair and Liaison and so forth. And then a link to the RAA which I guess is obviously our starting point for looking at potential amendments.

So that's briefly what's in the draft document.

Avri Doria: Okay, thanks. Opening up the comments and the discussion a second. One thing I just wanted to comment on, in our resolution we did call it a Drafting 10. It's short term duration though it may turn into a working group, but it was short term existence of this.

So I think it's appropriate, you know, that we're using the working group model, but because it's go such a short time limit I think doing it under the name of a drafting (team) was, you know, reasonable from the Council's perspective.

So hopefully others, you know, I think it's good to have a charter for this one. I think on many of them we didn't have a charter, because it was either completely open in terms of making a proposal or it was already very well understand. This one's a little bit more complicated based on emotion and etcetera.

Open up the queue for people that want to comment on, you know, this proposed charter whether it, you know, needs changes and how we proceed, anyone wants to be in that queue.

Alan Greenberg: Alan.

Avri Doria: Alan. Go ahead, Alan.

((Crosstalk))

Alan Greenberg: Did you get Tim?

Avri Doria: Oh no, I didn't get Tim. Okay, I've got Alan and Tim. Thanks. Go ahead, Alan.

((Crosstalk))

Alan Greenberg: Okay.

Avri Doria: Go ahead, Alan. Yes.

Alan Greenberg: I've got three things from the bottom up. Although I appreciate Steve proposing an aggressive time table I think this one is somewhat unrealistic.

It says that there'll be a draft report in 30 days which will presumably take a day or two to post, then a 21-day comment period and 60 days after the beginning there will be a final report.

That allows perhaps six or seven days for the comments to be assimilated and the report modified and published. That either means the comments will be ignored or presumes there won't be any.

I think that's somewhat inappropriate.

Avri Doria: Do you have a suggestion for other numbers?

Alan Greenberg: Well, I -- given that meetings -- if there are substantive (sic) comments that have to be discussed it's going to take a couple of meetings depending on where the meetings are held -- once a week and once a every two weeks.

I think there's a good month between the time the commentary closes and the final report can be approved or can be submitted.

That's one. Number two, is I would have thought that a third part of this drafting team is to draft the charter for the working group or for whatever it is that follows, because it's talking about the - submitting a time table and process for drafting considering such amendments.

I would think within its scope should be actually having a charter that goes to Council or a proposed charter rather.

And lastly, although it's in - what is here is in line with the motion, I question whether we should be identifying the topics for future RA amendments in a - in what is - presumably a closed fashion that is whenever this process finishes that list of topics is cast in stone and cannot be changed.

If you look at the last go round there were some changes and things added all the way through the process. And I'm not sure we want to restrict the working group from working just on what is identified at this point and not other things that become obvious as the process evolves.

That's it.

Avri Doria: Okay. Okay, thank you.

I have a question on that, but - actually can I ask the question, which is where in this charter does it say that -- I mean I'm just curious -- that future work would be restricted by what the recommendation was here?

Alan Greenberg: Well, the way I read it it says identify topics in which future amendments to the RA would be desirable. It doesn't explicitly say it's restricted to those, but if you look at the general sort of trend to have work groups not change the scope to their work as it goes along it can be inferred that it was restricted.

Avri Doria: Well, all the working group scope stuff is usually restricted to coming back to Council.

Alan Greenberg: Okay. I guess I'd like to see it wording where it's a little bit more open ended, but that's...

Avri Doria: Okay, thank you. Tim?

Tim Ruiz: Well, two things. I - I'm sure from Alan's comments whether we're just considering this a joint effort or not, the discussion we were having on the list. So that might still need to be resolved and that might answer some of Alan's questions I think if I understood him.

But in regards to the charter we're discussing - we're discussing the charter specifically as it relates to the IRA amendment work, I think Steve had just a short change of emails with Stefan a while back.

And I would prefer Steve's suggestion to address the question that Stefan had to modify that first item under the charter to what Steve had suggested, identify on which further action in the form of amendments to the RAA may be desirable.

And then I would like to add a new number two, move the number - existing number two to number three, but add a new number two that makes it clear that what we're - that if it's a - unless it's a clarification then anything inside of the picket fence should be not a part of the discussion.

There's a PDP process for those things. I might not - that may not be worded real well, but something of that nature.

