Registrar Accreditation Agreement (RAA) DT
Sub Team B
TRANSCRIPTION
Monday 17 May 2010 at 20:00 UTC

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http://audio.icann.org/gnso/gnso-raa-b-20100517.mp3

On page:
http://gnso.icann.org/calendar/#may

Present for the teleconference:
Steve Metalitz - IPC – Chair
Cheryl Langdon-Orr - ALAC chair
Philip Corwin – CBUC
Holly Raiche – At-Large
Shiva Muthusamy – At-Large
Tim Ruiz **-** Registrar Stakeholder Group
Tatyana Khramtsova – Registrar Stakeholder Group
Statton Hammock - Registrar Stakeholder Group
Avri Doria - NCSG
Marc Trachtenberg – IPC

ICANN Staff
Margie Milam
Marika Koning
Heidi Ullrich
Glen de Saint Géry
Gisella Gruber-White
Liz Gasster

Absent apologies:
Kristina Rosette – IPC
Michele Neylon – Registrar Stakeholder Group
David Giza

Coordinator: I would 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.

Gisella Gruber-White: Good morning, good afternoon, good evening to everyone on today's RAA Sub Team B call on Monday the 17th of May. We have Steve Metalitz, Tatiana Khramtsova, Siva Muthusamy, Holly Raiche.

Coordinator: Excuse me, Mr. Phil Corwin joined.

Gisella Gruber-White: Avri Doria, Statton Hammock, Phil Corwin. From staff we have Glen
                     Desaintgery, Margie Milam, Marika Konings, myself - Gisella Gruber-White.
                     Cheryl Langdon Orr, and Heidi Ullrich will be joining us shortly. We've got
                     apologies from Michele Neylon, Kristina Rosette, and David Giza. If I could
                     please remind everyone to state their names when speaking for transcript
                     purposes, thank you. Over to you Steve.

Steve Metalitz: Thank you very much. Welcome everyone and I apologize that I didn't
                     circulate an agenda in advance but I think at least some of the agenda items
                     are pretty clear. First is to see if we can come to final approval of the initial
                     draft report Sections 1 through 5. The second item would be to talk about - it
                     should be 1 through 4. The second item would be to talk about Section 5 of
                     the draft report which is the next steps portion, Task 3.

                     The third agenda item would be just to talk about how we logistically finalize
                     this report and get it filed. The fourth issue is any new news on our
                     preparations for Brussels for our event there and there has been some back
                     and forth I guess about when it will be and so just to share any information
                     about that.

                     So those are four agenda items that I have. The initial draft report Sections 1
                     through 4; Section 5; finalization of the report; and Brussels preparations. Are
                     there other agenda items that people would like to add? Okay, I'm not sure.

                     I know we have a number of new people in the room and hopefully on the call
                     as well -- Tim Ruiz, Liz Gasster, Marc Trachtenberg, and there may be others
                     that I've missed. But anyway welcome everyone and I've just run through the
                     agenda or proposed agenda and if people have any other agenda items
                     please speak up now or when we get to the end of the agenda.

The first order of business is the initial draft report Sections 1 through 4. Margie from the staff had circulated the latest version was circulated Friday afternoon Eastern Time. I hope everyone has had a chance to look at that. Statton had made some edits, I made some - accepted a lot of his changes, made some additional edits, I think Kristina had a few edits, and then I think Margie has put this I think pretty near to final unless there are problems that people want to raise.

Again I haven't really looked at the parts dealing with Sub Team A. I'm assuming that sub team is reviewing that and I don't think there's any - I'm not sure there's any place for input from us. But let me just ask if people having had a chance to review Margie's draft, do you have any questions or comments or proposed edits to that draft for Sections 1 through 4? We'll talk about Section 5 separately. Margie I think you wanted to be recognized, anybody else?

Margie Milam: Yeah this is Margie, I just wanted to point out that pretty much all I did was make the changes that the Sub Team A requested related to their registrant rights and responsibilities charter. And then I incorporated the comments that Kristina had set out because I think she provided comments after the version that you sent out Steve so that's pretty much all I did in this document.

