

**PDPFeb-06 Task Force Teleconference  
TRANSCRIPTION  
October 04 2006, 14:00 EDT, 18:00 UTC, 20:00 CET**

**Note:** The following is the output of transcribing from an audio recording of the PDPFeb06 task force call on 4 October 2006. 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://gnso-audio.icann.org/PDPFeb06-20061004.mp3>  
<http://gnso.icann.org/calendar/#oct>

**Attendees:**

Avri Doria - Nominating Committee – acting chair,  
Sophia Bekele Nominating Committee  
Marilyn Cade – CBUC  
Alistair Dixon – CBUC  
Ute Decker – IPC  
Greg Ruth – ISPC  
Jon Nevelt –Networksolutions

**ICANN Staff:**

Dan Halloran – Deputy General Counsel  
Denise Michel – Vice President Policy Development  
Liz Williams - Senior Policy Counselor  
Glen de Saint Gery – GNSO Secretariat

**Absent:**

Ken Stubbs - Registry C – conflict with LSE briefing to constituenc  
Cary Karp - Registry C - conflict with LSE briefing to constituency  
June Seo - Registry C - conflict with LSE briefing to constituency

Glen Desaintgery: We have got - the NomCom is well represented. We've got Marilyn from the BC, we've got Ute from the IP, we've got (John Nevitt) from the Registrars, we've got Greg Ruth from the ISP. So, we are missing on commercial.

Coordinator: Mr. Dixon joins.

Glen Desaintgery: And we've got Alistair from the BC.

Avri Doria: And Registry.

Glen Desaintgery: As soon as the recording is on I will make an announcement from the registry constituency.

Avri Doria: Okay.

Well, let me then start the recording because that means we're short two, but one of them is going have an announcement.

So, okay.

So, I'll press the star-0 now.

Glen Desaintgery: Hang on.

Yes. The registry constituency has got a call with the LSE, at the same time as this call. And in fact, their call was organized before this call so that is why all their members are on their constituency call.

The arrangement was that each constituency could ask a separate call to the LSE. They did - this time was arranged for them and the call

overlapped with the PDP 06 call. So they have asked to be excused and...

Avri Doria: Okay.

Marilyn Cade: Avri, I have a point of order about that.

Avri Doria: Sure.

Marilyn Cade: Why would they've not call to the task force's attention so we could just start later? I mean, I think we need to go ahead because it's too late to do that now but I would expect that they have to call that to our attention so we could have adjusted the time if a whole constituency is tied up.

Avri Doria: Okay. Thank you.

Glen Desaintgery: I think this is brought up on the last call Marilyn that there was a conflict with the registry constituency LSE call.

Marilyn Cade: Okay, that's fine as long as they were aware of it and didn't object to the call proceeding. I'm fine with that.

Avri Doria: Okay, yeah. I didn't notice it but if they knew it and none of them mentioned anything. So, if anything, it would probably be my fault if it was mentioned then I just didn't notice it.

So, why don't we proceed? I mean, we're not going to decide on much of anything today, we're just going to try and discuss some stuff and move the work forward.

So, I think we should proceed.

So, I've got five items on the tentative agenda. The first one is confirming the agenda. The second is the quick discussion, sort of a quick review of Group A and Group B work and volunteers to each group.

Then, the third major item that I hope we spend most of the time on is the discussion of the expert material. And fourth is confirmation of Group A and Group B conference call, confirmation of timeline for task force, and then any other business.

Any issues or comments on...

Marilyn Cade: Yes, Avri. I'd like to propose moving Item 2 down and combining it with Item 4. I don't see the value of discussing the repertoire groups at two times.

And really, I think the priority for this group is got to be spending some time and discussion of materials. So perhaps we could combine those and move them down.

Avri Doria: I have no issue with that. Does anyone else - anyone from staff or any of the other participants from the call want to comment on doing that?

Okay, call it done then.

Any other comments or issues -- so we're basically we'll go into a discussion of expert materials right after we confirm this agenda. Any

other issues for the agenda? Any other business that should be tagged on to the end?

Marilyn Cade: I just have one request that I'd like to raise under other business and that is, how you as the chair of the task force begin to plan for a status report for the upcoming council call, but I'll raise it then.

Avri Doria: Okay. So, it's how I as temporary interim chair would prepare for a status call - status update to the council.

Okay, good question.

Okay, in which case, the discussion of the expert materials.

Now, I'd like to hear some suggestions from people on how we want to go through this. I mean, there's quite a long document, I'm assuming most of us have to some extent or other read through it, though I'd be surprised if any of us had read all of the - but maybe Liz had read all of the hyperlinks.

Marilyn Cade: Avri -- yeah, Avri, I'm sorry. But I do have a point of order. I'm sorry.

Did we do a roll call because although you and Glen knows who's on the call, have we...?

Avri Doria: Okay. Yeah, I haven't. No, okay.

Thank you, Marilyn.

Glen, could you do a roll call, please?

Glen Desaintgery: Yes, certainly.

Avri Doria?

Avri Doria: Yeah.

Glen Desaintgery: Sophia Bekele?

Sophia Bekele: Yes.

Glen Desaintgery: Marilyn Cade?

Marilyn Cade: Yes.

Glen Desaintgery: Dan Halloran?

Ute Decker?

Ute Decker: Yeah.

Glen Desaintgery: (Jon Nevett)?

(Jon Nevett): Yup.

Glen Desaintgery: Liz Williams?

Liz Williams: Yeah.

Glen Desaintgery: Greg Ruth?

Greg Ruth: Yes.

Glen Desaintgery: And Alistair Dixon.

Alistair Dixon: Here.

Avri Doria: Okay. Thank you. From now on, I'll put roll call in as the zeroest item on agenda so that I don't forget it in the future.

Okay.

So, any other issues, points of order, whatever before I move on to the question I had which was how do we want to go through the discussion of expert materials?

Any suggestions?

Marilyn Cade: Well, I guess I'll - hi, it's Marilyn. I'll make a - I've reviewed the expert materials and I do have a comment that there's a lot of suggestions of regulatory pages and Web sites that are pretty filled with materials and the staff has given us a short reference or a short summary to say like the Asian Development Bank does this or the World Bank does that. But having read a lot of these pages, I'm not sure that we have an effective analysis yet.

So obviously, we as a task force need to identify some priorities where something more than pointing us to Web pages for reading can be suggested for additional focus.

And maybe we could just ask Liz as the person who puts together this overview of expert materials to briefly describe the kinds of or the categories of expert materials that she was trying to put together, and if there are any that she wants to particularly point out for further follow up by the task force members.

I have a couple that I want to talk about then after that overview.

Avri Doria: Okay, any comment?

Marilyn, again, who were you asking for the set of priorities or was that a question specifically to Liz to...

Marilyn Cade: No, that's not a question to staff, that would be a question to the task force.

Avri Doria: Oh, okay. I thought you were asking some specific person.

So, does anyone on the task force want to respond?

So, I guess I'll ask the question to you Marilyn, how do you see us setting these priorities and going ahead with it?

Marilyn Cade: Before we set priorities, I think we need to - look, I've spent time going through this and I would not be surprised to hear from many of my task force colleagues and I certainly cannot attest who have read - we read every document, but I've scanned many of them.

I think we should hear from the staff an overview of the research that they did and why they chose these particular materials and whether



they have a recommendation to the task force of any that they think are a particular priority to the task force to read, that may have been what you had heard me say before.

Avri Doria: Yes, that's what...

Marilyn Cade: Sorry. Sorry.

Avri Doria: ...I thought you were directing a question through the staff...

Marilyn Cade: Right. Okay.

Avri Doria: ...and then I got confused.

Marilyn Cade: Okay. And then, I think after that I'd like to make a comment about a couple of the suggested expert materials. And then, I think the task force members should talk about whether they see priorities for further exploration of particular materials.

Liz Williams: Avri, I can comment...

((Crosstalk))

Avri Doria: Thank you.

Liz Williams: Just so that everyone is aware, these expert materials have taken a long time to put together because the terms of reference are very comprehensive across a number of different issue areas.

I have done something of a mind reading exercise because I receive little follow up from the task force about specific areas that they wanted to seek advice about.

And what I have done is to provide a précis of where I thought the key priorities of the group were. There is no way given that this is a first cut of quite diverse areas of both academic and commercial interest and regulatory approach across different jurisdictions around the world, this is very much the first cut. And I would draw - so that's the context in which the materials were presented.

Secondly, it seemed to me when I analyze what's the group wanted to think about were the ones that have been focused on which is registry agreement renewal.

And if I can - Avri, if you don't mind, I'll just step the group through these materials because I doubt that everyone has read it all in great detail, these 18 pages of very detailed materials. That directs people to different kinds of documents.

And if you like, I'll just step people through that if you wish.

Avri Doria: That's a good suggestion.

Does anyone in the group have comment on that?

Marilyn Cade: It's great idea.

Avri Doria: Thank you.

Alistair Dixon It sounds a good idea to me.

Liz Williams: Okay. The way in which I approached it was that it was a very objective and neutral approach about registry or licensing agreement renewal more generally. It didn't actually relate to registry operations in particular.

So, for example, I looked at the way in which licensing agreements, for example, the broadcasting and telecommunications industries were treated.

And what I tried to look at was consistent elements that had appeared within the discussion which were -- if you look at Section 4 -- predictability of process.

So the process is published and public and available. And the terms and conditions for that published process were available to potential applicants that there will be reasonable commercial terms and reasonable contract links.

And that there would be the opportunity for there to be - involvement of the stakeholder group whether that's civil society groups, or user groups, or consumer groups, or industry groups that would have some way of commenting on the process itself.

What I did is a top line analysis where I've I looked at three very different ways in which the Asian Development Bank, the World Bank and the OECD actually structured processes and conditions around the way in which licenses or agreements were renewed.

So, if you look at the first three elements of the first section which is Section 6, 7, and 8, you will quite quickly come to the realization that the way in which those kinds of tendering processes or approach are pretty consistent across those three groups which I have chosen which deal with different jurisdictions, different cultural traditions and certainly, different member associations with respect to, for example, the Asian Development Bank practices, particularly on, of course, Asian Development; the World Bank focuses on specific developments, development initiatives and the OECD focuses on its member country best practice procedures.

I then went and look at in particular where there was multi-industry licensing renewal or registry renewal - licensing of operations renewal conditions. And I chose a variety of, unfortunately, White, Anglo, UK, legal jurisdictions that showed that there were ways in which these kinds of processes were conducted. They're all indeed very similar.

So, if you look at Section 10, 11, 12, and 13 on the first part of the registry agreement renewal, you'll see some analysis of the way in which (of) COMMON UK, the Australian Communications and Media Authority, the New Zealand Commerce Commission and the Canadian Radio and Television Commission looks at Internet regulation, television regulation, broadcasting regulation, media ownership regulation.

In addition to this, some very specific Articles 81 and 82 for the European Commission that guides the way in which essentially monopoly services are determined and that's in Section 14 and 15 for those people who are interested in the way which the European

Commission approaches the guidance with respect to member states in the European Commission.