And then the last point which was number two would be number three that I would like to just change to - propose a time table to the process. Let's strike

out the drafting amendment to perhaps propose a time table process for considering such amendments, but strike out the drafting part of that.

Avri Doria: May I ask a question?

Which - on your part two where you say, "to leave out discussion of things within the picket fence," would it be in appropriate in your view for the group to make recommendations on things that they think's going to be subjected to the PDP process?

Tim Ruiz: I don't know why we - why anyone couldn't do that anyway. I mean it's not...

Avri Doria: Anyone can, but if this drafting team were to come out with a said set of recommendations then that would be something it could do as oppose to getting to a point and saying oh no that's picket fenced. We can't talk about it? It's that picket fence, what would we ask for in this report?

Tim Ruiz: Yes, then that's saying to me then sitting aside and saying, this is a topic where there is whatever level of concern such that it should be a considered for a PDP.

Avri Doria: Right, but I mean that's obviously something the Council would then have to discuss and do the whole vote on, you know, issues report and then future votes on PDPs, but yes or not. I don't mean. I just...

Tim Ruiz: Yes, you know, I don't know either.

Avri Doria: Right.

((Crosstalk))

Tim Ruiz: I don't know if you'll get Registrars to get a whole - get a whole lot of participation from Registrars in that aspect of it, but I can't say. That's something we'd have to discuss fact with the constituency as a whole.

Avri Doria: Open up the - more questions and comments.

One thing...

Stefan Van Gelder: Hey Av?

Avri Doria: Yes?

((Crosstalk))

Stefan Van Gelder: Sorry, it's Stefan.

Avri Doria: Yes?

Stefan Van Gelder: Can I just ask a question?

Avri Doria: Certainly.

Stefan Van Gelder: Thank you.

I'm afraid I don't have the document - Steve's last charter in front of me. And I'm doing this call from a place where I don't have internet access, but one of the - leading on from what Tim has said.

One of the things that was worrying me was that it was implied that there would be amendments to work on. So, one of the things that I understood from the original motion was that we look at the possibility of further amendments being needed and look at those topics.

And the drafting team would suggest topics if there were there. So that I think was made clear in the exchange of emails that we had on the list. And Steve proposed a different version for that as Tim described.

One of things I - because I don't have the document in front of me I was wondering is in the time table is there some time set aside at the beginning of the group's work for identifying whether amendments are - whether further amendments are needed or not. Is that actually specified in the time table or not?

Avri Doria: In the 30 days.

Stefan Van Gelder: That's in the initial 30 days?

Avri Doria: Yes, that would seem to have to happen in those 30 days. It's part of identifying the topics.

Stefan Van Gelder: That's actually...

Avri Doria: So yes, then again it becomes a question is it 30 days or not?

Stefan Van Gelder: So, as it stands right now my 30 days are there to identify the topic is that correct?

Avri Doria: To identify - well, actually it's seems and Steve said to clarify, but to draft the report which I guess includes among other things identifying the topics.

Steve Metalitz: Yes, the - as I had - in the draft there are two things that this team would do. And so the draft report would identify topics and propose a time table and process.

Stefan Van Gelder: Okay, thanks.

Steve Metalitz: And just to clarify Tim made reference to the exchange of emails. And just so everybody knows what we're talking about here, the proposal that I made in response to Stefan's email was to change item 1 to read identify topics on which further action and the form of amendments to the RAA may be desirable.

And that I think more closely, in fact almost verbatim...

Avri Doria: Yes.

Steve Metalitz: ...attracts the resolution.

Avri Doria: All right. You're fine - are you fine with that, Tim?

Tim Ruiz: Yes, fine.

Avri Doria: With that wording?

Tim Ruiz: Yes, I am.

Sorry, coming off mute.

Avri Doria: Okay, thanks.

So it was just a question of the other - of adding a second one. How do others feel about the additional point that Tim recommended.

Alan Greenberg: It's Alan. Anyone else?

Woman: Avri, Kristina has her hand up.

Avri Doria: Oh, I'm sorry. I'm not looking at that page.

Okay, thank you. So Kristina.

Steve Metalitz: Steve.

Avri Doria: And Steve.

Okay, Alan?