Steve Metalitz: Okay thank you. Are there any comments or questions about this draft? Well let me ask you, are people comfortable with moving ahead with this as our final version of the initial report ready to go forward as far as this part of it goes to the council? Holly I think has her hand up, Statton has his, anybody else? Holly go ahead.

Holly Raiche: At this stage on Sections 1 through 4 I'm happy with. I mean, I think we can - if people want we can go through it because it's on the Adobe Connect screen but I'm basically happy with it.

Steve Metalitz: Okay thank you, Statton?

Statton Hammock: Yeah I think it's in pretty good shape 1 through 4 but I haven't read through all of the latest round of changes. So just reserving, you know, right to comment again here in the next day or so for any further tweaks but other than that I'm - I think it looks pretty good.

Steve Metalitz: That sounds reasonable. Can I take it that there's a motion that we would approve this subject to people in the next let's say 36 hours any glitches that they find in Sections 1 through 4 they would circulate those to the list? Otherwise we can consider it final.

Is there any objection to that approach? If not I'll assume that's consent and that we have consensus on that again subject to people between now and the next 36 hours finding any glitches that we might have missed. Thank you.

The part that we're not - is not so easy to resolve I suppose is Section 5. We have two versions of Section 5. One, I think the one that's in Margie's draft is actually the one that Statton put forward if I'm not mistaken and then there was one - it was preceded by one that I think I had put forward. And we had a fair amount of discussion about this on the last call and we obviously did not come to agreement on it.

There was some talk - there were several people who said they hoped that there could be a middle ground found and people were invited to continue that conversation on the list. I don't think there was much - really any substantive discussion of that on the list.

But let me open the floor now to comments on the two versions we have of this - it's really Section 5.2. I think 5.1 is just kind of pretty much a lead-in, 5.2 is recommended next steps and that's where we have a disagreement basically over the issue of whether there would be observers in the negotiation process in our recommendation. So I'll open the floor to any comments on that topic or how we should proceed on Section 5.

Holly has her hand up. Did anybody else want to be recognized? And if you're not on Adobe just speak up and we'll get you in the queue. Okay Holly, go ahead.

Holly Raiche: I think I could possibly accept that we're not in a negotiating room as long as there is a process where all parties are sitting around a table listening to each other and it's unlike say the at-large community or the community generally, the registrants that put in comments and then they get lost. To actually have a dialog as to why things are or are not possible.

And I think the critical piece that there has to be a dialog with all parties that's real, where people listen to each other, and if something is not possible, well it's not possible, we can hear this. That is what happens is at the end of the day after a discussion then the doors close and there's no dialog and no understanding of why something is or isn't protected. I think that's the - it's the critical bit as to whether there's actually genuine two-way communication or not.

Now if we can devise a process that says at-large will be listened to and will actually get answers as to why something doesn't happen or does or happens in another way, I think we'd be happy. But I don't see that kind of process in what the registrants want and I think that is going to be the sticking point.

Steve Metalitz: Thank you Holly. Avri is next in the queue. Did anybody else want to get in this queue? If not, Avri please go ahead.

Avri Doria: First, apologies that I haven't been here for many meetings. I've sort of been following in the background but didn't really realize I was part of the group, sort of a leftover from the past. But in any case, I think I'd want to make a similar statement to Holly but a whole lot stronger.

I don't believe that there is any way that the non-commercial stakeholder group could accept not being in the room and not being there as active observers. And by active observers I mean people that can speak and contribute and participate. Now we may not do it a lot but that has to be open to people.

Certainly at the end of the day the registrars are going to be the ones that have to agree to those things that aren't strictly speaking consensus policy but to take to the shadows and the dark is just something I can't see working.

I certainly agree with what Holly said about, you know, those who aren't in the room by choice or because some limitation is decided on in coming to a compromise on how many people get to observe, that comment has to be dealt with in the new style of comment which is there's a comment, there's a serious discussion of it, there's a written up explanation of why that comment was taken in whatever way it was taken.

So I certainly agree with that but I do believe that every one of the stakeholder groups and the, you know, cost community that wants to have an observer, a participating observer in that room has to have one. Thanks.

Steve Metalitz: Thank you Avri. Let me ask if there's any other comments on this.

Marc Trachtenberg: This is Marc Trachtenberg.

Steve Metalitz: Marc, okay go ahead.