And to be fair and balanced, I look at the US Federal Trade Commission antitrust and anticompetitive conduct provisions to look at the way in which - in the context of renewal of agreements, the United States approach to fostering the competition and the successful bidding for goods and services.

Later on in that section, I then talked about the terms and conditions that we're associated with, for example, in the connection agreements which are not dissimilar to registrar and registry agreements.

And it shows through Singapore, Australia, a way in which some member - it shows materials that would be interesting for the group to look at in the way in which terms and conditions for registry-like services are handled.

Then, I - in the final part of that section, I identified a list of very comprehensive academic offers in this environment from the UK, from the US, from the OECD and from the United States again. Then, I provided some analysis - some direction towards some very specific papers that people might find useful.

And each of the people that I listed there are well and truly demonstrated experts in their field and have been writing about these issues for many, many years from an economic and business perspective.

That's a very top line analysis of what's available to the group in terms of materials that might help them consider the way in which one would approach registry agreements and the renewal of those registry agreements.

Again, I stress that this is first cut of things that relate to licensing treatment and it's certainly not the definitive work for it. And five pages of those materials is not enough to perhaps provide comfort to all of the task force members but it does provide a fairly comprehensive overview if you go down and read to those documents. They're quite detailed.

I'm happy to take questions.

Avri Doria: Yeah. Before moving on to the next section, are there - anyone have any questions or comments?

Marilyn Cade: I have a couple of questions. And thank you, Liz.

Liz Williams: Anyone else want to get in the list?

Okay, Marilyn.

Marilyn Cade: That was helpful, Liz.

I've read this a couple of times and I guess I - so what's the top line then if we might, do the majority of these documents like if I just flip over, for instance, - before I do that I should say that I found the New Zealand Commerce Commission particularly helpful and interesting.

They have a section on enforcement - investigation and enforcement criteria as it relates to the dairy industry. And I think, you know, for instance, they've got examples in that of some of the market barriers that farmers face due to limited access or barrier - complete barriers to key elements that a farmer might need in order to - or a food processor might need.

So, I did think that was particularly interesting thinking about the access to registry data and access to registration of services from a registrar perspective or from a business user perspective to think not just about telecommunication but also some of the other markets where there can be market barriers.

When I was looking at the - in the assessment one of FTC for those of you who haven't had a chance to look at it, I think this is probably the kind of thing that Liz was going to get into more detail on. But there's a definition of price discrimination. There's a definition of maintaining or creating a monopoly.

So, my question would be, Liz, did you see the same kind of useful definitions and examples across some of the other expert materials that you identified?

Liz Williams: Definitely. And that - if you go back to Section 4, it says predictability of process, reasonable terms and conditions, reasonable contract lengths and public processes for comments on commercial negotiations.

They are the three clear threads that you would see, particularly across things that relate to, for example, OECD materials and the 30-member

countries within the OECD have very, very similar ways in which they approach that kind of thing.

The members, for example, the Asian Development Bank -- I just got to cough. Excuse me. Pardon me. Again, the members of the Asian Development Bank, some of whom are common members to the OECD and they are also common members in the World Bank all approach this kind of work in the same way.

Marilyn Cade: So, if, you know, one of the challenges we have is probably just the format of trying to read the summary. But if I were to look at Paragraph 20...

Liz Williams: Yup.

Marilyn Cade: ...and Paragraph 20 describes Singapore and notes that in a fully competitive environment, market forces are more effective than regulations. The price regulation is imposed only on dominant operators and has the potential to abuse the market power and engage in anticompetitive practices.

For instance, dominant operators mispriced the prior price of any telecommunication service they intend to offer with IDA and obtain prior approval before offering the service or the price to end users.

So, this is under registry agreement renewal and something that would be helpful. And I apologize about not being able to track this through, it may have been my clumsiness. This reference would also be under - referenced under the policy for price controls for registry services.



Liz Williams: Indeed.

Marilyn Cade: Okay.

Liz Williams: Indeed. And unfortunately, it's - I mean, it's a silly thing to do to repeat the same material in both places. So I would hope the task force members can read the - all of the information and see that it applies across a number of different terms of reference.

Marilyn Cade: So, Avri, I'm just going to make a concrete proposal then because I - normally, when I deal with something of this complexity, I would do a side-by-side but I think that's a lot of additional work at this point.

Maybe what we need to do as we go through this is note the areas referenced in one category that are duplicated in another and just add a number 10 for instance, under policy for price control for registry services and say, "See Paragraph 20" in the, you know, in the previous section. Because we're dividing up the work, I think it is very possible that task force members won't all read every document or might not catch the linkage.

Avri Doria: Probably not a bad idea. I mean, especially if the material is going to be cut up as we've decided to do it now. I don't know Liz, how does that...

Marilyn Cade: And can I just clarify, I don't mean create a whole new set of separate documents for the task force because I think that's much too burdensome.

Avri Doria: I know. I think you're just talking about also see numbers...

Marilyn Cade: Yes.

Avri Doria: ...was that 23.25.30?

Marilyn Cade: Right. And that would be useful not just for the repertoire groups but for the public when we have - when we do our publication.

Avri Doria: Liz, does that strike you as a problematic step?

Liz Williams: It's not a problematic step for me. And frankly, I - when I did the division of the work for the repertoire groups, what I tried to do was divide all the terms of reference in a logical way. I did not cut and slice the expert materials in that way but that is no problem to do that...

Liz Williams: ...to provide materials.

Marilyn Cade: Yeah. But Liz, it's Marilyn. I would much prefer as a resource for the full task force not to have you spend time cutting the present version of the expert materials but identifying across the three or four categories of expert materials just referencing back. So Item 20 should appear in the policy for price control for registry services not - you don't have to retype it, just say "See Item 20."

Liz Williams: Right.

Marilyn Cade: Because I don't want to duplicate and add burdensome work, I just want to be sure that people have the complete resource and the task

force itself, we need to do and take up a lot more of your time in the full task force.

Liz Williams: What I suggest then is that everybody uses the expert materials and read them thoroughly and has a very, very good look at the materials that I've put together there.

And then, when we get to discussing the repertoire groups and how that is actually going to work, I think I did stressed on the last call that it was to - for me personally, necessary for me to participate in those groups.

So I'll make sure that I get that leakages between the two groups and look at where there is overlap so we can deal with that later on. But I'm happy to do whatever the group is happy with.

Sophia Bekele: Avri, I have a point in order there.

Avri Doria: Sure.

Sophia Bekele: I just want to ask where this expert group report is.

Avri Doria: Okay. It was sent out on the...

Avri Doria: Avri, it's very hard to find.

Avri Doria: It was sent in one of the emails, was it not?

Marilyn Cade: Yeah, but it's very hard to find and it's not on the main GNSO page.

If you do a Google search Sophia...

Sophia Bekele Right.

Marilyn Cade: ...and type expert material, do advanced -- great, I'm advertising for one of the search engines -- I apologize to the world. Do an advanced search, type in "expert materials", on the next line put ICANN GNSO and on the third line put the PDP 06, that's how I found it.

Avri Doria: Sophia, are you online?

Sophia Bekele: I'm there right now. So I'll look for it, yeah.

Liz Williams: No, Sophia, you don't have to. If you just wait a second, you'll have it in about a microsecond in your very own inbox and you won't even have to do any of that. You can just grab it straight off your email.

Marilyn Cade: Yeah. Liz, I will just say just not to dwell on this, but if you use the sentence several times, you know, to the main GNSO page and I'll just mention to you and Glen, this material is not actually on the main GNSO page.

Sophia Bekele: Isn't this, Liz, under the draft?

((Crosstalk))

Liz Williams: ...section.

Glen: Draft section?

Liz Williams: Yes, it is.

Glen: Draft document?

Liz Williams: Yes, it is.

Marilyn Cade: Okay.

Glen de Saint Gery: Yes. Is it draft document section?

Liz Williams: And the reason why it was sent through the mailing list was that it's a very large document and that it crashes the mail server.

Glen de Saint Gery: It is under current draft document on the left-hand side of the menu, that's master calendar announcements, correspondence and presentations, council resolutions, and then current draft documents. If you click on there, you will find it.

Avri Doria: All right...

((Crosstalk))

Jon Nevett: Hi. I just found it this afternoon as well.

Was there a note that went out that announced it was out there?

Liz Williams: Yes, absolutely. Absolutely.

Jon Nevett: Okay.

Liz Williams: They have been supplement to the...

((Crosstalk))

Jon Nevett: So that means I need to practice. I must have missed that one.

Liz Williams: Yup, yup.

Avri Doria: Okay, moving back to the discussion of the items.

Are there more comments on the first section? And I think that the recommendation that we should all waited and actually be able to create our own cross-references, Marilyn, I'm sure that by the time we've gone through it, you will point out most of the places where we need to cross-reference.

And I think, Liz, adding at some point, you know, those cross-references so all readers can find them. It is useful but I think us reading it and those of us on the - participating in the subgroups, I think we have to read it. I mean I've read through it once but as I say, I did not go down the URL path.

Marilyn Cade: Okay. I read it.

Avri Doria: I've read the numbers.

Marilyn Cade: Okay, I've read it. Shall we start discussing it then?

Avri Doria: Okay, yeah. And that's...

((Crosstalk))

Jon Nevett: Well, I - could I ask a question first before we...

Avri Doria: Sure.

Jon Nevett: How did you decide which expert materials to include and which ones not to include?

Liz Williams: Dan, it was a really tricky task. It was very, very difficult for me to define what the group actually wanted to do because very few people responded. What I tried to do was take a range of jurisdictions, a range of types and styles of materials, a range of materials across, for example, institutions like World Bank, OECD, Asian Development Bank and then a range, most particularly Asian countries, not Asian countries, Europeans, the United States, and I tried to get a very broad view of those issues.

I also tried to calibrate that with the reality of the environment that ICANN operates in which is very much open market, encouraging competition, certainly not close market, not close bidding processes, not close ways in which we would do things.

So it's actually - the materials that I tried to choose affirm the general direction of the mission -- ICANN mission and core values.

I did include your reference that you sent to me. Mawaki provided me with a couple of suggestions for questions to ask the experts. Marilyn provided me with a couple of suggestions for in-person experts.

And then I had to spend a lot of time going back through my academic materials to look at the way in which these kinds of missions had been

approached in different - in an array of industries. That was the other slice of the matrix.

What method in terms of adjacent industries? Was the dairy industry in New Zealand relevant for example? Was the broadcasting industry in Singapore relevant? Was the media and technology industry in the UK relevant to what we do to make an assessment of that?

For example, I did not choose things like the treatment of petroleum licensing conditions. I didn't use the examples of toll roads for example. I did not use the particular focus on the gas industry and the petrochemicals industry, even though those as infrastructure and highly regulated industries in many economies, they would have been useful examples to use. And that's what going to come out I think in any further redirection of the expert materials that we actually do.

Alistair Dixon: Liz, can I ask a question? Did you look at radio spectrum...?

