

**Registrar Accreditation Agreement (RAA) DT Sub Team B
TRANSCRIPTION Monday 30 August 2010**

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On page:

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

Present for the teleconference:

Steve Metalitz - IPC – Chair

Philip Corwin – CBUC

Statton Hammock - Registrar Stakeholder Group

Michele Neylon – Registrar Stakeholder Group

Shiva Muthusamy – At-Large

Elisa Cooper - Registrar Stakeholder Group

Michele Neylon - Registrar Stakeholder Group

Holly Raiche – At-Large

ICANN Staff

Margie Milam

Marika Konings

Glen de Saint G ery

Liz Gasster

Absent apologies:

Cheryl Langdon-Orr - ALAC chair

Avri Doria – NCSG

Tatyana Khramtsova – Registrar Stakeholder Group

Mason Cole - Registrar Stakeholder Group

Coordinator: Thank you for standing by. I'd like to remind all participants today's conference is being recorded. If you have any objections, you may disconnect at this time.

You may begin.

Glen de Saint Gery: Thank you. Good morning. Good afternoon. Good evening everyone. This is the RAA-B Working Group Call on Monday, August 30. And on the call we have Statton Hammock, Steve Metalitz, Elisa Cooper, Michele Neylon, Holly Raiche, Siva Muthuswamy. And for staff we Marika Konings, Margie Milam, and myself Glen de Saint Gery. Thank you very much Steve. Over to you.

Steven Metalitz: Thank you very much, Glen. And, welcome everybody. I think we - we'll hopefully have a short call today. We don't have a lot on our agenda, but we'll try to finish it up as efficiently as possible. I think the agenda items are listed on the Adobe site. I actually would flip this a little bit. We started last week - or at our last meeting to review the summary of public comments that Margie prepared, and - to see if there were - as a result of that, there were any changes we wanted to make in our report of Sub-team B, or if there were any other comments that we wanted to respond to in the course of the review.

And as a result of that discussion on the last call, I circulated two documents. One was a edited list of five priority topics taken from the initial report and reflecting a couple of changes based on the comment summary. Some additions on Item Number 7, some - a deletion actually in Item Number 1, and an additional comment in Item Number 11. And, the document I - the document I circulated had some formatting problems, but hopefully everybody was able to see fairly clearly what those changes were. So, that was the first document that was circulated.

And, the second document was - I just called it an addendum to final report where we could give some responses, again based on the conversation we had at the last meeting - responses to the public comments that had been received. Not areas where we thought a change in the report was needed, but where we wanted to say something in response to a particular comment.

So I guess I'd like to discuss those two documents first, and then if people are happy with those, move on to the remainder of Margie's summary document. And really, we're just - we would just be looking at Section 7 of that document, Pages 12 and 13. I think that's all that remains about comments on our part of this initial draft report. There is some comments on the Sub-team A work, and we skipped over that.

So if there are no objections, I'd suggest that we follow that agenda. Did people have any other agenda items that they wish to raise?

Okay. If not, why don't we start in on these two documents. Did anybody have any questions or comments on the edits to the list of high priority topics? As I mentioned, that included a - taking out the reference to a contractual definition of cyber-squatting in Number 1, because the feeling was there already is a definition of cyber-squatting in the UDRP, and it could get confusing if there were a different one here.

On Number 7, adding a reference to reasonable time limits for registrar action on reports of false WHOIS data and providing just a comment summary reference to that.

And then in Number 11, just adding in our comments column that the information that was submitted by the - such as contact information and so forth of the registrar should be verified and stamped with the date of last verification. That reflected again, some of the comments that were received, and as a reference to that comment.

So let me just ask if there are any questions or proposed edits, or are people comfortable with these changes to the list of high priority topics?

Okay. Hearing no suggestions for any changes, and I note a comment in the chat in support, let's assume that that's okay and we'll move on to the next document, which is called the addendum to the final report. And as I said, this just lists in four or five areas our responses as to - as was drawn out during our last meeting to some of the comments that had come in. Are there any edits or questions about this document? Anything that people would like to change or omit from this list?

And, this is obviously incomplete because we haven't finished talking about the last section of the comments, but we'll just - whatever we come out with there we'll just tack onto here. Any people have comments on this or questions about it?

If not, I'll just - we'll just assume that that is okay too, so far. And thank you for your review of those documents.