Alan Greenberg: I can certainly live with saying that the group will not make recommendations to discuss - you know, to come to closure on picket fenced issues. I would not want to see words that you could - be implied that they shouldn't be brought up and referred as you pointed out.

Avri Doria: Okay, thank you.

Kristina, and sorry for not noticing you.

Kristina Rosette: No, that's okay. I was just - something very similar to Alan.

I was just wondering, Tim if you are in a position where you could just post that text to the list just so that I can actually see it. It would just be easier for me to follow, but my initial inclination is is that, you know, it may be that what the ultimate recommendations are do need to be prescribed.

I'm still kind of on the fence so to speak on that, but I do think that it should be open for discussion. And that it shouldn't just automatically be the case that a topic is completely off the table, because there's a determination by someone that it's outside the scope.

I just want to make sure that we're covering everything and we're doing this once and we don't have to keep coming back.

Alan Greenberg: Well phrased.

Avri Doria: Thank you. Steve?

Steve Metalitz: Yes, I agree with what Kristina said about it seeing some text from Tim and what she said about the some of the issues there.

I will just say in terms of Alan's proposals I'm comfortable certainly with a slightly aggressive time table. And I agree with him that we probably ought to build it in a little bit more time after the public comments.

So perhaps we should go to T Plus 80 or something like that for the final report. I would be comfortable and I think this is consistent with Alan's second point to say on the charter that when we talk about proposing a time table and process we can say, "which could include a proposed charter for the working group."

I mean I guess that's the usual...

Avri Doria: Yes.

Steve Metalitz: ...the usual process. I'm not sure - I may have lost what his third point was, but I think you and he had some discussion about that that - oh whether this is a exclusive list.

And I agree with you Avri that if later in the process people come up with other ideas, you know, this drafting team will propose some topics. Let's say they will be subject to public comment and that it will be in the final report.

And it's really up to the Council at the point. It may say, "No, we shouldn't pursue these topics or we should only pursue 1 and 2 and not 3." And so there obviously will be other points in the process where topics can be added or subtracted. So, I'm not sure that it needs to be exclusive.

Alan Greenberg: It's Alan. I have one more question whenever the queue opens up.

Avri Doria: Okay, thank you. Anyone else want to be on the queue?

What I'm going to suggest after this...

Tim Ruiz: This is Tim. This is Tim.

((Crosstalk))

Avri Doria: ...Tim. What I'm going to suggest after this round of comments is that we sort of talk briefly about how to continue this then move on to other topics, because some of it may be affected by what we decide to later in terms of the one too many working groups (unintelligible) the drafting team, whatever.

Okay, so I have Alan and Tim.

Alan Greenberg: Yes. It struck me as the - during the previous conversation on how do we identify these topics. Is it presumed that anyone who is interested will join the drafting team or should we be having some sort of public call for comments?

I mean certainly there were a lot of unanswered things in the previous RAA amendments which can be put back - some of which can be put back on the table.

But are we assuming that the drafting team will - that anyone who has any interest in this will be part of the drafting team or do we need to have a public call?

Avri Doria: Okay, good question.

Tim?

Tim Ruiz: You know, as far as the wording for 2 - I mean - it - what we were suggesting - you know, what I'm suggesting I guess and again this isn't necessarily embedded with the Registrar as a whole. It's just that except for clarifications anything inside the picket fence is off limits. It's that simple.

If there's other concepts about, you know, well it pretty much lists the PDPs and all that then I guess that's for someone else to grasp, because that wasn't our suggestion. Our suggestion is that except for clarification anything inside the picket fence is off limits.

And the only concern I have is that we talk about how large this drafting team gets and who's all included in it is that, you know, with all due respect to everyone who's had ideas and thoughts about the amendments that were just approved if we, you know, open this completely up I don't know how we'll ever get anything done.

You know, we're going to have so much going on and so many different discussions going in so many different directions I'm just afraid we'll have no focus and we're not going to make very good progress which is another reason why I think this is going to be difficult enough as it is potentially.

And to try to do this in combination with the other work on the charter I think would be a mistake as well.

Avri Doria: But the moment I hear that there's at least - it sounds like there's some language that needs to be worked out, but it looks like there's two issues that there's two versions of how material inside the picket fence is handled.

