

**Registrar Accreditation Agreement (RAA) DT
Sub Team B
TRANSCRIPTION
Monday 19 October at 18:00 UTC**

Note: The following is the output of transcribing from an audio recording of Registrar Accreditation Agreement (RAA) drafting team Sub Team B meeting on Monday 19 October 2009, at 18:00 UTC. Although the transcription is largely accurate, in some cases it is incomplete or inaccurate due to inaudible passages or transcription errors. It is posted as an aid to understanding the proceedings at the meeting, but **should not be treated as an authoritative record**. The audio is also available at:

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Present for the teleconference:

Avri Doria - GNSO Council chair - NCA

Tatyana Khramtsova – Registrar

Michele Neylon – Registrar

Steve Metalitz - IPC chair

Marc Trachtenberg – IPC

Kristina Rosette - IPC

Danny Younger - At large

Heidi Alridge

Statton Hammock - Registrar

ICANN Staff

Margie Milam

Marika Konings

Heidi Ullrich

Gisella Gruber-White

Absent apologies:

Cheryl Langdon-Orr - ALAC chair

Tim Ruiz - Registrar c.

Holly Raiche – At-Large

Coordinator: This is the operator. I'd like to remind all parties the call is now being recorded. Thank you, you may begin.

Gisella Gruber-White: Thank you.

Steve Metalitz: Okay well thank you very much. This is Steve Metalitz and maybe those on the call would like to identify themselves so we can associate their names with their voices.

Margie Milam: Gisella do you want to go through the list? I think you have a list.

Gisella Gruber-White: Yes I'll do the quick list and then a - and then I'll hand it over to you. On this evening's call we have Tatyana Khramtsova, Michele Neylon, Danny Younger, Statton Hammock, Steve Metalitz, Marc Trachtenberg

We have from Staff Marika Konings, Heidi Ulrich, Margie Milam, myself, Gisella Gruber-White and we are expecting Kristina Rosette in about 15 minutes and we have apologies from Holly Raiche. Thank you.

Steve Metalitz: Okay thank you. Well thanks everybody for making the time for this call. I didn't put together a formal agenda but I see that the Staff has kind of taken my reassociation list and put it into an agenda which is good.

So I appreciate that. It's on the Adobe -- excuse me -- on the Wiki as introduction which I guess we've now handled. Scope of work, Number 3, provisional deadlines, Number 4, Seoul meetings and Number 5 procedural issues, mailing lists, Wikis and scheduling of future calls.

Are there any other topics that people want to cover today? Okay if not I think we can plunge ahead. I think in terms of the scope of work the charter that's linked to from the Wiki page is not the current one.

It's not the one that was approved by the Council but I think that the three items on the - that are defined in the scope of work of this subteam are, number one, identify topics on which further action in the form of amendments to the RAA may be desirable.

Number 2 is from List 1, flag any topics that may require further analysis as to impact on consensus policy, and number 3, propose next steps for considering such amendments.

And there's also a note that we're, you know, we have sort of a dynamic relationship with the subteam A that's working on the Registrant Rights Charter.

But just looking at those three tasks, identifying topics, flag topics that may require further analysis and then propose the next steps, it strikes me that those pretty much have to be done in that order.

I don't think we can - it would be very efficient to do this in parallel so I guess my suggestion would be that the first - we tackle the first topic first which is to identify topics on which further action in the form of amendments to the RAA may be desirable.

And it seems to me that that, I mean, that means we're not looking at, you know, we're not being asked to draft specific amendments or the exact language of amendments. We're being asked to identify topics.

And I suppose those could be general topics or they could be more specific topics. And I guess more specific might be more useful but general could be useful too I guess.

And my sense is and I'd welcome people's thoughts on this, my sense is that we really - we want to - as comprehensive a list as possible. This is - we're kind of in a phase of putting things in a pile and some things will undoubtedly come out of the pile later.

But we're trying now to get as comprehensive a list as we can of the topics on which further action in the form of amendments may be desirable. So if - and

again I think it's because it's kind of an additive process, not a - necessarily a decision making process.

So if anybody thinks a topic is a good one then probably should go in the pile as long as it's something that can be dealt with as an amendment to the RAA.

That's the - kind of my opening thoughts on it but let me open the floor and I don't know if people - I think we're a small enough group if people just want to speak up if they have comments on that or different ideas about how we ought to proceed.

Margie Milam: Steve, this is Margie. May I comment?

Steve Metalitz: Yes go ahead.

Margie Milam: Sure. I don't know if any of you attended the Webinar we gave last week from the policy group, just kind of highlighting topics but in that - and we identified that. As Staff we've sort of done an internal analysis of issues that may be appropriate for additional amendments.

And we're putting together a - we've put together a paper that describes them, mostly from a compliance perspective the things that the compliance department may need or would like to see in the contract and we'd like to share that with the working group.

We're a little worried about the timing because of Seoul so, you know, with all the deadlines and such for documents to be published before Seoul. We chose not to do that but we'd like - we think it might be a useful tool for the working group to consider.

Steve Metalitz: I certainly think it would be. But let me see if other people have comments or reactions.

Marc Trachtenberg: This is Mark Trachtenberg. I can't see why it wouldn't be helpful. Any ideas are helpful.

Steve Metalitz: And because my thinking is there's - I don't see a problem with putting it forward now. I mean, if you've got it ready as I said I think this is an additive process. We're not going to - we're obviously not going to compile our list before the Seoul meeting since that starts in less than a week.

But we could certainly start putting things in the pile and then hopefully, you know, we'll talk about the timetable but I hope that by the next - our next teleconference we could, you know, have put everything, you know, as many ideas as possible out there.

And we can weed out duplicates and make sure it's organized appropriately and then move on to our - to the next topics, you know, the next items on our list. So my feeling is it would be - I would encourage you to put it forward as soon as possible.