Liz Williams: I did briefly, Alistair, in the context of the overall - look at the way in which telecommunications was regulated, not necessarily radio spectrum itself.

Alistair Dixon: Right.

Liz Williams: ...right body of material on the way in which radio spectrum auctions have been created in variety of jurisdictions from India to Timbuktu. I felt that that particular area was a bit too detailed and perhaps - the other thing that I had to choose, Jon to continue to answer your question, things that I thought where of interest to task forcer members.



Now, of course, in Alistair's case working for TelstraClear, the treatment of radio spectrum is a very interesting issue and one which is highly relevant to him, but many of the others in the group don't work in that particular environment.

So it was a very delicate juggling act and I haven't got it exactly perfect. And I'm happy to any further update and additions. That would be very, very welcome.

Jon Nevett: Where is the article on cyber and security to cause the monopoly?

Liz Williams: I include that - hang on a second. I'll just find it for you. I've actually sent to you your own personally copy (John) so you can...

Jon Nevett: Thank you very much.

((Crosstalk))

Liz Williams: ...in the thing. I'll look for it while the conversation is continuing.

Jon Nevett: Okay. And the other question I have is the - do you consider the - I guess the ICANN statement regarding biz, info and org, the posted to statement. Is that - should we be considering that an expert material or is that more of an FYI?

Liz Williams: Well, I, you know, what I did was if you look at Section 3 of the first section on the registry renewal, it says the three agreements which are being renewed are biz, info, org and they're currently the subject of a public comment period. So that's in the first section, Section 3...

Jon Nevett: I'm looking in -- I'm sorry -- Page 7 where - under, and maybe I'm getting into the whiz a little but...

Liz Williams: Yeah, yeah.

Jon Nevett: ...the first three for the price control section of the expert report relates - I think are all going back to just the announcements, right?

Marilyn Cade: Yeah. So...

Avri Doria: I haven't gotten into the second one yet.

Jon Nevett: Okay. I'll...

Liz: And (Jon), it would be great if in - because you are doing that for your repertoire group, aren't you?

Jon Nevett: I was - that's a good comment Avri and I apologize. When we just - we'll get to that one when we...

((Crosstalk))

Liz Williams: No. And also, I'm sorry (Jon) because much of the price control stuff is - relates to competitive markets and ITU approaches to price cap and price control, and also to APEC work that has been undertaken on liberalizing market and free market systems.

So there is no doubt that this is only a summary of a vast selection of materials. So if you have further suggestions for things that you'd like included, then just let me know.

Jon Nevett: Great thank you.

Marilyn Cade: Avri, I want to go back...

Avri Doria: ...yes, comments on the registry agreement renewal section.

Alistair Dixon: Can I just make a comment as well after Marilyn please, Avri?

Marilyn Cade: Yeah. My comment is actually, Alistair, a follow up to yours. So you maybe thinking the same thing I am.

I disagree with the idea that only Alistair would be interested in - and I think all of us are here wearing our non-employer hat or non-employee hat.

So, you know, I just want to be careful that as we are discussing this, there's no assumption that any of us representing our employer as task force...

Marilyn Cade: Sure, sure. But - so I just want to go back to a point about it's helpful to know what you included, but I'm more interested in why you didn't consider things like, I mean, we're very, very focused it seems to me on telecom and on things that have to do with broadcast, et cetera, yet, some of the experts that I gave you that are listed under 24 are looking at adjacent industries.

So maybe we can come back at the end of this to say are there other areas that the task force thinks it would be helpful and we could put

that in our list, Avri, of - we could even pursue hearing directly from the experts themselves instead of just getting more materials to read and that might be - that might expedite how the task force can consider some of the other adjacent markets implications.

Avri Doria: If it's possible to get experts available to talk to us in the time we have; certainly.

Was it Alistair that was next? And please, I don't necessarily recognize everyone's voice, so when you want me to add you in the list, please state your name.

Alistair Dixon: It was me...

Avri Doria: Okay.

Alistair Dixon: ...Avri, Alistair. Thanks.

And Liz, the reason I suggested radio spectrum and it wasn't because - I mean, it's an industry obviously that I do work in but I wasn't because I have a particular interest. But just on dealing with an issue at the moment in my (days), there is actually this very issue which is renewal of rights to radio spectrum.

And there is, you know, a process in place for examining whether renewal is appropriate or not and if so - and if it or if it isn't, how it should be reconfigured or changed, that sort of thing.

I am familiar also with the New Zealand dairy situation, basically there are some rights to - some excellent rights to the UK and the policy

question is what happened on those rights expire should they invert to the incumbent or should they be offered more widely.

So it just seems to me that there are other - the reason I thought radio spectrum was relevant was because the right for radio spectrum are not considered and, you know, allocated in security that often for a limited period of time.

I mean, at the end of that period of time there's a reexamination of whether that - whether those rights should be - should continue and that's why I suggested radio spectrum but there are an array of other industries we sort of have gotten analogous situation.

Avri Doria: Alistair, I'm happy to add in anything else. If you want to just flip me those links sometime, I'll update the document to reflect that because it's all very valuable material.

Alistair Dixon: Okay. Sure.

Avri Doria: Thanks.

Marilyn Cade: Actually...

Avri Doria: Have anyone else have any comments?

Avri Doria: Marilyn, I'll put you back on the list but I wanted to see whether anyone who hasn't spoken yet...

Marilyn Cade: Sure.

Avri Doria: ...has any issue.

Marilyn Cade: Sure.

Avri Doria: Okay. If not, Marilyn?

Marilyn Cade: So let me just say and then I'll go on with my comment.

Liz, all you have to do on the dairy for New Zealand is just go through the link you have and you'll find that that gives you the option of looking at the information on the dairy industry.

So - if that's not a new link. And I'll leave the rest of that to - for sending you additional materials of spectrum to Alistair.

Are we returning then to a discussion of the expert materials?

Avri Doria: I hope so.

Marilyn Cade: Okay.

And are - is it your plan to work through these category by category or...

Avri Doria: Yeah, I'd like to spend just a few more minutes on this one looking at the amount of time...

Marilyn Cade: Okay.

Avri Doria: ...we have left...

Marilyn Cade: Okay.

Avri Doria: ...go through the next three basically, you know, to a certain level of depths. And then I think that what will need to happen next is that the repertoire groups will probably go a little deeper and perhaps at another general meeting we'll go a little deeper.

But yeah, I want to make sure that all three of them get hit and then we have to get to the - just talking a little bit about the repertoire groups before we're done.

So yeah, go on.

Marilyn Cade: The thing that I'm not really able to - the expert materials, I think we've heard comments that this section at least needs to be expanded into a couple of other areas and then figure out how to do that we talked about.

We talked about dairy and radio spectrum, I want to turn now to a question about how we are supposed to address this because what I expected to see is more of an analysis of the expert materials.

And I know we have very limited staff resources so it maybe that we need to think about actually finding a way to get that analysis done but let me use as an example items 22, 23 and 24.

Avri Doria: Of page what, Marilyn?

Marilyn Cade: Before 7.

Man: Page 5, Marilyn.

Marilyn Cade: Page 5...

Marilyn Cade: Yeah. We're still on the registry agreement renewal?

Avri Doria: Yes we are.

Marilyn Cade: Yeah. Yeah. And maybe in the future reference of this we could go back to the - we used - never mind, we had a standard numbering policy but never mind.

Avri Doria: Let's not get into...

Marilyn Cade: ...22, 23, and 24 on Page 5.

Right now, this looks like what a task force would need to do is to print out a several hundred-page report and go through it, the same thing too on 23 and the same thing too on 24.

I don't think that's a practical way to approach either the task force or the repertoire groups.

Avri Doria: Yeah.

Marilyn Cade: So maybe we could talk a little bit about, you know, really Avri...

Avri Doria: You know, I was thinking that the repertoire groups really offer a notion of parallelism in that, we don't have time to go out and have another



analysis done because at that point you'd be talking weeks or months for someone to really delving in.

As our task force and as repertoire group, they're accepting, you know, the responsibility to do this. I think that, you know, we parallel process and different people within the different repertoire groups go rabbiting down some of these holes basically searching further and bringing it back into the meetings.

I don't see any way at the moment with the schedules we've got and even if we had all the staffing and resources in the world to ask one person, two person, whatever to go down and write us an analysis. And given the scope of all this material, I think that would end up also very long for us to read to.

So it seems to me that the point about and the value of the repertoire groups and the commitments to doing the work is that, you know, we pick the pieces that we need more focus on 22, exactly what - who's going to go dig it out.

Marilyn Cade: I can't - I don't support that idea and - but I wanted to clarify what you're thinking was.

Avri Doria: We've been given a top level report, it is to a degree and analysis, it's not a deep analysis down each of the thread but there are so many threads that at this point I think it's up to the repertoire groups to sort of say, "Okay, you know, we're working on specific problems to do with renewal rights, we see that there is an important, you know, parallel in radio spectrum or in dairy and that we have this report, you know, who

can go down and dig that piece out, you know, before the next conversation.”

Now, it might be Liz, it might be one of the people in the repertoire group.

Marilyn Cade: Yeah. Avri, yeah, so let me make it a specific recommendation. And it - and that is, that we come back and discuss what are the resources, if any, maybe needed to support the full work of the task force.

Avri Doria: Well, I thought we were actually trying to go into the content as opposed to going back up to process and resources.

Marilyn Cade: I'm not - that's why I'm not going into it at this point.

We've talked about adding some additional categories of information and the response, so I would be happy to talk in detail about a particular area but I thought you wanted to go through all four of these first.

Avri Doria: I do want to go through all of the areas. And then I think the repertoire groups have to start going into more depths into each of these.

And we could certainly talk about, you know, what are the resources we could ask for but I personally don't understand or being able to get more resources and have them do anything effective in the time zone that we've got at this point.

Marilyn Cade: Okay. Let me ask a clarifying question.

I believe we agreed that the task force would discuss the expert materials and hear from the experts. And the repertoires are going to take on delving into, taking that into account, delving into possible recommendations under each of the terms of reference.

So I don't think we want to repeat since everybody...

Avri Doria: No. I wasn't thinking we'd repeat...

Marilyn Cade: Okay.

Avri Doria: ...because these people would go deeper. I know there has been a certain level of discussion today on some of that that we keep dipping into processes that I want.

But where there has been a of certain level of, you know, discussion about it and then I think as the repertoire groups start working on its problems, and its questions and its issues, it's got this body of information.

It's going to use it and it's going to see where - oh I need more information that is visible at the top level and dig down, and then Liz's staff and others in the repertoire groups are the ones that will help do that further pointed digging.

I mean, at this point it'd be almost as if we wanted to dig up a whole field. I think that as the repertoire groups start to zero in on their problems and start to zero in on -- well, what piece of information do I actually need to go and find, whether it's Liz finding it, whether it's

someone else in the staff finding a detailed piece, but I think that's going to come out at the repertoire groups.

Alistair Dixon: Avri, can I ask Liz a question, please?