Marc Trachtenberg: I mean, I agree to have comments especially the second one. I mean, I think it's kind of I know arrogant and not really realistic for registrars to expect that no one else is going to be, you know, in the room for these conversations and discussions. You know, yes ultimately the registrars have to agree to it but, you know, whatever is agreed to affects the entire Internet community.

So, you know, I don't think it's very realistic for the registrars to act like no one else has, you know, a pony in this race. I think, you know, other people need to be there and as far as, you know, I'd really stop calling them observers and say that the other stakeholder groups should be participants.

We're trying to say observers who have some ability to participate and do something but, you know, really that's participants, not observers. And, you know, all the people who are going to be affected by what the ultimate outcome is should have, you know, the opportunity to participate and say something in that process.

Steve Metalitz: Thank you Marc. I have Statton and Tim in the queue. Did anybody else wish to get in the queue at this point? Okay Statton go ahead and then Tim.

Statton Hammock: I'm sorry I missed the last meeting but I'm sure, you know, Tim mentioned or that there's - the contract is only between two parties, the registrars and ICANN.

What I tried to do in my proposal, on my edits to the proposal is reflect that we would not be - we would be reporting out to other stakeholder groups so that they would understand what some of the thinking was or what was being discussed. But having them in the room while the two parties to a contract are negotiating is just something that's not acceptable to the registrars.

Steve Metalitz: Thank you Statton. Tim go ahead and first let me just ask if there's anybody else that wanted to be in the queue right now. Okay Tim go ahead and then Avri.

Tim Ruiz: Yeah I just wanted to it's almost like we're sounding like a broken record but, you know, again when registrars signed their RAA they took on the risk as we viewed it that there was this broad spectrum of areas within which, you know, consensus policy could be formed. And if it was, then we had to agree up

front whatever that is unknown that we would abide by it and implement it and abide by it.

That's a pretty significant undertaking for any business. Not many undertake a business venture with that idea in mind right up front. And the rest of the agreement was an agreement between the registrar and ICANN that's not open to consensus policy.

So, you know, for those areas where consensus policy comes into play, sure, you know, the whole community is in the room. The whole community gets involved and it's a consensus thing and it doesn't matter if there is consensus in the community and the registrars don't necessarily agree, it still becomes policy.

The - what we're saying is for those aspects that are not covered by consensus policy that's what we're talking about negotiating one on one with ICANN, the other party to our contract. And yet we're even agreeing to open that up - we've opened it up to this process where we get, you know, a better feeling for what the community wants, give them more of an opportunity to provide some input into the process, and to be continually updated as the process goes forward.

And to try to, you know, codify that to some degree so that it's more formal than what it was last time which was, you know, the community felt was pretty information going on behind closed doors was pretty scant. There was a lot of communication that they didn't feel like they had an opportunity to provide a lot of feedback. That's what we were trying to do here.

But, you know, registrars' view is that, you know, inviting other parties in the negotiating room with ICANN is just not an option. And I think, you know, this - fully expect the report will probably go to the council with, you know, the group's view that they should participate in that as being like you said Steve

strong consensus or whatever with significant disagreement or opposition to that being voiced by registrars and I don't know if any of it is or not.

So I realize that's likely the outcome here so I don't know how much longer we want to debate it. I just want to be sure it's clear that, you know, I mean, from the registrars' point of view it isn't going to matter what comes out or what the council does or doesn't approve because this is not a consensus issue. This is an agreement between two parties and as far as registrars are concerned it's negotiations behind closed doors.

So all I wanted to do is put out there that potential that, you know, whatever recommendation gets made here, it ends up being ignored and we're back on the same process we had last time. That's my fear. We have an opportunity here to make it better and I would hope that's the direction in which we can go.

Steve Metalitz: Okay thank you Tim. I think I had Avri next and let me ask just to make sure, I'm not sure everybody is in the Adobe room who's on the call and vice versa but does anybody else want to be in the queue after Avri? Margie and we'll build the queue from there if need be. Avri and then Margie.

Avri Doria: Okay thank you. And thank you Tim, I mean, I take this quite seriously. I'd like to point out though that I think there's a recognition that there are two different processes here. There are things that are under consensus process and those will go through that.