Now as I mentioned - and I'm sorry to keep staff bouncing back and forth here on what has to be displayed on the Adobe screen. But at this point, we should turn back to the summary that Margie prepared and

turn to Page 12 of that summary if we could, Roman Numeral VII. And as you'll recall, we really set out in our report two different options for the next steps. One that seemed to have a majority support. One that seemed a significant minority supported instead. And then, we also mentioned that some people didn't support either of them and wanted to - you know a situation in which third parties - effected third parties would be full participants in the negotiation.

And so these comments that we see on Page - starting at the bottom of Page 12, are comments on that section of the report. And just to offer my initial reaction to this, it really seems as though we had some comments in support of all three options if you will. There was a comment saying at the minimum, IPC believes such parties should be allowed to participate as observers. We had a comment from Phil Corwin that said Process B, which was - didn't have any official observer role for these entities would be the best way to go. And then the IACC, the International Anti-Counterfeiting Coalition said they basically supported Process A. And so - you know, we had some support for both approaches there.

And then, we also had - I thought it was an interesting comment from Alan Greenberg, in which he stated that the wording of the options may be implicating biasing the outcome. And, he said, "If ICANN chooses to have as its negotiating team someone from ICANN Legal Services, the ICANN Chief Registrar Liaison, and several people representing ICANN stakeholder groups or Advisory Councils, that should be an internal ICANN decision."

So, I take Alan's point that we could achieve greater diversity if you will among the people around the table without moving beyond an ICANN

team and a registrar team if ICANN invited people from some effected third parties to sit in as part of its team. So, I think that point is well taken. And, I think Michele is correct that Alan's name has been misspelled.

Holly had a comment, so let me open the floor here and see if anybody else wants to comment on the - this last section, Next Steps for RAA. Holly, why don't you go ahead while others are gathering their thoughts.

Holly I know you were muted and I hope someone told you how to unmute.

Holly Raiche: Oh.

Steven Metalitz: I heard somebody. Is that you Holly?

Holly Raiche: I think so. Is that me?

Steven Metalitz: Yes.

Holly Raiche: Okay.

Steven Metalitz: Go ahead.

Holly Raiche: I was also interested in Alan's statement. But I think before we proceed on just talking about - what is the likelihood of that happening? What is the likelihood of us saying to ICANN it's up to you to nominate your negotiating team, and having the team in some way representing or listening to stakeholder views? So, I guess the question is how - is

Alan close to the mark or is he - is this a crazy idea and we shouldn't consider it?

Steven Metalitz: Okay. Well I think literally, you said could we do it? We could certainly do it in our report if we wanted to, but I think the relevant question might be how would the staff respond to that? So, I don't know if any...

Holly Raiche: Yes.

Steven Metalitz: ...anybody on the staff would like to - if anyone on the staff would like to comment on that - on Alan's proposal?

Margie Milam: Sure. It's Margie. I mean, the only thing I can say is I could take it back and check. We haven't discussed that at all.

Steven Metalitz: Okay. So Holly, there's an answer to your question.

Holly Raiche: Yes.

Steven Metalitz: So, I guess the question here is we did last time, looking over these comments - handful of comments on this topic. Is there any - do we think we need to change anything in our report to reflect these comments, Number 1. And Number 2, do we wish to in our separate addendum document say anything about these comments? So, let's me open the floor to any views on those questions. Should we make any change in the Next Steps section of our report, or should we say something in response to any of these comments? Anyone wanting to express a view on that?

Statton has asked to be recognized. Anybody else?

Holly. Anybody else?

Statton, why don't you go ahead?

Statton Hammock: I just simply want to say I don't think there's anything that has been stated in the public comments that would necessitate a change in our report.

Steven Metalitz: Okay. Thank you.

Holly.

Holly Raiche: I think I'd agree with Statton. I think that probably there still is a significant difference of opinion about what should happen. And, I think our report says the ICANN Board, there are divergent views on this, and I don't think those views have changed at all. So, maybe we just say we note the comments, and the comments reflect the actual divergent views of the sub-team.

Steven Metalitz: Okay. Thank you. Did anybody else - I see some support for that approach. Let me just ask does anybody think we should go any further and say anything about Alan's comment? Or just say - as Holly said, that the comments reflect the divergent views that we had within our group?

Holly, any thoughts on that? Go ahead.