Avri Doria: Sure, please.

Alistair Dixon: It's Alistair.

Liz, I'm just wondering, were they a sort of - I presume you have gone through one of the documents. Were there things that were emerging from, for example, the registry renewal document in terms of - was there a presumption of renewal or was there a theme or policy that - at the time of consideration of renewal, it was an examination of whether a renewal was appropriate? Were there are sort of themes that emerged in the document?

Liz Williams: Alistair, if I hear you correctly, there are two questions, one was the - whether there's theme about registry renewal for the registry agreements and then whether there was more generally a theme of renewal in different kinds of agreements in different industries, is that how - is that correct?

Alistair Dixon: That's right. Yes, yes, that's correct.

Liz Williams: Yup, okay.

Dan, can answer the first one because he is Mr. One - Mr. Clever One on everything related to the contract, but I've read all of those. I'll answer the more general question.

Yes indeed, there were certainly things that would say that there was a theme about two areas. One was quite long commercial terms and for the way in which a license might be awarded. So five to seven years, not one to two.

Alistair Dixon: Yeah.

Liz Williams: So that term of agreement, that would mean that there will be a return on the infrastructure and return on investment. There was a certainly a theme about reasonable performance equals reasonable renewal, you know, don't muck it up. You can reasonably assume that your agreement will be renewed if you perform correctly.

There was certainly standard terms and condition, for example, an interconnection agreements about, you know, you behave in a particular way, you do your - in the Australian context and you'll be familiar with this Alistair, you will pay your universal service obligation, you will operate as a good operator, you will comply with all the filing and licensing and tariffing requirements onto your agreement.

And you can expect to use an Australian example, you can expect if you opt to sell AAPT or Telstra to have your agreement renewed.

Alistair Dixon: Okay.

Liz Williams: But then I can turn to Dan on the specifics about registry renewal agreements and the existing contract because that's his area of expertise.

Alistair Dixon: Just...

Dan Halloran: This is Dan. I'm sorry.

Alistair Dixon: Sorry, Dan.

Dan Halloran: No, go ahead. Yeah, I was just going to ask for clarification about what the pending question is.

Alistair Dixon: Well, it just seems to me that this might be one way to enhance the documents to sort of provide a summary of the themes that has emerged from them and to just assist the task force members in sort of going through them.

Marilyn Cade: And just a clarifying question as well. I think Dan, haven't we already agreed that the staff is going to be doing that analysis document within 14 days, the last one, isn't that what the council asked for?

Dan Halloran: I haven't - who agreed in?

Avri Doria: I thought this document was one that basically was doing an analysis of, it wasn't an expert material, it was of the mapping and the relevance of issues and contracts and points on what was a priority item and what was practically subject to.

Marilyn Cade: Okay. I need to ask Alistair a clarifying question.

I thought what Alistair had asked besides the one that Liz answered and I do agree Alistair that Liz's response would be a great

enhancement to the document, I thought you were asking for the - and perhaps, I just misunderstood, but the standard conditions that appear across the existing contracts.

And I think that the council made a request for some documents that Liz is going to work with you on and we ask for a 14-day, you know, we - I think we ask whether 14 days was sufficient or you need a 14.

So I thought if that's the standard, what are the different kinds of terms that agree - appear in each of the existing contracts on these issues. I thought that was already a request to staff.

Avri Doria: Yes. What already existed in current contracts - in the current ICANN contract was what had appeared in relation to what appears in the value expert document on those themes was I thought what was being asked for by Alistair.

Marilyn Cade: Oh, thank you. That's more clear.

Avri Doria: All right.

Marilyn Cade: We need to go back now?

Alistair Dixon: Yes. I think that's correct. I mean, in terms of the registry agreement, I think, yeah, we did agree that staff would prepare or identify what were the standard terms so we could - we had quite a clarity on that.

But I was - I guess my question initially was - also on the sort of the broader areas that Liz has identified, were there themes emerging from

those documents? And I think it just would be useful to have a summary of those as well.

I mean, I think you could possibly have, you know, a summary of the registry agreements and what are the sort of the standard terms there and then what is done elsewhere.

Liz Williams: Yeah, Alistair, that's fine for my side. No problem.

Alistair Dixon: Yeah.

Avri Doria: So that's almost like a second order document on the first one which is listing what are the conditions in the contracts that currently exist and then, you know, references to those issues in other industry...

Alistair Dixon: Yeah.

I mean, it seems to me this is - it could be an expansion of those particular documents but...

((Crosstalk))

Liz Williams: Alistair, can I just make a suggestion. That I think fits within Group B which is Marilyn's group on registry agreement renewal and consensus policies. There are a numbers of themes that fits across both of those areas.

And I suggest that I work directly with that group to expand on those materials and bring it back to the task force if that's agreeable to everybody.



Marilyn Cade: Actually, I'm doing Group A with the reordered - with the reordering with (Jon's), right? I'm Group A.

Liz Williams: Sorry...

Marilyn Cade: That's okay.

Liz Williams: ...I don't care about the label, I care about the content. The content is the most important thing. I mean - and to my mind (Jon) is doing the money stuff and you are doing the...

Marilyn Cade: Yeah. But this is a project that's needed for the entire task force, not just for a repertoire group...

Liz Williams: Yeah, yeah. I mean, it won't be lost material. All I'm saying is that if we want to go down Alistair's suggestion and look at the emerging things and look at the way in which, you know, all this could be done, then I can easily do it within Group B, Marilyn.

Avri Doria: And then I can come back to the whole group.

Liz Williams: Yeah, exactly.

Avri Doria: And the whole group gets to read all the documents.

So, okay, can we move on to the next section?

Marilyn Cade: Let me just check with (Jon) before we do that. Since this addresses price control - I'm - Group A and Group B are divided, I...

Avri Doria: Can we come to that at the end when we're talking about A and B and we've gone through all the issues from all of them?

Marilyn Cade: Just a moment, I'd like to finish asking Alistair a question, Avri.

Avri Doria: Yeah.

Marilyn Cade: I think Alistair was making a recommendation that this be done as an enhancement to the core documents.

Alistair Dixon: That's correct. I wasn't - I was just using registry agreement as an example but it seemed to me that the themes idea was something that will be useful for the document as a whole. So, I think it would be equally applicable in relation to price control and uses of registry...

Marilyn Cade: Thank you. That's what Alistair is trying to clarify.

Thanks, Avri.

Avri Doria: That sounds good. Okay, thank you.

Okay, moving on to then the next section.

Liz, can you take us through that one?

Liz Williams: Yeah.

Just bear with me one second, I'm just sending a note to Alistair which I want to do right at this very moment. Alistair, expect a note from me in a minute.

Alistair Dixon: Okay. I'll look forward to it, Liz.

Liz Williams: Yes. I'm sure you will not given that it may be work for you.

Alistair Dixon: Oh dear.

Liz Williams: Yeah, oh dear, exactly. Down to Section 3, registry - Terms of Reference 3.

Just to quickly take this, let me get back to my right document because I'm taking notes as we're speaking.

Ute Decker: Avri, can I ask a question (unintelligible)?

Avri Doria: Yeah...

Ute Decker: I may have to drop out at some point, so I won't be able to listen all the way to the end and I was just wondering whether there was any other way of indicating which repertoire group, one, is to participate and what that is - how I can find out how to contribute to the future work without listening until the end of the call.

Avri Doria: Okay. Well, I mean, there will be a recording. I mean, the call is being recorded, so you can. But I think, they are the two groups, the documents were sent out laying out which work the two groups were working on in terms of the split of the terms of reference, and then I think it's basically picking one.

Jon Nevett: What time is it possible to go to?

Avri Doria: We had a two-hour trunk, right? So, yes, we're going to an hour from now, I believe, at the latest.

Marilyn Cade: Do you want to...

((Crosstalk))

Jon Nevett: If we're going to start losing people, might we just move to the repertoire sections so that we could get that done and then go back to that substance?

Ute decker: That would certainly be good for me.

Jon Nevett: I mean, that's the most important thing that I want to get out of this call...

Avri Doria: Okay, that's fine.

Jon Nevett: ...get the group together and...

Avri Doria: Anyone object to doing that?

If no one objects to doing that, then before moving on the walk through on policy for price controls, we'll move to agenda items, I guess, it was 2 and 3 -- I mean, 2 and 4, which was discussion of the Group A, Group B work and volunteers for each group and then the confirmation of each group's conference call and the timeline.

Okay?

So I guess, it's quick to have Group A and Group B sort of indicate how far they've gotten and talk about what their plans are and then people can start off talk about volunteering.

So Group A first.

Marilyn Cade: Okay?

I posted a draft work plan just to the staff and to (Jon) and to you, Avri, which I'll cover briefly.

(It's on) to speak and comment about the ideal thing would be for each of the repertoire group to have at least one representative from each of the groups and for each of us to be able to also have a representative from the nominating committee representative.

And I had emailed separately to you and to (Steve), I hope, asking how you guys might identify a second person so that we can cut you into pieces and divide you between the two repertoire groups.

But whoever you want to allocate is fine by me as a repertoire and (Jon), I think, probably by you.

Jon Nevett: Sure.

Marilyn Cade: My repertoire group - what I proposed was an administrative working call on Friday with (Jon) and me and the staff and then I proposed to have a repertoire group meeting on the 11th, on the 13th, on the 17th, so that I'll be able to give feedback to Avri to report into the council meeting on the 19th to have an administrative planning call that I think

should include (Jon) on the 20th and to present a draft report to the repertoire group on the 24th, work through it, identify the - any changes, document those and we have then a document that's suitable to go into the full passport.

I'll do a transcript of all the calls so that any task force member not able to be on the call can review the transcript and keep up, and I'll be inviting some guest speaker. That's my plan.

Avri Doria: Okay thank you.

Any questions or comments?

Liz Williams: Marilyn, can I just ask some clarifying question if you don't mind?

Marilyn Cade: Uh-huh.

Liz Williams: You did say something about the 11th of October, did you? Was that your first date?

:

Marilyn Cade: It's not my first date in the sense that I'm hoping to have an administrative call with you, (Denise), Glen and (John) on - and Avri, if she's available on the 6th.

Liz Williams: On the 6th, meaning Friday?

Marilyn Cade: Uh-huh.

Liz: Did you have a time in mind for that?

Marilyn: I'm not going to do that on the call...

((Crosstalk))

Marilyn Cade: ...everybody here...

Marilyn Cade: Yeah, sure.

((Crosstalk))

Liz Williams : So if you can just send me that, that would be helpful

Marilyn Cade: Uh-huh.

Avri Doria: Okay. Any other questions, comments?

If not, (Jon), can you do your overview?

Jon Nevett: Sure.

Repertoire Group B will be taking terms of Reference 3, 4 and 6, which are policy for price control for registry services, ICANN fees and then investment and development and infrastructure. So as was mentioned before, the financial related ones, the registry fees, the ICANN fees, and payments on infrastructure.