Now on the other things you say, our negotiation is with ICANN. And I'll grant you that there's the operational part of ICANN that you sign an agreement with. However, ICANN is both that operational, formal, corporate side of ICANN but it is also the transparent and accountable side of ICANN that is the rest of us, that is the participants.

Now one of the reasons I called it observer that spoke and not participant to explain the differentiation in language is that I understand that at the end of the day it is the operational part of ICANN, the corporate part of ICANN that signs the agreement with you.

But in terms of arriving at that agreement, in terms of looking at anything that may require accountability and transparency of the community, it has to involve the rest of us. Otherwise it's not abiding by the new AOC standards that we are to live by.

In the old days it may have been fine for people to go into the smoke-filled rooms, negotiate in private, and then come out and say take it or leave it folks but that is no longer today's ICANN. And to say that that's what you insist on doing and that you don't care what the rest of us have to say because that's what you're going to do is really almost an AOC, you know, accountability and transparency level problem -- and I think that's a serious problem. Thank you.

Steve Metalitz: Thank you Avri, I've got Margie and then Tim would be next. Margie go ahead.

Margie Milam: This is Margie. I just wanted to make a suggestion to follow up on something that Holly had said on this call and prior calls. It seems like we're getting hung up on the word negotiations.

If we change to the word to just consultations, does that, I mean, you know, and have, you know, a very active engaged process with the community, does that somehow make it easier for us to come to consensus on a process that would work for both sides? So just throwing it out there as a suggestion.

Steve Metalitz: Okay thank you Margie, we'll come back to that. Tim, I think you were next.

Tim Ruiz: Yeah I don't think it's a fair characterization Avri of what registrars or what I'm saying here, that, you know, whether you like it or not or that - we're trying to be as inclusive as we can be but not open up our entire agreement to be a consensus policy. Because that's where (unintelligible) basically, I mean, that's really what the end result would be.

If that was the purpose there wouldn't be a defined group of areas or issues that are open to consensus policy, there wouldn't be, you know, that description in the agreement.

Now the AOC, we completely support it but it has, you know, nothing to do with the private negotiations that might go on between two parties on a contract. I doubt highly that ICANN is going to invite everyone into the negotiating room when they negotiate contracts for research or other things that go on.

ICANN the corporation signs agreements - many agreements each year with parties that the negotiations are never made public, no one is invited into the room. And there's really - other than the fact that our agreement has consensus policies associated with it in our community, you know, we don't view then the rest of that agreement as any different than the other agreements that ICANN would sign.

And because there's concerns that the community has that aren't necessarily subject to consensus policy but that registrars want to take and consider seriously, we had agreed to this process, we have agreed to a more open process during the negotiations. And so I think actually we're making an effort to try to be more open and inclusive as reasonable as possible.

And as far as Margie's offer to say this is consultations, you know, that's fine as long as there's no expectation that, you know, private negotiations won't go on later between ICANN and registrars.

Steve Metalitz: Thank you Tim. Holly had her hand up. Did anybody else want to get in the queue? Holly please go ahead.

Holly Raiche: Just a couple of things Tim. There are contracts and there are contracts. The contract that you have with ICANN has very real impacts on the community unlike most of the contracts which would in fact probably not impact to the extent that this particular contract does.

So in fact there is a large body of general interest because there is a large possibility and indeed probability for impact on the community on registrants. So I think I'd like to distinguish between private contracts which are not impacting on the public and in this particular contract which does have impact.

The other thing, and it's the point I made in the beginning, I like the word consultation and I like it because it says there are two parties that actually then reaching a conclusion actually have to understand each other's position. It was your last phrase where you said in the end you were going to go and negotiate and come to an agreement.

I think the point that Avri is making and certainly the point that I am making is that it's the final step where you say yes or no. And at that point it's the final step where the community that's impacted by whether you say yes or no would like to understand why and be able to say well is there another way of reaching the same end.

It's - if you will, it's basically yes in the end, nobody is saying that you will not have the ability to say we can't do that, no. That's not what is being discussed here.

It is the level of communication that says if something is really got an impact on the community, the community would like to understand why something is or isn't possible and has an opportunity to say well actually we'd like to

achieve this end. Let's go through and see how we can do it, if it's not possible, doing something. It's actually either including the community in the dialog or in the end closing that door.