And we should probably take that one to the list and see if we can't come to some wording. And perhaps since I'm one that offered a sort of middle position I may try and anyone else wants to try to see if we can come up with a proposed sentence that would be satisfactory to both the need to keep it open, but the need to not keep it as fully as open some of the staff likes.

In other words direct it towards the press. And two, we need to sort of discuss the dates - or no, not the dates, the issue of open or, you know, more restricted than completely open in terms of perhaps a formula of number of slots per each, you know, of the representative groups or something so that we have a diverse group, but it isn't as open and find a - some formula that works in there.

So those seem two issues that we can take the place. The other things we should probably do on the list after this whole discussion, and I really do want to keep this meeting close to an hour as possible, is let's talk about things like adjusting the dates.

Do we need more than 30 days to get, you know, information collected, etcetera and that. And take those things to list and see if we can get a charter in the next couple of days to be discussed on next week - I mean on the next Council meeting.

We would need to have a charter proposal by this Thursday for that meeting otherwise we have longer. I think in the meeting that we discussed, I don't remember it from of me, but we did discuss the extension of our schedule from 31 July to - I think we discussed to our - the meeting after the next one.

Correct, Margie?

Margie Milam: Yes, that correct. You're...

Avri Doria: Right. So the idea of getting it done in a week short that gives us (basically) three weeks -- three to four weeks to get it done, but I'd like to get it done sooner rather than later so that we're not getting it presented to the Council at the last minute.

Steve Metalitz: Avri, this is Steve.

Avri Doria: Anything else on this one before we start - we continue?

Steve Metalitz: Yes, I'd be glad to circulate a second draft with the changes except on the two topics that you talked about which you're going to put place holders in or something and - but I'd be glad to circulate a second draft to address in the meeting.

Avri Doria: Okay, thank you very much. That'd be great.

Okay, at this point I'd like to move on to the next agenda item which was Margie giving us an overview of the work that's been done on the RAA Rights and Responsibilities document that she put out.

Margie Milam: Thanks, Avri.

It's took me a bit of a while to put this summary of Registrar and Rights and Obligations together. And I apologize for the delay, but it really was a - an effort in identifying the various locations where the rights and obligations actually stood.

And so what I put together and post on the Wiki is a summary of (check) terms and exerts from consensus policies, reference the obligations of Registrars and Registrants of the GPLE domain names. And these obligations come out of the RAA and I have a link here to the RAA. Everyone knows where that is.

The RAA also has within it specific obligations that are required to be included in the Registrant agreement between the Registrar and Registrant. And so the rights and obligations arise from there. And then finally it's some of the consensus policies that have been adopted over time.

And just a little bit of background from ICANN there are no third party beneficiaries to the RAA, the Registrars Accreditation Agreement. So these are basically - they (unintelligible) are expect obligations, but they're not contractual rights between a Registrant and a Registrar.

These obligations come out of the agreement between ICANN and the Registrars. And the summary, you know, because it's summary in nature obviously it doesn't amend any of the documents. It doesn't create any rights or obligations and you really need to look at the contract itself to get the scope of the limitations.

I just lost my link. This is great. Let me open up Power Point if you'll give me a second. I have a bad connection.

And so what I did was I tried to break it out and give you guys a little bit of background on, you know, in a summary basis on what the provisions provide and then I also gave you a site specific in itself so you can -- if you want to see exactly what the provisions provide, you'll be able to get the language. But obviously the summary isn't going to pick up all of the points.

And so the first section deals with the obligations of registrars to ICANN under the RAA. And the first one is the one that requires updates to domain name and server data within five business days. And I'm just going to highlight the points. I'm not going to read the RAA section just to give you a flavor of the provisions that I thought were -- would fall in the category of registrant rights. At the end of the presentation, if you have ideas for other things that should be covered, I'd be happy to research them. But, you know, it was a judgment call on our part to figure out which ones should be included.

The other one is free public access to WHOIS. And then in the section there it's, you know, section 3.3.1. Prompt updates to WHOIS data. There's a section there that talks about the right to have your WHOIS data updated

promptly. There's a section on limitations -- there's a section that deals with the rights of registrars to use the data and what are the limitations on it. And so there's a limitation on the use of WHOIS data that says that it can only be used -- cannot be used for map, unsolicited, commercial advertisements or solicitations. It says that and the language is there.