I have not set specific dates for meetings. I want to figure out who's on the repertoire group and go from there. And as far as transcribing the meeting, we could either - if it's the will of the repertoire group to do it that way, we could do it that way or we could do it through minutes so people could stay up to speed through summary minutes as opposed to going through the full transcripts.

And obviously, we're on a relatively tight time frame. The way I'd like to organize it is to have one person be lead for each term of reference that we're dealing with so 1 for 3, 1 for 4 and 1 for 6.

And probably have a meeting on each one possibly combining 6 with 3 and 4 because I think that would probably take a little less time than the others and then report back to the main group.

Avri Doria: Any comments or questions?

Marilyn Cade: Did you want us to talk a little bit about the efforts we've made to get participants?

Avri Doria: That would be the next thing after people have a chance to ask, which looks like no one has any.

So, yeah, the next thing I will sort of go and ask for the combination of who had ended up on which group so far and, you know, what was going to happen next and what about the folks on this call that (hadn't attached for themselves to a group yet).

((Crosstalk))

Marilyn Cade: ...I go first?



Avri Doria: Sure. (Go ahead).

((Crosstalk))

Marilyn: So, Greg has volunteered and -or been assigned by his constituency and we won't delve into that. Alistair, I think, had volunteered for Group B. I will have (Mike Roberts), who is the third member (of the BC) on Group A.

I sent emails to sort of random people inviting them to be on Group A hoping to entice some with chocolates away from (Jon's) group.

Avri: What's the offering, booze?

Jon Nevett: Okay. I'll just close that in (Sao Paulo).

Marilyn Cade: Let's see, so I...

((Crosstalk))

Avri: We can get chocolate or (what's behind)...

Jon Nevett: Yeah.

Woman: I'm going to ask (Jeff), so I don't think he's on the call. And so they'll have a registrar. (I remember) I sent an email to (Cary) and to (David Maher) inviting them or (Ken) but suggesting that we ought to, you know, make sure we had divided the registry group up.

(And minor thing), I sent (BC). I've done the registrar, done - so we need - I need an (IPC) person, and then the - I had suggested that Avri might want to be ex officio on both of them, but...

Avri: And that's pretty much what I was planning

Marilyn: Okay. And then, we might think about whether I'm missing a non-commercial representative...

Avri: And of course, you know, hopefully, Sophia and of course, (Maureen) may or...

Marilyn: Right.

Avri: ...sit back, but yeah.

Marilyn: Yeah.

So Sophia and (Maureen), I think, you know, need to pick between the two which one they would like to be on, and I was going to ask the ALAC, if they might be able to give us two people so we could have one each.

Avri: That would be really a good idea.

(John), did you have any initial cut at volunteers?

Jon Nevett: No - well, we've done some outreach of a contact of the registry to see if (Ken) or (David Maher) want to be on this one.

I thought it would be good for us to have some discussion here and then have folks after hearing what the repertoire groups were doing would sign on, hopefully, without too much enticement.

Avri: Right, yeah.

I'm hoping that happens, too. And assuming that we do have this call on Friday, the administrative call, hopefully people can volunteer before that and if that call was when we would start switching from, looking for volunteers (to try) the volunteer people.

Jon Nevett: Yeah, yeah. I contacted (the Milwaukee) as well and he said he is out of school work, but he was considering joining as well.

Ute decker: Okay. So, Marilyn, I volunteer to participate in the work of Group A...

Marilyn Cade: Okay.

Ute Decker: ...(in their work)

Jon Nevett: Oh.

Ute Decker: I'm not aware - no, no, it's not...

Jon Nevett: Boo.

Ute Decker: I'm not aware that the (IPC) has a second person that I would speak with Steve and the rest of the (IPC) tomorrow and then hopefully be able to find somebody else to volunteer for Group B.

Marilyn Cade: Fabulous, thanks.

Avri Doria: Anyone else who want to volunteer while they are here , just moving them or is everybody on the call already volunteered for something.

(Now), Sophia, you haven't volunteered for anything yet...

Sophia Bekele: Volunteered, yeah. I'm trying to decide between the chocolate or the beer.

Avri: (Uh-huh).

Jon: Okay.

Avri: Okay. Well no question until Friday, but...

((Crosstalk))

Sophia Bekele: Can I do that? Can I just review some of the things here, and then I'll respond via email with something or...

Marilyn: Yeah.

Sophia Bekele: Okay?

Avri Doria: Yeah.

Jon: Yes.

Avri Doria: Anyone else want to...

Jon Nevett: Is there anyone else who's on the call who's not committed to one of the other who would might want some more information if they want to talk about it, feel free to call either one of us.

Alistair: I think I have volunteered or being volunteered onto your group, Dan, so...

Avri: Yeah, it did sound like you have been volunteered.

Man: Yeah.

Marilyn: Oh, you know, I wanted Alistair.

Avri: (You were traded).

Okay.

Liz: I'm sorry, Avri, I'm sorry, just may I ask a quick clarifying question?

Avri: Of course.

Liz: (Now), that means you have Greg and Ute and you on your group, is that the extent just for the moment?

Marilyn: That's correct, (I think)...

Marilyn : No, I have (Greg).

Liz: Yup.

Avri Doria: ...(Mike Roberts)...

Liz: Oh I'm sorry, I missed (Mike), okay.

Avri Doria: Right.

And I hope either Cary or David with a question mark because they - I've certainly offered them chocolates.

Liz: Yeah.

Marilyn : ...and (Ute). And then what I suggested was - and I will get in touch with Milton maybe and asked if he can suggest someone else from the NCUC or...

Liz: Yup.

Marilyn : And then, we're still waiting for you to make a choice, Sophia, right?

Sophia Bekele: Yes.

Marilyn : Yup. And then I said I was going to call (Jeff) and see if he would agree from the registrar constituency.

Avri: And then one of us, and I can even get in touch with - on that - of ALAC if you want to actually...

((Crosstalk))

Marilyn: Actually, we need to go to the liaison, I think. Right?

Avri: Yes. We can go to Bret also.

Marilyn: Yeah. Could you?

Avri: Sure.

Marilyn: If you wanted to, that'd be great.

Liz: Yup.

Thanks for that. So, (John), you've got Alistair, you, and then the remainder of the people, you will let me know about.

Avri: Okay.

Liz: Thank you.

Avri: It brings up a quick question when we're talking about liaison. All of a sudden I want one liaison and, (of course).

If we want to ask any of our other council liaisons whether they were interested in having someone participate in these efforts.

Marilyn : Say that again, "If we want to ask..."

Avri: ...any of our other liaison.

Marilyn: So would the other liaisons be?

Avri: Well we have - well we have a GAC liaison.

Marilyn: Uh-huh.

Avri: And we have - do we have a ccNSO liaison?

Liz: No.

Avri: No, okay. So I guess it's just - and it doesn't seem that relevant to GAC, but...

Marilyn : Oh I think it's very relevant to GAC, but...

Avri: So perhaps we should ask them also whether they want to contribute one person to each of these two groups.

Marilyn : You might actually start with Avri asking them if they have the time to participate in the task force rather than the repertoire group.

Liz: I can provide a quick bit of information that (Susan) sent when she was nominated as the GAC representative came back and said she was not available for doing that because she didn't have the -- and I'm not using the correct word -- "permission" to do that.

So, of course, go ahead and ask her if she can do that. But I'm pretty sure that will be difficult for them to do.

Avri: I think more except having asked, but...

liz: Yeah. (It is) - oh indeed, indeed, I think. Yeah.

Avri : Its one of our liaisons, just one.

Liz: Yeah, sure.

So you'll do that?

Avri Doria: Yeah, I'll do that.

Liz: Okay.

Avri Doria: Yeah, sure, I'll do that. I'll be the first...

((Crosstalk))

Ute Decker: I will have to drop of now

Avri Doria: Okay, thank you.



Glen Desaintgery: Avri, may I just say something quickly please. It's Glen.

Avri Doria: Please do.

Glen Desaintgery: I've set up two working groups for the repertoire groups.

So, email lists for the group so you can do your work on these two separate lists. If you just tell me who would like to be on what list or if you want everybody to be on each list or whatever the case is.

Avri Doria: Yeah, I think it should be an opt in.

Glen Desaintgery: Okay.

Avri Doria: I don't know how others feel. I think anyone from the task force or the council or whatever should be able to opt in, but I really think it should be an opt in.

Glen Desaintgery: If you can just send me - everybody offline which list you would like to be subscribed to, please.

Avri Doria: Okay. Now...

Avri Doria: Thank you.

Going back to this agenda item. So we have the discussion of the Group A and B (worked). We've talked about volunteers. We've talked

about conference calls, and I guess more of that will come out in the Friday conversation.

And the two group leaders will be getting in touch or group repertoires will be getting in touch with the members of the group.

The last thing (we've) listed was confirmation of the timeline for the task force. I don't know that we want to do that right now. Although we can, but sometimes that eats up an enormous amount of time.

Has the timeline changed since we last talked about it in the last meeting?

Marilyn : We did but...

Avri : We did the right edits, but I haven't seen the revised version, right?

Marilyn : I don't think so.

Liz: Guys, I sent you - remember, I sent you after the council call. I sent an updated timeline that included the proposed division of group on investments...

((Crosstalk))

Avri: ...that's it.

Liz: and then read that one.

I haven't received any information from anyone about that, and it reflected that you wanted to - you - not you - that the group wished to finish their work prior to the Sao Paulo meeting.

So - and I haven't received anything else than that. And I think it - if that timeline stands, then the group is able to complete the work by then. Then, the timeline doesn't need amending because that's what you actually wanted to do.

Avri: Right. I think we should probably get into the detail of it at the Friday meeting.

Liz: Cool.

Avri: We'll talk about...

((Crosstalk))

Avri : Sure, sure, sure.

Liz: ...since we need to fit in the two (repertoire) schedules.

Avri: Yeah, yeah.

((Crosstalk))

Liz: ...(and deliveries) and reports and all that.

Liz: Yeah.

Marilyn: Yeah. But, Avri, can you have it send around again because I'm sorry, I just got some of the email, but I didn't seem to find it.

Liz: I'll send it to the group again. This is a follow-up. And I'll also send a little brief note of the meeting notes from this meeting. It won't be minutes, but I will be meeting notes.

Avri : Okay, thanks.

So can we - at this point, are there any other issues on these repertories and can we go back to the walk-through of the expert materials? Any other comments on 2 and 4 on repertoire groups or timeline?

Okay great.

Liz, can you start taking us through the second which was the price control for registry services, I believe?

Liz Williams: Yes. And we didn't answer (Jon's) question.

Avri: Which one?

Liz Williams: Remember, there were two questions, the one which I answered and the other which I was referring to Dan on.

Avri Doria: Yeah. That's right. And then we got into the conversation of what report was coming out...

Liz Williams: Yeah, exactly.

Yeah. So - I think that's what we were up to, Avri.

Avri Doria: Right. Okay. So...

Dan Halloran: This is Dan. I think I asked - what was the question, please?

Avri: That's right. You had asked a clarification on (Jon's) question to (Jon).  
No, no, it's Alistair, right?