And I think it's the closing the door and I'm not going to put names on it as to whether it's observer or consultation or whatever. It's the closing of the door that says we're not going to talk to you where in fact I understand there is a closing of the door in the sense that you can't do something and we'll have to say okay, you can't do it. But we'd like to be part of that decision or at least understand why the decision is made.

Tim Ruiz: You know, Holly you're right, there are two aspects to things of that nature.

Steve Metalitz: Can you just wait a second? We have somebody else in the queue first.

Tim Ruiz: Yeah I just want to respond to Holly since it was, you know, addressed to me. But and so the one aspect of that is the consensus policy issues that are open to the community fully and completely and then there's the rest of the agreement that isn't. That's the point that I'm trying to make. And I know the community would love to have the rest of the agreement open but it's just not. I mean, that's just the reality of where we're at.

And, you know, we are actually offering to come back to the community, explain the situation, the reporting, or whatever. I don't know if that's going to be, you know, quite in the manner you describe because you sound as if you want to sit and negotiate with registrars over those aspects of the agreement and that's where we begin to have a problem.

Steve Metalitz: Okay Phil Corwin is in the queue followed by Holly. Anybody else want to speak? Phil go ahead.

Phil Corwin: Yeah thanks Steve. And I'm trying to - I perfectly understand where both sides of this are coming from. Clearly the RAA has implications beyond the

registrars who are contractually bound by it and yet if I was, you know, negotiating, I'd be nervous about other people in the room who aren't going to be bound by a private contract.

It seems to me ICANN really wears two hats here. They're a non-profit California corporation that's going to enter into - possibly enter into a revised contract with these parties they accredit to be middlemen for the sale and transfer of domain names but they also have a public purpose which is represented in the AOC and in previous oversight agreements.

But it seems to me, you know, thinking about it logically, to the extent that ICANN is representing the community, you know, on things which may not be consensus policy but which the community still may have opinions on, isn't this RAA report and the process that ensues from it -- assuming it results in further discussions with the ICANN community -- isn't that kind of giving ICANN a heads up on what the community thinks is important for revisions of the RAA so that ICANN can be fully informed of community sentiment even on things which aren't subject to consensus policy before it goes in to that room?

And it seems to me if you have that and if you have a meaningful process by which the community is being advised of when negotiations are on critical issues, I think that gets a long way toward meeting the concerns of people who don't want to see a closed process. I haven't heard the registrars argue for a closed process and I understand their concerns.

So I don't know if that's helpful but ICANN is wearing two hats here. They're a private contracting part and they also have to represent the broader viewpoint of the community and this RAA report can help start a dialog on key issues so ICANN can know what - where there is consensus on what type of changes the community is looking for. I hope that's helpful.

And my other thought is that, you know, certainly one of the key parts of the RAA which is the obligation to abide by UDRP decisions and the fact that registrars have to abide registrants to UDRP, it appears that the UDRP may undergo its own PDP which may change the terms of that. So you've got parallel processes running on one of the key aspects that's carried through in the RAA.

So I hope those thoughts are not too disjointed and they're somewhat helpful to thinking about how to proceed in a way which maybe can get to a middle ground on this.

Steve Metalitz: Okay thank you very much Phil. We've got Holly and then Marc in the queue. Did anybody else want to speak? Holly go ahead and then Marc.

Holly Raiche: Thank you Phil. I like two things in what Phil had to say. One was the work dialog because that's actually what I've been asking for and a recognition that I guess this is my response to Tim.

There are aspects of the contract whether or not they are consensus policies that impact on the community, on registrants. And the trouble I have with saying well some things are just private and some things are the subject of negotiation, I understand the delicacy of that. I understand there is a need to make a business plan, to carry through the business plan, to do all the things that you have to do in order to run a business.

But some of those things impact on the public seriously and what you're hearing is people saying well if something is important to the community then there should be a dialog. And instead of labeling it as something that is or isn't consensus policy, it's better to view there is a contract that impacts on the public and to the extent that things do impact on the public what we're asking for is dialog.

Steve Metalitz: Thank you Holly, Marc and then Cheryl.