There's also an escrow requirement. And there's an obligation that registrars have to escrow the registrant data and they're certainly doing that through the compliance department set up in escrow program. And registrars are complying by depositing their escrow data in accordance with (SETH) program.

Onto the next slide. There is also the rights to get notice of deletion and auto renewal policies. That's section 3.7.5.4. That's where registrars are obligated to give notice to each registrant described in the (unintelligible) of their registrant data.

Is everyone still on? I'm hearing a beep.

Avri Doria: I'm still on.

Margie Milam: Okay, great.

Heidi Ulrich: I'm still on.

Margie Milam: Okay, great.

Then there's also a notice of deletion and auto renewal policies the registrars are to post their auto renewal and deletion policies on their website. There's an obligation to give notice of fees charged during the redemption grace period. And that's also to be posted if the registrar operates the Web site for domain name registration.

If resellers are involved, there's a number of provisions that deal with resellers and this is all new out of the May 2009 form that was just recently approved registrars are to identify the sponsoring -- I'm sorry -- resellers are to identify the sponsoring registrar upon request.

Onto the next slide. If privacy or a proxy registration service is offered by a reseller, the information needs to be escrowed or a Notice of Non-Escrow is required by the resellers. So in other words, if a reseller offers a privacy or proxy registration, that information also needs to be escrowed or at least notice be given to the registrant that it's not being escrowed.

There's also a right to receive certain notices and terms required by the RAA and consensus policies. And so part of the amendment that took place in May 2009 essentially requires resellers now to post the same type of information that the registrars would be obligated to provide. And that's in section 312.6.

And then 3.15 is the Notice of Registrant Rights and Responsibilities and that's what we're all working on right now. This basically says that if I can develop a, you know, a document that documents the rights and responsibilities of registrants that the registrars will post to that document. And so that's essentially what the process is designed to develop.

There's also a requirement as of the new amendments that registrars have to post accurate registrar contact data. So that's new out of the 2009 amendments. And then there's also, as I indicated, obligations that relates to consensus policies and one of them is under the WDRP, which is the WHOIS Data Reminder Policy. And that's basically a policy where you get a reminder from your registrar with the WHOIS data and you have the ability to update and correct inaccuracies.

Then under the transfer policy, there's the right to transfer domain name registration among registrars and there's, you know, on the consensus policy page a lot of details related to that. There's also other consensus policies, but

a lot of them dealt with interactions between, you know, registrars and registries, so they didn't really directly impact registrant rights and that's why you don't see all of the consensus policies listed here.

Then there's also, as I indicated before, the rights that arise out of the registrant's registration agreement with its registrar. And so whenever a registrant registers its domain name, there's the registration agreement. Some of it will be text provided by the registrar as required by their, you know, business requirements. But there's also certain language that ICANN requires. And so that's what I'm referring to here. The registration agreement will have other provisions, but this is just the stuff that ICANN requires.

And so, for example, registrants have the right to get notice of the intended use of the personal data. And so registrars have to provide notice that specify what the personal data is being used for, the categories of who will receive it, which data is obligatory and voluntary, and so forth. And that's all spelled out in the sites that I've provided here.

The registrars also agree that they will not process personal data in a manner that is incompatible with these purposes. And so that's what 3.7.7.7 provides. And then registrars also agree that they take reasonable precautions to protect personal data from loss, misuse, and just, you know, and alterations.

The other part of the document that I mentioned is the registrant responsibilities. And so again they're scattered throughout the document and a lot of the responsibilities are actually in the document that the registrar -- the registration agreement that they require from their registrants. And I'll highlight some of the ones that ICANN requires.

One of them is the payment of the registration fee. Obviously, in order to have your rights as a registrant, you need to pay your registration fee. There's also upon renewal, when it's time to renew, you have to provide

timely consent to the renewal or the registration may be cancelled. And so there's a requirement that you consent to the renewal.

You also have to consent to the terms of the registration agreement. And that's how we get compliance with all of these provisions, because the registrants are required to agree to these particular terms. Registrants also have to provide accurate, reliable contact data and update those details throughout their registration term. So that's the accurate information.

And if you get an inquiry from a registrar concerning accuracy of contact data, you have to respond within 15 calendar days or it's considered a material breach of the registration agreement and may be a basis for cancellation of the registration. So that's obviously an important obligation for registrants.