Alistair: I haven't got the question. Sorry, Avri.

Liz: That was (Jon's) question not Alistair...

((Crosstalk))

Avri: ...(I'm sorry).

Jon Nevett: I had asked two questions. One was the - where the cyber and security goals appeared here in the expert materials. And the second question was the first three entries of the policy for price control for registry services. And I just asked whether those were just merely recitations of the ICANN announcement from the .biz/info/org contracts.

Avri Doria: Okay thank you.

So, Dan, did you have an answer for one of those two?

Yeah. I don't see this, however, anywhere when I do a search on the document.

Liz: No. You - and I'm just about to write a note to (John) to say it will be included. My error, (Jon). Sorry.

Marilyn: And an analysis of it, right, a big paragraph about it?

Liz: Yes, yeah, yeah. And it's my fault. I thought I included it in (unintelligible).

Avri: And then the other question was, was this just a recitation of what was in the contract.

Marilyn : You're talking about what? I need clarification.

: You're talking about 1 and 2.

Dan: It looks like on Page 7, Paragraphs...

Avri : Yeah.

Dan: ...1, 2 and 3...

Avri: Yeah.

Dan: ...are just quotes to state what was on the announcement that date.

Avri: Yeah.

((Crosstalk))

Dan: ...there's a - it says, .ht probably means .htm in the URL there.

Avri: Right, yeah.

Dan: ...in Paragraph 1. It must - (Asian) document.

Jon: So I guess the question is, is this appropriate to have it in and a report of expert materials?

Marilyn: Well yeah. It may be a resource material. But - and maybe that's the distinction, Avri, that we should make that some things maybe resource materials, and it might be useful to put them at the end of the section on expert materials. But expert materials implies that, A, it's done; and B, we see it as an expert resource.

Liz Williams: I'm happy to do whatever the group wants to do to amend that, but I thought it was very important to actually have the information in front of people so that we didn't have to go back to registry...

Avri: Yeah.

Liz Williams: ...and look for it.

And that's part of our problem. We've got a lot of materials to be deal with and it was actually quite - it's always quite difficult to find where things are.

Marilyn: Sure.

Yeah. But, Liz, just to follow up on that. I don't think that our general reading public would appreciate if we say an ICANN contract that isn't

approved as the next people of expert material. Maybe we could call it a resource.

(Jon), would you think we could call it like additional resource or something?

Jon Nevett: Sure, (it's) fine.

Liz: Avri, if you just want to turn to the price controls, other (related)...

((Crosstalk))

Liz: ...the materials there.

(As I said in) Section 4, price controls on monopoly like markets are common feature of many, many industries and I've listed quite a diverse range there. And I provided materials for the group to look at in terms of how different jurisdictions, treat pricing controls.

The compliance of pricing arrangement is actually the most important element of the price control setting regime. And I'd urge the group to look at the way in which the compliance with those arrangements is set up.

The OECD provides very, very detailed materials about a wide range of their 30 member countries of the way in which they treat regulation in this particular area and how they treat - in - not only today looking at across a variety of industry, they're looking at across of variety of countries.



I also thought that materials about structural separation were actually very important, especially with respect to the way in which registrar and registry agreements are constructed. And I provided some materials there from the OECD about the way we structure separation in adjacent the industry it handles.

In addition, the RTU has quite a lot of materials about this kind of - this area as one would expect to the telecommunication industry. And finally, just through a different flavor of the work of the (APAC) telecommunications working group has of the many years in my involvement with that particular group looked at the way in which price controls are handled in monopoly industries in the telecom environment. And it's unfortunate it's not more broadly than that.

The broader analysis is within the WTO -- World Trade Organization's free trade agenda that deals with a wide range of pricing control issue and pricing control issue for WTO members.

And there are a similar number of members in the WTO as there are in the ITU and in WIPO So there's quite a diverse range of some - of member governments there.

Again, a very high-level overview, and again if the group wishes to have more information in this particular area for particular person, then I'm absolutely happy to do that.

Avri: Okay. Comments and questions?

Alistair: I have a comment or a couple of comments. Firstly, Liz, Paragraph 6 and - I think it was (9) - oh no - Paragraph 6. (It can't see a registry)...

Liz: The URL is missing, isn't it?

Alistair: Yeah.

Liz: Yup.

((Crosstalk))

Liz: ...for you.

Alistair Dixon: The second thing is - I think for the purpose of this work, it would be useful to identify the reasons why a particular market is price controlled or not.

I mean, I'm certainly familiar with them in relation to electricity and telecommunication and probably roads

But it seems to me that - when we're looking at this in relation to registries, I think we need to understand the reasons why price control is put in place in relation to particular industries. And we need to consider whether those various reasons also apply in the case of registry.

Is there a document that identify sort of when one might consider price control or, you know, when price control is appropriate, versus when one should rely on the market?

That's right. That's a question for all.

Liz: I haven't seen that definitive, logical, rational analysis. If anyone has it, I'd be delighted to see it.

Alistair Dixon: I can probably - I will try and dig out some relevant materials.

Liz: You didn't mean with respect to registry. You meant more broadly?

Alistair Dixon: I meant more broadly because I...

Liz: Oh I'm sorry.

Alistair Dixon: Yeah, whether there is in relation to registry agreement, I meant, (broadly).

((Crosstalk))

Alistair Dixon: So I wonder would - be with a particular document. I mean, I'd expect it probably from the OECD. I mean OPCOM would not be (surprising) if they had something along those lines).

Liz: No, no, no. I'm sorry, Alistair, I misled you there.

There is certainly plenty of arguments to look at the way in which price control is ought to be imposed in particular industries, but there - I have not (same material that says) price controlled and that kind of regime want to be imposed on registry agreement.

So for example, price controls in telecommunication services with respect to funding universal service obligation is one element of the

telecommunications policy that is certainly used to justify all our price controls would be there.

And of course, also dominant market conditions, for example, in the case of Telstra, where they control 85% of the local calling market.

It would be unacceptable, but they had no price controls on the provision of this service because it would give them the opportunity to raise the level of that price beyond what is reasonable for a customer today.

Alistair Dixon: Yeah. So, is there a document that sort of highlight those reasons for applying price control. You know, sort of a best practice for sort of industry. I mean, I would mention the OECD (discussed price control at a conceptual level

Liz: Yes.

Alistair Dixon: ...the price control of the sort of conceptual level (somewhat)...

((Crosstalk))

Liz Yes, they do. And so do - Alistair, and so do of OPCOM

But all of those particular markets look at market regulation as opposed to regulated pricing controls as the best practice.

Alistair Dixon: Okay.

Marilyn Cade: Alistair, I'm going to - let me - it's Marilyn speaking.

Let me offer two ideas for documents. And I might find them and send them to you and then you could take a glance and see if you think they're useful. One would be worked done by Rick

Alistair Dixon: Okay.

Marilyn Cade: And the second is the extensive work done by analysis and advising the commission in relation to competitive conditions for the common European market.

Alistair Dixon: Well thanks Marilyn.

Marilyn Cade: Yeah. I'll find those and send those links to you.

Alistair Dixon: You send them to Liz as well I think it would be...

Marilyn Cade: Oh I will yes. Yeah.

Let me - can I make really quick for that one comment. The other is that in Item 9 and elsewhere in the document, we should take care to be sure we capitalize Internet.

It may seem like a little thing, but it's actually a big thing inside ICANN. That was just a typo.

Woman: (Mike)...

((Crosstalk))

Liz: ...sorry. I didn't hear exactly what you said.

((Crosstalk))

Avri: ...capitalization of Internet...

Alsitair: Yeah.

Avri: ...and 9 was a (unintelligible) pointed out.

Alistair: Yeah.

Marilyn : Yeah, thanks.

Marilyn Cade: On Item 8, I'm not sure that I agree with including this. And I say that as an expert on Study Group 3, a tortured, tortured, tortured expert.

Oh my god! That will be in the recording.

((Crosstalk))

Liz: I'll send it to the ITU, don't worry.

Marilyn Cade: They're probably (trolling) right now.

Study Group 3 makes recommendation. It's - and then the recommendations are turned into - in some cases national law. But its work is - most of the work it's done in the area that you're referencing

is work that it's done for the developing countries in terms of the publications.

And a lot of the work on price caps and price controls have been - is being examined in terms of what is its application to the (NGN) marketplace.

So I'm kind of - I'm going to kind of raise the question and maybe we can put this on hold and I'll talk to a couple of other folks about whether this is really going to be a good use of people's time or if it's going to be too abstract and esoteric to include.

And I'll send Liz - I'll send you a correction of what the ITU does on - it does not manage economic issues in the global telecommunication industry. It likes to think it does, but it actually doesn't.

Alistair Dixon: Now, let me - I just wonder - I mean, (certainly) the issues you've highlighted - I would thought - I don't - I mean, I don't - I would like to see the detail. But developing country may not have policy on regulation of, you know, of telecommunication providers and...

Marilyn Cade: Right. They increasingly do - like - particularly in the last two years, things have shifted. The research I did - and I did extensive research on this. And I actually have a report that again I'll post to you and Liz that shows the state of regulations in the developing countries.

It's not going to be - I think it's going to - not only bore, but distract the rest of the members that many of the countries are now in the process, Alistair, of coming into establishing these rules. And so they're all over

the map. Some are very far along, some are still developmental, some are still rewriting their laws.

That's why I'm wondering if this is perhaps a distraction.

Alistair Dixon: Well it's just - and to me it's sort of - (I guess) from my point of view, I think it would be useful as a highlighted principle that should apply in determining where the price control should or shouldn't apply.

So is it useful in drawing that out...

Marilyn Cade: It's so focused on telecommunications and on VoIP and on a specific telecom thing. Why don't I send it to you and Liz...

Alistair Dixon: Okay.

Marilyn Cade: But again, I think we may be burdening the team with...

Avri Doria: You know, one of the things that I guess I would like to point out on this is that all of these expert materials probably don't have the same degree of usefulness and that refers back what I referred here before about - on some of them, you will decide that you need to go deeper into that material.

On some of them, it's a reference that the absence of it, one could sort of say, well, did you look at ITU? And you know, I can hear people in the ITU I know saying that.



And so it becomes important that it be listed if the members of the group don't feel the need to dig down deeply into it, and that should be okay.

Marilyn Cade: Good.

Avri, we need to understand more clearly what the ITU does and doesn't do. And what I'm questioning is let me come back in writing and then people can take a look at whether they think this is a - it's very - it's not an easy read. It's not organized. There are publications, but those publications are not approved documents of the ITU. They're merely publications.

So you know, we may be creating a perception of this is an authoritative source and it's actually not.

((Crosstalk))

Avri Doria: So in other words, you may want to demote its background information as opposed to expert source.

Woman: Avri?

Avri Doria: Still here.

((Crosstalk))

Sophia Bekele: No, I just kind of make a comment.

Avri Doria: Yes, please.

((Crosstalk))

Sophia Bekele: ...coming from at having dealt with ITU in the past, and I think they - relative to the expert's opinion that we're trying to get from them and what he mentioned about them focused - are very much focused on the third world or developing economies there.