Marc Trachtenberg: I think further to what Phil said, you know, I definitely understand why registrars don't want other parties involved in those negotiations. I just, you know, don't think it's reasonable for the same reasons that everyone else has said multiple times which is, you know, this agreement has such a significant impact on the entire Internet community, it's a foundational document that may be one of the most important documents and most important things out there for the, you know, rights and interests of the entire community.

And, you know, kind of further to what Phil said is, you know, with regard to, you know, this document and what comes from the group to kind of ICANN in those meetings and negotiations, I don't think it's that - we're really insufficient, because, you know, those negotiations are going to be dynamic like all negotiations are and to just have, you know, this recorder and another piece of paper I don't think is really going to be sufficient.

I think that, you know, the fact that the community has such a vested interest in the result of whatever that final agreement is, you know, means that, you know, community has to be somehow involved and participating in the actual negotiations.

You know, otherwise you just have meetings occur behind closed doors, there's nothing to really ensure that the community's interests will be properly protected or that, you know, even some of their interests will be expressed in the discussions as they, you know, change dynamically during the course of whatever happens there.

Steve Metalitz: Thank you Marc. Cheryl and then let me ask if anybody else wants to be in the queue. Tim, okay Cheryl go ahead.

Cheryl Langdon Orr: Thank you Steve, Cheryl Langdon Orr here. I'm being very careful to disassociate my role here in the ongoing work group activities and that of being a member of the ATIT.

I just wanted to raise everybody's awareness and attention to the fact that I've put into the chat record Section 9.1 from the affirmation of commitments going through from Sections A to E. And whilst it's very easy to look at, all A is about the boarding pack and E is about policy development and clearly E would have some relevance to our work group activities, there are C, D, and E and - C and D in the middle, B, C, and D in the middle as well.

And Part D of the five parts of 9.1 and affirmation of commitment does ask us to continually assess the extent to which ICANN's decisions are embraced, supported, and accepted by the public and the Internet community.

So without prejudice, if we can make sure when we are discussing these very, very important dynamics and (unintelligible) in these issues is extremely important that we constantly think back to the other major activity going on at the moment which is the very first review of accountability and transparency ICANN wide in whatever form you want to identify those and not-for-profit company registered in California or a corporation.

Steve Metalitz: Thank you Cheryl. I've got Tim in the queue. Did anybody else want to speak? Well let's give Tim the last word and then try to wrap up this discussion. Go ahead Tim.

Tim Ruiz: I think, you know, it's just that registrars do not want the entire RAA to be a consensus policy document and so we're very cautious about going down that road and that's basically where what many of you want is leading. And I have no doubt that you'd like to see that, that would be what everyone wants. But that is not the situation under which registrars signed on to the RAA and I think it's a little difficult now to undo that, you know, some ten years down the road here.

So, you know, I don't know where we'll find compromise. I doubt that we will. Registrars thought we were opening up more things for dialog, we thought

this process was a big part of that, often the iteration or what I call the iteration proposal that Statton put out there that was a big part of that.

So I don't know what else I can say. I think that the bottom line is that we have to recommend what it's going to recommend and I guess it will just have to go to the council. I just don't see - well there's no way that registrars will agree to, you know, allow us or even observers into the negotiation room so that's kind of the bottom line.

Steve Metalitz: Okay well thank you. I think this has been a good discussion. We've gotten a lot of views out on the table. Let me just give my summary of it and I don't think the bottom line has really changed from where we were the last time. I think if given the two proposals that are before us and given the classifications that we're I think expected to use although as I mentioned we're not formally a working group so perhaps we have a little flexibility there.

It's obviously not unanimous consensus on any point. I would really hesitate to say that there is very rough consensus where a small minority disagrees but most agree. I mean, in some ways that does describe the situation but I think there is certainly some diversity of opinion among the majority as well.

Not everyone is seeing this exactly the same way and some aren't even, you know, have the participants - want to have participants rather than observers and others I think are perhaps at the other side of the spectrum but I don't think there's really rough consensus on any statement.

I do think that there is strong support for the proposal that I put forward on April 30 but there is significant opposition that I think is supportive of basically Statton's red line of that statement and we all know that the main difference between the two is whether or not there are observers in the negotiations. I think that pretty much summarized the difference as that. So my estimation is that there would be strong support for one version and significant opposition cohering around another version.