For registrants that license the data, they have to provide their own full contact details and promptly disclose the identity of the licensee or accept harm -- liability for the harm caused by the wrongful use of the domain name. So this is where proxy or privacy services may fit in. That's typically a licensee relationship and if the proxy service or the privacy service of the licensor of the data receives notice, and the details are all here, of a harm caused by the registered name, they have to disclose the identity of the licensee or accept liability associated with the harm caused by the domain name.

There's also obligation that a registrant consents to the data processing that was specified above. So the use of information for WHOIS services. And if you are a licensor, you have to represent that notice has been given to the licensees or that -- if you're providing somebody else's information that they have received -- that they have consented to the use of the information as required by the agreement.

And then with respect to representations, a registrant has to represent that neither the registration nor the use of a domain name infringes on the rights

of a third party. A registrant also has to submit to the jurisdiction of the court where the registrar or registrant is located. And I've cited the provision here. And that's how we are able to implement the UDRP for example and the ability to recover domains that are, you know, potentially infringing under the UDRP.

You also have agree that a domain name is subject to suspension and then it spells out what are the possibilities for of when a domain name can be suspended. And it's basically to correct mistakes by either the registrar or registry for the resolution of domain names and so -- or any other policy adopted by ICANN or a registrar or registry that's not inconsistent with an ICANN policy.

And then registrants have to indemnify the registry for claims arising out of the registration and the language is set forth there. And registrants have to provide accurate WHOIS information for domain names that are restored under the redemption grace period. So this is an obligation that arises under the consensus policy or under the restored names accuracy policy.

And those are the ones that we highlighted. Oh, I guess two more. These relate to the UDRPs. You have to represent that the domain name does not violate the rights of a third party and not being registered for an unlawful purpose and will not be used in violation of the applicable laws. And that's from the UDRP. And then under the UDRP you have to submit to mandatory administrative proceedings in order to resolve disputes under the UDRP.

And that, you know, that was all that we were able to identify. It may not be comprehensive. If anyone identifies other, you know, potential rights, I can certainly research them and see if there's a basis to include them. But this is kind of our first attempt at reviewing all of the documentation and trying to come up with things that really related to registrant rights.

Any questions?

Avri Doria: Yes. Thank you for the work. What I'd like to do is open it to questions for clarification. But ask that just because of time, ask that questions and comments on what needs to be added or discussion on points be taken to the list in the first instance and then we'll come back to it in another meeting. Does anyone have any questions for clarification at this point?

No? Okay, thank you.

As I say, you know, take extensive, you know, substantive questions to the list and/or, you know, right to Margie individual, but it's probably good if you copy the list.

Alan Greenberg: Avri, it's Alan, I do have a suggestion.

Avri Doria: Yes, Alan.

Alan Greenberg: It would be very useful if this list would identify which rights and responsibilities go along with the revised RAA and which of them are part of the original one, since there's potentially a five-year difference with some of it -- for some registrars on which said rules apply.

Avri Doria: Right. Well, I did notice and Margie can clarify, I did notice on several of them it was written in the parentheses in the description that they came in in May, I mean in 2009.

Margie Milam: Yes, that's right. We tried to highlight it in parentheses wherever possible.

Alan Greenberg: Okay. I missed that then.

Avri Doria: So, I think that's it then. But thank you, Margie, I think it's great. And, so thanks.

Margie Milam: Oh, no problem.

Avri Doria: And as I say, let's continue discussion of it and but it's a starting place. Now, the next thing on the agenda that I wanted to make sure I got to is at least to get a little further in the discussion of how we proceed. One group, one group two subgroups, group -- you do have two different efforts. One of them is very specifically a GNSO lead effort and one of them is very specifically a joint effort.

But that's the way it was proposed and this we can certainly make a counter proposal going back. But I'd like to, you know, get some listed. And of course there have been some comments already made on the mailing list today by, you know, those who aren't here. And I don't know if others would like to represent those views, but I'd like to open the list.

Who would like to speak?

Anyone want to be first?

Alan Greenberg: It's Alan. I'd like clarification of which two groups are we talking about?

Avri Doria: Sure.

Alan Greenberg: We're talking about the -- on the RAA side, is it the working group that's going to be doing the work or is it the drafting team that's drafting the current revision -- the revised version of what Steve put together?