Holly Raiche: I would support Alan's approach. I think the view that has been taken by some is that ICANN actually does represent a larger community,

and therefore it is appropriate if ICANN represents a larger community - that the views of the larger community, including (all the) parties be represented at the table. And what Alan has done is say well, this is how it might happen.

Now, I don't know if everybody's going to be happy with that approach, but I think what Alan has tried to do is reflect the views of at least some of us that ICANN is a representative body of a lot of people who are affected by the RAA.

Steven Metalitz: Okay. So, is there anybody else in support of at least calling attention to Alan's comment in that way? I think Statton thought we should have no comment on Alan's view, according to the chat. Anybody else have an opinion on this?

Okay. Well I think in light of that, I guess my suggestion would be let's just keep it to what Holly said before, that we encourage everyone to look at the comments which we think reflect the divergent views of - that were on the sub-team. And, people who do so of course will see Alan's comment there, and I think will take it into consideration.

So, is there any objection to proceeding in that way?

Okay. If no objection, then that's what we'll - we'll just add that sentence basically to the addendum document. And, I think there was - everyone was in agreement that there wasn't any need - or I heard no objection to the view that there was no need for us to change anything in our report. Is there any objection to that view? I think Statton had stated that, and is there any objection to that view on the sub-team?

Okay. If not, then I think we're almost done here. We - I will circulate a revised version of the addendum document, and I guess I'll work with Margie on just what the best way is - how that should be plugged into what we - you know our revised final report.

I guess just one logistical questions is, does anybody know - or Margie, I guess I would ask you, what's the status of Sub-team A and their review of the comments, and consideration of any changes in their part of the report?

Margie Milam: Sure, Steve. I think they are scheduling a meeting - we're setting a (doodle) to schedule a meeting perhaps next week to go over their comments. So, they're probably about a week or two behind this group. The comments that were related to the Registrant Rights Charter were fairly minimal, so I don't expect a lot of work out of that group. But, I do think it'll be about a two week delay.

Steven Metalitz: Okay. Well, I know we're too late to get this finalized and up before the Council at its next meeting, which is next week, right? So...

Margie Milam: Oh, yes. Definitely. It's too late. Tomorrow I think is the deadline for next week's meeting.

Steven Metalitz: So really, we're looking at the meeting after that, and I know we had talked about this on our last call, and I can't remember when it is. But, I know we have at least a few more weeks in order to meet that deadline. So, it sounds as though if - I'm sorry. Go ahead.

Margie Milam: Sure. It's a long gap. Glen, can you tell us the date of the next meeting after the September 8 meeting?

Or Marika? I think it's early October, but - so, we have a fair amount of time until then.

Steven Metalitz: Okay.

Margie Milam: I'll look it up and send something...

Steven Metalitz: That's fine.

Margie Milam: ...(unintelligible). It's...

Woman: It's October 7 according to the GNSO calendar.

Steven Metalitz: Okay.

Glen de Saint Gery: But yes, Margie. It's Glen. Margie?

Margie Milam: Yes?

Glen de Saint Gery: It's October 7.

Margie Milam: Okay, thank you.

Steven Metalitz: Great.

Glen de Saint Gery: Sorry. I was on mute. And, it is at 15:00 UTC.

Steven Metalitz: Okay. Thank you. Okay, so we do have a few weeks. But, I will circulate this by tomorrow so that we can wrap up our portion of it anyway.

So, let me ask if anybody else has any other business or - and then particularly the staff, or if we left any - do we have any loose ends here that we need to tie up?

Margie Milam: Steve, it's Margie. No, I don't think so. I mean, I think the - and you've hit the next work, which is essentially a fitting addendum. We'll attach it to the initial report. We'll send out a draft revised report for the working group members to review. And then assuming everyone's okay with the final version, then you know at least our part of the work would be done.

Steven Metalitz: Great. Okay.

Well in that case, since this may be our last call as the Sub-team B - at least - unless and until the Council acts on something and perhaps asks us to continue any work in this vein, I just want to thank everybody for their participation. I know we - our lifespan was a little bit more protracted than we initially intended, or maybe hoped.

But, I think everybody for sticking with it and for all the contributions they made to the discussion. I think we've got a good product here, and I think we've contributed to the process. So, I'll just close by thanking everybody for their participation. And just please keep an eye out for this last mailing of what we've discussed today.

Woman: Thank you.

Man: Bye.

Steven Metalitz: Thanks everyone. Bye-bye

Glen de Saint Gery: Bye. Thank you.

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