Most of the time it spent on that and I think that when Marilyn is saying that their opinions is probably not something that may provide very useful in what we're sort of entertaining now because I think they are considering a very different economic space and economic environment. And I don't know how much is will that would be, you know, looking at the current state that we're evaluating now.

And I think there is a, you know, there is a lot of truth to be gained from that. And so we need to balance exactly what we're wishing to, you know, to do here at a high level versus if we're going to waste our time looking at, you know, the details of what they're covering in a very different spectrum and economic development stage that we're looking at.

And it may not the best - any answers, that's what I'm saying. And I think maybe that's what Marilyn is saying. I hope I didn't distract from the accuracy of what you're trying to say, Marilyn, but...

Marilyn: No, no, Sophia, that was much better said. Thanks.

Avri Doria: No - yeah, and I don't disagree with that at all. I was just sort of saying that that may mean that we don't need to delve deeper into it, but it doesn't necessarily mean that we don't want to have it listed.

And that's the only differentiation that I was making is that one can list some materials that one says, "Yes, we acknowledge it. We've looked at it, and we've moved on."

But, you know, it's neither here nor there in a sense.

Any other comments on this area? Any other things that need to be added as opposed to deleted? Because basically at the moment, we've sort of talked about taking 1, 2 and 3, and removing them from being expert materials to being (backed)...

Marilyn : And we have outstanding piece of advice from the previous work that along...

Avri Doria: Sorry, I just dropped my telephone and the plug is still up.

Marilyn: And we - and...

((Crosstalk))

Avri Doria: And we've talked about taking one of them it was eight. And basically - I don't know. But they're not including it or turning it into background material as well.

Is there anything that needs to be added?

Marilyn : I think we...

Alistair: (Go ahead).

Marilyn: ...agreed to include Alistair's earlier suggestion.

Avri Doria: Yes, yeah. Thank you.

And we then also talked about adding a reference to, I guess, it was Number 20 from the first set of issues.

Was it...

((Crosstalk))

Alistair Dixon: Can I ask a question, Avri.

Avri: yes).

Alistair Dixon: I'll be quick

Avri: Yeah.

Alistair Dixon: Liz, there doesn't seem to be any academic references. Have you been able to find any that would be relevant?

Liz Williams: On this issue, there's a lot of materials that's available that is beyond the regulatory authority basket of issues.

Alistair: Uh-huh.

Liz Williams: The five or six academic references that are referred to above provide comprehensive listing of published materials if you follow the links to each of those people.

Alistair Dixon: Okay.

Liz Williams: So you can - again, it's official summary. And you can follow those links quite clearly down into the depths of - for example, in (Rob Friedman's) case, (Rob's) been writing about telecoms regulations and price controls and competition issues for as, you know, 15 years?

((Crosstalk))

Alistair Dixon: Okay.

Liz Williams: The same with the others that I italicized in those particular sections.

Marilyn : ...(cross reference), you know, as well.

Marilyn: So you would add 24 then too, right? You'd add Reference 20 and Reference 24?

Marilyn: Yeah.

Liz: Okay, thanks.

((Crosstalk))

Alistair Dixon: I just wondered whether there was a useful survey of price control in electric chair and that we might be able to examine here.

Woman: The best one for me is the material that is on the OPCOM Web site.

Alistair Dixon: Okay, thank you.

Avri Doria: Okay. If - I'd like to move on now. We basically have about 20 minutes left to the third issues, unless there was any other, you know, question that was on the tip of somebody's tongue that I just stepped on.  
(Terrible image that but anyway - okay.

Then the third one was if you could walk us through the policy for use of registry data

Woman: This is a particularly problematic one for me because of the crossovers between the work on who is and as it says. What I try to do is provide some snapshots of the way in which registry data was collected and displayed for a variety of different registries. And you'll see that in the materials.

I particularly wanted - and there's a number of people on this group that are also on the Whois task force.

It is not the management of Whois data is not my area of expertise because Maria has been handling that for their group, and I'm working with her to develop a more detailed materials about this registry data.

But there's a - and I have to say there's a lot of crossover between this work and the work of the Whois task force, and they are - those on this group who are far more expert at that than me.

So I will be very grateful for improvements on that particular section particularly on the assumptions about the uses of personal information by a registry for purposes other than which is - for which it was collected.

And I'd be particularly grateful to hear from anyone from the registry constituency tonight on the call. But I'd like some far more detailed conversations about the way in which registries actually are able to use registry data particularly as it relates to the Whois.

And then there was one other element of that, which is traffic related data, and I still would like more conversation about how or how that traffic related data is actually determined.

And then how that is different from information, which is collected in the normal course of a business and then the right for that business to use that data about their customers as they say fit if it's (anonymized), the data which does not identify elements which can directly identify individuals.

So I'd be looking for far more detailed information from this group, particularly from the members who are working on the Whois element of the work in the other task force.

Avri: (Did you) - question, did you say that you were working with (Maria)?

Liz: (Maria), yup, yup, yup.

((Crosstalk))

Liz: (Maria) has been away...

Avri: (Okay).

Liz: ...(unintelligible) in the summer. And then she's been away in the last week. So this has become a (detailed) discussion that we're going to have over today - tomorrow in the next couple of days.

Marilyn: Avri?

Avri Doria: Yeah, (unintelligible).

Marilyn: Registry data is not Whois data, although it may include Whois data, and I think that's what Liz is saying.

Avri: Yup, that's exactly right.

((Crosstalk))

Marilyn: But this document does not make that clear. And the dominant - right now the only information that's available being provided, being Whois makes it appear that the task force thinks that registry data equals Whois data. So I think we should be very cautious in dealing with that.

((Crosstalk))



Avri : Right, we should make the same (affect) that others have made up including billing data in with Whois data.

Marilyn : Well, billing data is one example, again, of data that a registrar might collect, but not a registry, since a registry does not deal with end users except perhaps in the sunrise period.

Liz: Avri, when you have a chance...

Marilyn: So...

Liz: ...I've got a point of clarification, if you could.

Marilyn : So what I am concerned about is we need to - we actually need to - and I support Liz's suggestion that we need to define what registry data is.

Registry data can include that data that is available and gathered by the registry that it relates to traffic data. And traffic data was the original issue that was of strong concern to a number of members of the community and is the use - or misuse or proprietary use, et cetera, et cetera, emulation...

Avri: Yeah, it's something that the repertoire group is going to delve deeper into?

Marilyn: No, I think we need to be clear what we meant. I mean, yes, we will build - we will delve into how should various kinds registry data be treated. But my question is whether -- to Dan in particular -- whether the existing contracts have a definition of registry data.

Dan Halloran: This is Dan.

Some of them do. But they're targeted towards the exact ins and outs of that contract, not necessarily, I think, the general definition for your purposes here.

Marilyn : Okay. Can we...

Dan Halloran: But we could (draw on them) for guidance.

Marilyn : Could we get the different definitions? I assume that will be in the - actually in that other document that the council requested anyway. That's one point I would make. There's also a fair amount of - there's a body of comments that are in the public comments in relation to traffic data.

Dan Halloran: Well, one sec.

So, my understanding what the council asked to review today was a compilation of language in the registry agreements concerning the applicability of consensus policies. But now we...

Marilyn: (That's not that).

Dan Halloran: ...(you know), we're talking about registry data definition...

((Crosstalk))

Dan Halloran: ...we were talking about...

((Crosstalk))

Marilyn: ...let me ask Glen a clarification. I thought - we're talking about asking for two things. We asked for the language concerning what's in the agreement and side by side with the so-called picket fence, right?

Avri: Uh-huh.

Avri: Yeah, the (unintelligible) of the picket fence.

Dan: Right?

((Crosstalk))

Marilyn : That's one thing we asked for.

Dan: I understand it, yeah.

Marilyn: I thought we're talking about or we're going to ask for the example of the - and I, you know, what's in each of the existing agreements side by side in the existing agreements about the terms - the elements we're talking about because just giving - just sending the 6, 89-page contracts to read as a councilor or a task force member is not useful staff support if you can imagine.

Dan Halloran: Right, right, so - but I thought we were just pulling out the language on consensus policies. I didn't understand that there was more...

((Crosstalk))

Liz: Yes, that's exactly right, Dan.

((Crosstalk))

Marilyn: Dan, what's the difference between consensus policy and the (term) - so let me back up.

Dan Halloran: Yeah.

Marilyn: If we think about tools that the task force needs to just a minute and let's leave aside what the council has asked for and focus on tools for the task force.

The terms of reference have six sub-elements.

Dan Halloran: Right.

Marilyn : It is there in existence today a side by side that shows what is in the existing contract for those six elements.

Dan Halloran: I can't think of one.

Marilyn : Yeah.

Dan Halloran: But it sounds like what the councilor asked for is that table you're talking about for one of those elements. And I just want to make clear that I didn't understand the council had asked for that side by side for more than that one element, but maybe you thought they did.

Avri: I did think they did, but I stand to be corrected.

Avri Doria: Yeah, I guess I had realized that that what you're asking for. I thought we were asking for consensus policies vis-à-vis the picket fences.

Liz: Yeah, that's right, Avri.

Marilyn: And so how are we supposed to know what's in the eight contracts or whatever they are in relationship to the six elements - the other five elements...

((Crosstalk))

Dan Halloran: I'm not at all opposed to - I mean, if the task force thinks that would be helpful, we can, you know, talk with Liz and we can work that at making that. I just want to make it clear that that would be a new thing...

Liz: Yeah.

Dan Halloran: ...not what the council - you are talking about it as - so that was - what the council (has asked for).

Marilyn Cade: That's because I apparently was too optimistic. But let me just say as a task force member and a councilor and someone who reads everything you guys post, every time you do a side by side, I think I should be sending you the chocolates and the roses.

Dan Halloran: Okay.

Liz: We're waiting for those, Marilyn.

((Crosstalk))

Liz: We're ready.

Avri: (The one) chocolate, I'll give you the chocolate.

Alistair: Can I make a comment in relation to the information on...

Woman: Yeah.

((Crosstalk))

Avri: ...Liz had asked a long time ago to get a comment.

Liz?

Liz Williams: Oh I'm happy (unintelligible) go first.

((Crosstalk))

Avri: Okay. Alistair?

Liz Williams: Yeah.

Liz: Thanks.

Alistair Dixon: Liz, I mean, one thing that might be relevant to hit this - the telecommunications industry in New Zealand. But I mean, I'm not on ongoing on that (telephone station) at this time.

But we do have a - under the New Zealand (privacy) (unintelligible), we do have a telecommunications privacy code and that identifies what information the telecommunications companies can use that they received and what they shouldn't do, you know, and basically provides privacy principles for handling of information, you know, a private information. Would that be useful document service?

Liz Williams: That would be super, Alistair, really great.

Just to follow up then directly on that, I have asked specifically all the registry constituency to provide to me list of the kinds of registry data that is collected as a whole and Marilyn was correct to say when the registry data as a whole bucket of information includes in part Whois data. It also includes traffic data.