Avri Doria: I think we're only doing two things at the moment. We're doing a drafting team to talk about what future work might be in working groups. And we're talking about the future big changes, I'm not even quite sure (unintelligible) way to put it, but it's possible rights and responsibilities changes or what have you. So a document on that. So those are basically -- I've been seeing them as two different threads, both of which filter into the GNSO's council on what

if any work to do going forward is basically two sets of requirements. One of them based on the drafting team. And one of them the joint ALAC GNSO work on rights and responsibilities.

Alan Greenberg: So the first one culminates when a work group charter is put before the council essentially or somewhere thereabouts on how and what to do for future RAA changes?

Avri Doria: That both of them terminate?

Alan Greenberg: No, the first one, the RAA one terminates...

Avri Doria: Definitely terminates. The second one it's hard to say when it's likely...

Alan Greenberg: It'll terminate whenever we come up with some consensus statement that's ready to post or the group thinks is ready to post.

Avri Doria: Yes, right. Now it would be handy if there's some statement at the same time as the first RAA, because then things can be looked at as a total package, but I guess that's not necessarily required. It would be handy to have them come together I guess. Anyway, so, anyone else wishes to speak on this now?

Tim Ruiz: This is Tim, when you say together are you talking about the charter and...

Avri Doria: Right.

Steve Metalitz: This is Steve. Could I get in the queue?

Avri Doria: Certainly Steve. Tim, were you finished? As I say, I mean, I'm just thinking but I don't know. So, Steve.

Steve Metalitz: Yes, I mean, my thinking was that these two tasks obviously have some relationship and some overlap but they're not really the same job, both procedurally and substantively. So that's why my proposal was on the RAA drafting team, let's have some liaison to whatever group is working on the registrant bill of rights and responsibilities. So, hopefully, they could coordinate, but I think there's enough difference between the two that it probably makes sense to have two groups.

Avri Doria: Thank you. Anyone else?

Alan Greenberg: It's Alan. I hope I don't harp on it. But I still think we're talking at odds. You were saying is it possible to have a charter ready for this Thursday for presentation...

Avri Doria: Yes, but it's not...

Alan Greenberg: ...at the next council meeting, or if not at presumably the next one.

Avri Doria: The charter for the drafting team.

Alan Greenberg: Right. But we're talking about the actual drafting team at work?

Avri Doria: Right, we're talking about the drafting team at work. We're not talking about the charter.

Alan Greenberg: Okay.

Avri Doria: In other words, you know, the drafting team, which is this thing that we're, you know, this thing that would have 60, 80, 90 days, whatever we renegotiate...

Alan Greenberg: Okay.

Avri Doria: ...in the charter and I'm saying if the bill of rights group could come out with something in that, you know, same 90 days plus the six weeks it's going to take us to (times) zero, then that's a good thing. You know, because having both results at the same time when the next steps are being taken as to okay, now, where do we go from here, because we can't even meet if we have both efforts, output from both efforts. Even if one of the groups says, "And this is just an interim effort. We still have more work to do." Of course, then we have to come up with an organizational form for this second thing since it is ALAC GNSO.

Alan Greenberg: I guess I don't see the benefit of trying to merge them. They're going to have to go on in parallel and having one group with two subgroups, how is that different really from having two groups?

Avri Doria: I don't know.

Stefan Van Gelder: Avri, can I ask a...

Avri Doria: Certainly.

Stefan Van Gelder: ...Stefan again.

One of the points that was made earlier, one of the questions that we asked was how open should the group working on the charter be or on the amendments, sorry, how open should that be? Having two groups have one advantage as I see it is that you can bury the way they are open sort of to whom, to how many people they're open to.

Both groups may not work as well being fully open as someone was mentioning earlier, on the one on the amendments may not function as well if it's totally open. The one on the bill of rights might be a better group if it's more open. So having two groups might help both of these efforts move along in a more efficient way.

Avri Doria: Okay, thank you.

Anyone else wish to comment.

Alan Greenberg: There's one other issue we haven't discussed at all. When council was discussing this, there were some opinions raised, I believe particularly by the NCUC if no one else, that this bill of rights process would also include desired ones which would then be tossed over the wall to the other one. So far, we've only tossed about the established bill of rights, you know, the established rights. Are we in fact doing what -- there's still some consideration for doing the longed -- the wished bill of rights or not?