Now there have been several people talking about can we find a middle ground here and I think there was a suggestion that we talk about consultations rather than negotiations. I'm not sure that just changing a word or two here or there is going to make a difference. I think if there are observers in the room whether it's called a consultation or a negotiation that that's going to be crossing the red line that the registrars have pointed to.

And we've had a week to, you know, actually more than a week. I think both of these versions have been out there for close to two weeks now and no middle ground version has emerged.

I would agree with the last point that Tim made which was that our job here is to recommend what we think should be done but it's obviously not our decision. The decision will be made farther up the line but I think the council and others are entitled to our recommendation what we think would be the best way to proceed.

So that's how I would propose to characterize this and I guess my suggestion would be if that's acceptable to people that we have a very limited period on the list where people can submit hopefully a finite number of statements for - and hopefully very brief statements.

I'm not trying to cut anybody off here but just I don't think we need to write a full novel about any of these points. I think the differences are fairly clear. My thinking on what I would say about my proposal is that I would put it in just a few sentences.

So that we ask people to provide those and those be incorporated at this point in the report but that we put forward both the version that has strong support and the version that has - that represents the views of the significant opposition and with a brief statements of support and that be our Section 5.

So that's what I would propose and I'll open the floor to any comments or objections to that way of proceeding. I have Avri's hand, I see Marc, that may have been an earlier version but if not, Marc can speak. Avri go ahead.

Avri Doria: Yeah hi thanks. I would - I guess strong support is good. I would actually argue that while we discuss many things there really is rough consensus except for one notable exception that there be at least observer status in the discussion between the registrars and the operational part of ICANN.

And so, I mean, perhaps I'm wrong. I think we may have disagreement over what more than observer status we should have but at least there should be observer status. I do believe there's only one point of disagreement with that and that of the registrar. Thank you.

Steve Metalitz: Thank you Avri, other comments on this? Marc did you want to speak or was that an old...

Marc Trachtenberg: No that was from before.

Steve Metalitz: That was from before, sorry about that. Any other comments on this? I mean, to be honest I'm just trying to, I mean, I think it's the chair's job to make this call.

And I am tempted to say that there is rough consensus and only a small minority, but I think in reality we've only had three or four groups that have participated actively in this, or I should say people from three or four groups that have participated actively, and one of those groups clearly does not feel that this is the right way to go. So that's why I'm trying to - or there's significant opposition.

But I'm certainly open if other people feel that it should be viewed as a rough consensus in favor of observer status. I certainly - I'd love to hear that from

folks now preferably or else in the next couple of days on the list. Further comments at this point? Holly please go ahead.

Holly Raiche: I think the point I would like to emphasize, it's not so much observer status if what we do is sit and watch. I think the point that I'd like to stress is the need for genuine dialog. And we didn't arrive at a process where that's possible.

But what I think I was looking for was a genuine two-way conversation, probably say a four-way conversation that recognizes that the contract itself whether negotiated in privately or not impacts significantly on the community and there needs to be dialog of some kind such that both sides understand both the impact and what should be done about it. And I think that's the point that I would emphasize.

Now I don't necessarily think that there is consensus on that but certainly quite apart from observer status which is where you kind of sit on your hands and say nothing, I think it's the dialog that I'd like to stress.

Steve Metalitz: Thank you, that point is very well taken. Other comments at this point? Okay what I will do is I'll send something out after this call giving my, you know, statement about the strong support and significant opposition. And I'll try in a few sentences to state the strong support position but I hope people will quickly respond to that if they feel that there's something missing from that or they simply want to have a different view that they want to express.

And I would ask Tim or Statton to please if you can just give a few sentences about boiling down for people who aren't going to listen to the MP3s or read the transcripts boiling down why the registrars are taking the position that they are taking.

And I think that will - if we can succeed in that we will have discharged our responsibility of making a recommendation and basically explaining why

we're doing it and giving both sides. So I think that's how we should proceed on Section 5 unless there are any other thoughts about how to do that.