And I haven't yet received a response from the registry's constituency. I've been working with Chuck Gomes on that. So that is in production.

But given that we don't have any registry constituency rep from the on the call tonight I'm reluctant to, A, speak for them; and B, they're not not required in to provide things to two - the task force, but I can follow that particular (request) up with that group.

Dan Halloran: This is Dan. Can I give one more bit of information and response to Marilyn's question?

Woman: Please do.

Dan Halloran: I just wanted to point to a table that we did prepare in the issues report for this PDP on February 2 at the very last page of the issues report.

Marilyn : Uh-huh.

Dan Halloran: We prepared a table where we listed the rows where all of the different TLD agreements and then the columns were questions like presumptive renewal, price controls, ICANN fees, traffic data, investment mandates, and we said for each TLD agreement whether they were price controlled, whether they were not price controls...

Marilyn : Uh-huh.

Dan Halloran: ...so that might be sort of one line here you're asking about right now.

Marilyn : I think it is.

((Crosstalk))

Jon: Could you circulate that just...

Marilyn: Yeah.

((Crosstalk))

: ...(again).

((Crosstalk))

Avri : ...the doc and the materials but...

Dan : If you go to the...



Dan Halloran: Yeah, I can send it around. It's - the terms of references on the page for this PDP.

Woman: Right.

Dan Halloran: If you go to GNSO and then click on GNSO policies for contractual conditions, the second to the bottom document is the issues report.

Marilyn Cade: I keep printing the issues report out, Dan. And I must admit somehow, I haven't recently seen that but hold on. (Well) that's not it. If we could just get...

Dan Halloran: I'll send a link (around)...

((Crosstalk))

Marilyn Cade: Yeah, because that may be exactly what I was thinking of.

Dan Halloran: I think maybe what you're asking for is little more detail like...

Marilyn Cade: Uh-huh.

Dan Halloran: ...not just a, you know, I think we have here price controls, yes/no.

Marilynn: Oh, right, right.

((Crosstalk))

Dan Halloran: You might have wanted to see the actual provision.

Marilyn Cade: I am asking for a little bit more than that, yeah.

Dan Halloran: Yeah.

Marilyn Cade: Well, I'm asking for more than that. Yeah.

But this sounds like it's the baseline document to start from.

Woman: Yeah.

Marilyn Cade: And it covers all six of these things that are in the TOR, right?

Dan Halloran: Presumptive renewal, consensus policy limitations, price controls, ICANN fees, traffic data, investment mandates, I think that's it.

Marilyn Cade: Okay.

Dan Halloran: And - but it basically just says yes/no, permitted/not permitted...

Marilyn Cade: Uh-huh.

Dan Halloran: ...you know, what the fee is. It doesn't have the actual contract language there. It's just a one-page table.

Marilyn Cade: So what kind of side-by-side materials do you guys provide to the board because it may be that what you've already provided to the board comparing the existing agreements, you know, at least three of them, would also be a place to start.

I mean, I'm assuming you do side by side...

((Crosstalk))

Dan Halloran: We can't think of any other table we've done like this...

Marilyn Cade: Uh-huh.

Dan Halloran: ...for anywhere. I mean, this was an issues report. I can't think of any other chart like that, any other ICANN document.

Marilyn Cade: But, you know, I just say to the other task force members in trying to analyze these contracts without a side by side, it's very different - difficult to flip between multiple contracts and compare the terms and it takes traffic data.

Avri: Yup - no, and - I mean, yes. The more tables we have of comparison, the easier it is to do things, and I find myself that those kinds of tables mean a whole lot here because then one can look at them and one can think and one can form, you know, come to a conclusion

Any other questions or issues we've got a couple more minutes on...

((Crosstalk))

Jon Nevett: Yeah, this is (John). I have one question for Dan.

Dan, on the status of the .biz/info/org contract, it looks like there were concerns raised about the price control piece or differential pricing and those types of issues that may come into play in this analysis.

Were there any documents provided to the board or to anyone else that - or documents prepared by the registry to address those issues that would be helpful to us in looking at the big picture and coming up with some recommendations on these price control points?

Dan Halloran: Well I can't think off the top of my head. I know we had something like 2600 comments. Maybe that's something you could send us an email then we could try and...

Jon Nevett: No, my point is...

((Crosstalk))

Jon Nevett: There was a summary of the comments. I'm not talking about the comments. There's a summary of the comments and then if you look at the board minutes, it looks like the registry provided a response to the summary, which I haven't seen.

So I don't know if those are available. And then the board sent - step back to take another look at the issue. I'm just looking at the minutes of the last board meeting on the issue.

Dan Halloran: Yeah. I just don't know off the top of my head what's available or not, so what exactly you're asking for, and I'd appreciate if you could send in - send it in writing and we'll take a look at it.

Jon Nevett: Okay, I will do that.

((Crosstalk))

Avri Doria: Anything else?

Marilyn: Yes. So are we are , I just want to be sure that I understand, again.

So Liz is working with the registries to get their version of what a definition of registry data is. And...

((Crosstalk))

Liz: (I bet a request to provide) - (has to provide that) information to me.

Marilyn Cade: Okay.

And secondly, I had mentioned that there's a pretty significant body of comments on traffic data that were provided in the public comment processes.

Could I just ask if staff could take a look at that and see if there any references in that to any other expert documents that we should include and could they just add as a background reference the links - just the links to the public comments that are applicable, but not as expert materials. Just under background documents.

Avri Doria: Is that okay?

Any other questions, comments, clarifications?

Dan Halloran: This is Dan.

Liz and I are in different comments. I want to make sure that she got that and clarifies - that was the question to Liz or to me or - I think we're a little bit - it's hard to respond to these things kind of on the fly and maybe be good if we could yet - I don't know how - what kind of - maybe I'm stepping on like Liz had already worked out with Maureen, that was

But maybe some kind of protocol for Avri telling us exactly which documents it is you want and how you want them laid out or what information, because it's kind of hard on the fly to parcel these questions and figure out...

Marilyn: Sorry.

Dan Halloran: ...which are actual deliverables you need and what it is exactly you want?

Marilyn Cade: Sure. I won't comment for Avri. I'll just clarify who I was asking. And I was assuming that Liz would do this or go back to (Denise) and ask for some assistance in getting it done.

Dan, this is - this wasn't - I don't think a legal analysis.

Dan Halloran: Right, I just want to make sure. I think - because you asked and I don't think either one of us jumped in. I want to make sure that somebody picked up that ball.

Avri Doria: Marilyn, could I ask you to just clarify your question, please?

I'm sorry.

((Crosstalk))

Liz: I was taking notes on...

((Crosstalk))

Marilyn Cade: Sure.

Avri Doria: ...and on registry constituencies and I lost the trend of the conversation...

Marilyn Cade: Sure.

((Crosstalk))

Marilyn Cade: There's a significant body of comments on traffic data that were published in the public - in the official public comment processes on the dotcom agreement and probably also in the public comments. There may be some in the public comments on the other three agreements.

I was asking if staff could take a look at those and see if there were any references to expert documents that should be considered.

And secondly, could you add under additional background the links to the public comment processes. So at the end of the terms of Reference 5 that this expert document where you add in the other background materials, just add the links there to the public - to applicable public comment processes.

Liz: Yeah, sure. Thank you.

Marilyn: Thank you.

Marilyn Cade: Dan, is that - so that was my clarification, but not - I'm not speaking for Avri.

Avri Doria: Basically, my view on it is, as long as a member of the task force is asking and a member of the staff believes that it's possible to do it and don't come back with a, "Please give me a priority because there's too much," then, you know, (there's very little) for me to say.

I mean, obviously, I do believe there's more information. We have collected the better off we are, so I guess at a certain point, I think the mountain of information starts to not beat us up but slow us down. But I think that these are reasonable things to ask for.

(Let's see). Three more minutes, is there any last comments that people would like to make, questions, clarifications especially?

Marilyn Cade: Avri, I have a question.

Avri Doria: Yeah.

Marilyn Cade: I have expert materials identified for me on Items 1, 3 and 5. Is that right?



So I don't have expert materials on 2, 4, and 6, or am I not looking at the complete - have I missed some of the expert materials?

Liz Williams: No, Marilyn. You haven't missed anything.

Those three elements were the first parts of the materials...

Marilyn Cade: Okay.

Liz Williams: ...which it was (unintelligible) same that the group had prioritized first.

Marilyn Cade: Okay. So then I thank you.

Then I think we should talk about whether - (and I don't know if) we can do it today, Avri, but I think we should talk about whether we think expert materials are needed on any of the other areas or if we - and figure out where we're going...

Avri Doria: Yeah.

((Crosstalk))

Avri Doria: ...discuss it on the list also.

Marilyn Cade: Okay.

Avri Doria: I guess, Liz, do we have any of these other things, you said this is what we prioritized, are any of those other things in progress?

Liz Williams: (One, two, five, six), no, and I'm happy to work with whoever is on the repertoire groups to develop these materials quite quickly.

You know, once I get a sense of the priority of the group, it's actually not very difficult for me to pull together some quite detailed analysis. But what is most difficult is when the group is not clear about what they want.

Avri, when everyone is finished with their questions, I have one last thing to bring up, please.

Avri Doria: Yeah, yes, you know, please.

Liz Williams: Yup. I just wanted to pass on a message from (Maureen) to everybody today. She sends her best wishes to the group. She is out of action with her hand and is not able to access the email and use her computer. And she will be coming back to the group as soon as she possibly can.

Avri Doria: Okay. Thank her for me, for us and wish her well, please.

Liz Williams: Yeah, I will.

Avri Doria: And if she ever wants to have a conversation, you know, with me to track what's going on, I'm more than available to talk...

((Crosstalk))

Liz Williams: Thank you, Avri. I'll let her know.

Avri Doria: So I guess we'll close the meeting.

We'll need to talk about scheduling for next week. I think part of that will come out of the discussions on Friday in terms of scheduling as such back to everyone and, you know, or Glen will in terms of trying to figure out when the next meeting can be scheduled.

But we should plan (on one) for next week if one hasn't already been planned for next week.

Marilyn : Avri, Avri, I'm going to make a proposal.

There's an LSE second call that Glen is arranging for those who are available. I think it's 3:00 pm East Coast Time, and 8 o'clock London. I think that's right. So, my suggestion would be, if we could consider the 12th possibly, but maybe we can debate that on the (list).

Avri Doria: Right, we're going to have to, you know, check and then I'm going to have to - I'm going to be traveling a bunch next week, so I have to figure out when my schedule fits with the meeting schedule.

So yeah, we have to work that out.

Okay. And the 12th is possibly problematic for me, so we'll have to...

((Crosstalk))

Woman: Okay.

Avri Doria: Okay?

So thank you everyone and talk to you all soon.

Woman: Thanks, bye.

Man: Thanks, Avri.

((Crosstalk))

Man: Bye.

Woman: Bye.

Woman: Thank you.

END