Avri Doria: Yes, I thought that that's what we were doing since we basically took the question of asking the staff to take those first efforts and to document what rights were there. Now there may be some ongoing discussions about are there some that are implicitly or even explicitly there that were left off the list? But my assumption is that yes we are talking about, you know, that proposed changes and that's why I was thinking not that they'd be thrown over the wall to the other group, but they would be able to come into the council at a similar time.

Alan Greenberg: Yes.

Avri Doria: Both of the council -- at the council level that they'll be making decisions about which work to proceed on and in which way to proceed on various bits of work or whatever. And so there would be a report from this our role -- rights and responsibilities group that would -- it would probably just be a draft because it wouldn't have been through the process of, you know, approval from both the ALAC and GNSO. So it might be that. But it would enable the council at that point to figure out what the merging of one of those interests may or may not be.

Alan Greenberg: I don't think we ought to minimize the amount of work it's going to take to take Margie's document and transform it into something which is going to be understandable and usable in the form that it was discussed in the RAA.

Avri Doria: Okay. So any other comments at this point? We're almost at the end of our hour. My suggestion is that we plan for next week at the same time to continue going through this on the question and maybe discussion on the list. Hopefully we will have a charter that we can close on fairly soon. In terms of the leadership part of that is we figure out once we've got the charters and how we're continuing on this joint effort.

I'd also like to see if there's a couple people that might want to work together on scoping out how the joint ALAC GNSO group on rights and responsibilities would work. And I don't know whether that's a charter or just a description of how it would go. Something that makes sense to both the ALAC and the GNSO. So hopefully we can get some people together to start proposing for the structure around that.

In terms of the leadership, we'll need to then come up with leadership for both, assuming that we go forward with both, but my inclination is to think at least that's the way we're headed. Obviously some of the people that weren't on this call otherwise will have to, you know, probably discuss this some more. But it'd be easier to do that once we have some idea of what we were looking at in the second group. So perhaps we can do that next time.

If it's okay with people, I'll keep coordinating this effort until we get to the point that we've chartered up stuff. But, of course, we've got Steve holding the pen on the charter and hopefully we'll find somebody to hold the pen on the rights and responsibilities effort and we'll go on from there.

Any issues, comments, questions on that and how we proceed? Any comments on Monday as having the meeting the same time, place, next Monday?

Alan Greenberg: I think we have a conflict with the North American Railroad meeting.

Avri Doria: Oh, in which case, we'll have to ask (unintelligible) and others to see if they can slide this one hour or another and see how people can handle it.

Alan Greenberg: Either direction would work for the North American Railroad.

Margie Milam: There's also a travel call for the community, for the at-large community. I believe it's 2000 UTC.

Avri Doria:: Oh, well. Is Monday a good time if we can find an hour that works next week?

Steve Metalitz: This is Steve. I won't be available Monday, but I'm out all next week.

Avri Doria: Okay.

(Cheryl): I must say. This is (Cheryl) here. My preference to not do 24 hours in a row means that if you're going backwards from 1900 or so, it becomes more problematic on Mondays.

Avri Doria: Okay. That makes sense, thank you. So, it looks like we're looking at a time at the beginning of next week, possibly Monday or Tuesday for some. And speaking of Monday UTC. And I'll ask Glen to see if she can find us a time in this same general area for next week.

(John): Say, Avri, this is (John), I won't be available on Monday the 10th either, so...

Avri Doria: Okay.

Stefan Van Gelder: This is Stefan. I would have a hard time making next week's call, but if there's a call every week, I can certainly make the following one.

Avri Doria: Okay, yes, I think it's done. I would suggest that we meet every week and use that as a forcing function to get the work done. Work on the list and work with the people that can make the meeting. Although with Steve holding the pen on the charter, we probably should find a time he can make.

Steve Metalitz: Well, it's just that I will circulate the next draft and hopefully we can make progress on that.

Avri Doria: Right, okay, that's -- okay. So, I thank you all. We've now used up the hour. And I'll talk to you all next week and on the list.

Man: Thank you, Avri.

Man: Thanks Avri.

Man: Thank you.

Woman: Thanks everybody.

Man: Thank you Avri.

END