Okay let's turn then to steps to finalize the report. I think we're at the point now where we really - I don't see a need for an additional meeting next week and I think we can hopefully get this document in final form well in advance of our deadline of the 31st and I believe that's the deadline, right, May 31 it has to be submitted.

So I guess I would ask the staff at this point for guidance, any guidance they can offer about how we ought to proceed. Is there anything - is it possible you think if we get you, you know, we have 36 hours more for people to find glitches in Sections 1 through 4. On Section 5 we will have the statements out here and let's say we'll have those out by Wednesday, 48 hours from now.

Is there anything else that the staff needs having being the professionals on putting these reports together, what else - is there anything else you need from us or can you turn that around and get a final version if you will out just so everybody can have a last look at it before we send it in?

Margie Milam: Steve it's Margie, may I comment?

Steve Metalitz: Yes please.

Margie Milam: Yeah so I've told Sub Team A to provide their comments by the end of this week so when I get their comments in we'll have the final report with content and I'll also include all the attachments.

We do have the spreadsheet to attach as one of the exhibits and so I'll try to get the formatting correct and circulate it probably at the end of the week, well probably Monday, Monday of next week so you guys will have a week to kind of look at it and see if you see any typos or, you know, things of concern. But

we should have next week focused on getting the report, you know, beautiful and ready for publication.

Steve Metalitz: Okay does that - that sounds fine to me. If we can get it by no later than Monday then I think people will just have a chance to have their last look at it. And I appreciate that the annexes aren't in there and that may be a bit of a problem because of their formats but I'm sure you guys will have a way of dealing with it.

So all right, then if we're clear on the deadlines, please within 36 hours let's - which is, I mean, obviously if we find something later in the week, tell us but hopefully let's get it done in the next couple of days and same with the statements on Section 5. I guess I'll just put together what I think is the way Section 5 of Section 5.2 should look and then obviously we'll - we can massage it from there.

Okay, the last item that I had on the agenda was to discuss the Brussels preparations and I think since we last met there has been a little bit of hubbub about where actually this event would go in the Brussels schedule.

We had been talking about Monday, a Monday afternoon event that would be at AC/SO event. That - then a graph schedule came out I guess a few days ago that had this item on Wednesday afternoon and I guess that means it's not an AC/SO event.

And that could present problems for at least some of our speakers because I think the law enforcement people perhaps couldn't make it then and it wasn't clear whether anybody from the gap could make it then. Does anybody on the staff have any further update on where things stand on this?

Margie Milam: Yeah Steve it's Margie. There have been internal discussions about moving it back to - not back but from Wednesday to Monday and it looks like it may replace the malicious conduct section that's later in the afternoon. I don't

have the final word on that but that seems to be the indication from the meeting staff. So absent anything, you know, unusual happening I think it will get moved to Monday. And I thank you Cheryl and others for pushing on your end to get that changed.

Cheryl Langdon Orr: I was just popping my hand up to say and that outcome has considerable support in the AC/SO list.

Steve Metalitz: Okay, thank you to all who have helped to generate some motion on that and thanks for that update Margie. Please keep us advised. And then of course after we get our report submitted I think our next call, you know, should focus - in June should focus on obviously on the Brussels preparations and what we intend to do there and so forth.

Are there any other agenda items that people wanted to raise? I apologize again for not having circulated the agenda in advance but the staff was very quick to put it up here on the Adobe chat room which I appreciate after we said at the beginning of this meeting. But I guess we're now at the any other business and let me just ask if there is any other business.

If not then I want to thank everybody for their participation. We will not meet next week. We will set a meeting for early in June and I think if there's no objection we should - maybe we'll just do a Doodle again.

And I really appreciate those of you in Australia who have been up very early for the last four weeks and people in Europe who stayed up quite late, pretty late for the last four weeks and I don't want to assume that we'll have - necessarily have the same time. So maybe we'll try a Doodle again for sometime in the first week of June in order to get our next meeting going. But let's focus now on getting the report submitted.

Cheryl Langdon Orr: Okay, I've got to go, I've got the reconvening of my other meeting starting now. Bye.

Steve Metalitz: Okay thank you Cheryl. And if there's no other business we'll adjourn this meeting as well. Thank you.

Woman: Thank you.

Woman: Goodbye.

Man: Bye.

Woman: Thank you everyone.

END