Margie Milam: Okay yes. We're still finalizing it so it may take a little longer getting the travel schedules and such but we'll try to - done this as quickly as possible.

Steve Metalitz: Okay, well I understand that. We're sort of in the same position in - within IPC even developing a list but it's just not final yet so...Okay, other - do other people want to have comments to make on this first item in our scope of work?

Danny Younger: Steve this is Danny. Just to clarify matters somewhat because we've got two active contracts at the moment. One, we're identifying topics. I take it we should be referring to the specific language in each of those contracts?

Steve Metalitz: Well again with topics I'm not sure you necessarily need to focus on language but you're right in terms of what the baseline is. Well let me ask the Staff about this.

I mean, my impression is that over some period of time everybody will be on the new contract. Is that correct or is that incorrect?

Margie Milam: Yes that is correct. The Registrar activity incentives we've given are adopting it voluntarily early but when, you know, it's - assuming there's a Registrar that doesn't do that when their contract comes up for renewal it would be, you know, then they would be on the new contract. So it will happen over time.

The percentage is fairly high though. There's a significant number of Registrars that have committed to a new contract, something like 86% of, you know, names that are managed so in total are covered by Registrars that, you know, committed to the new contract.

Steve Metalitz: Oh okay. So do you think it would be safe for us to assume that kind of our baseline, our starting point is the new contract since most Registrants are already covered by that evidently and the others will be over a fairly short period of time. Is that...?

Margie Milam: Yes that's correct.

Steve Metalitz: Yes. So I...

Danny Younger: I thought that the period of time was five years.

Steve Metalitz: Staff, what is - I don't know.

Margie Milam: It's a five year process because of the fact that if someone signed a contract right before the amendments went into place at, you know, the renewals are - it's a five year renewal but because many of them have voluntarily chosen the new contract, you know, yes. Ultimately 100% will be within five years if they haven't chosen to sign up earlier.

Steve Metalitz: And 86% are already under the new contract is what you're saying - 86% of Registrants.

Margie Milam: Registrants not Registrars. I don't have the exact number on the Registrars.

Steve Metalitz: Yes, okay.

Danny Younger: Margie, quick question. Could we prevail upon ICANN Staff to list for us those Registrars that are actually signed up for the new contract perhaps on the Accredited Registrar page, simply putting in a new column to make it clear who's abiding by what contract?

Margie Milam: I'll check with the services team. I believe there's some initiative to do something like that. I just don't have the specifics on that so I'll get the information back to the list.

Danny Younger: Thank you.

Steve Metalitz: Margie if I could just echo what Danny said on that. That's something IPC has already asked for and so we hope we can see that soon.

Margie Milam: Okay, thank you.

Steve Metalitz: Okay so, I mean, I guess Danny my thinking is obviously if there's something that is - would be relevant only to people under the old contract then that's certainly a legitimate point for our list of topics I guess.

But it sounds as though most Registrants are already under the new contract or their Registrars are and that that will obviously increase over time. But I think you're pointing out that it's going to take several years before 100% are under the new contract. Okay, other questions about this first point?

Michele Naylor: Yes Michele here.

Steve Metalitz: Yes go ahead.

Michele Naylor: No, it's just - while I appreciate that you're, you know, identifying which Registrars are under which version of the contract, my understanding is that we're looking at proposing modifications to the RAA in which case you're looking at making modifications to RAA V2.

So while - so I don't see what the - what would be achieved by making a modification to something under the old RAA, I mean, as we've already got the new one in place.

Steve Metalitz: Okay.

Michele Naylor: I mean, while I can understand that it might be frustrating that some Registrars aren't signed up with the new RAA, that's a bit - it's a bit outside our scope if we're looking at making - proposing modifications. It's obviously getting people to sign whichever version of your RAA is something that Staff I know are dealing with.

Avri Doria: This is Avri. Can - I wanted to do two things if I could.

Steve Metalitz: Yes go ahead.

Avri Doria: First I just wanted to say that I came in late and therefore for the attendance I'm here. I would think and then if I - I would think that in terms of old RAA and new RAA the only time it would really come in is on something that would seem to be a consensus policy that would therefore be applied to where there may be some need to distinguish between the two but I'm not even positive then.

I think what has been said, you know, before in terms of it just applying to the second contract is probably reasonable. But it occurred to me that there may

be occasions where if it was a consensus policy thing, it might affect both hypothetically.

Steve Metalitz: Okay. Thank you. Other comments on this question?

Danny Younger: Steve you might be able to answer this off the top of your head. The 3.773 clause - is it identical or different language between the two contracts currently?

Steve Metalitz: I think there are some differences.

Danny Younger: Right. So in view of that I simply want to hold out for the possibility of allowing for amendments to both contracts as long as we've got a five year span ahead of us.

Steve Metalitz: Okay. Well, I mean, again my sense is that our job is not to draft amendments; our job is to identify topics. And so obviously there would be some logistical differences if someone were jumping, you know, if what results ultimately at the end of a long process from our list is Version 3 then some people might conceivably jump from Version 1 to Version 3 directly and others would be going from Version 2 to Version 3.

So there might be some differences in the actual drafting but I think your point is well taken that when we're drawing up these topics we should recognize that not everybody is starting from the same place in terms of what their obligations are or what their responsibilities are, what their rights are depending on which version of the contract is in place.

Anybody else - Michele, I see your - I don't know if your hand is still up or you wanted to be recognized again. So if I could suggest that we turn now to what provisional deadline we should be looking for for all the members of the drafting subteam to come up with their list or step forward with their list if they have items to suggest.

And also I guess we should actually talk about the Staff list. Is there any objection to including the Staff generated list that is in process but once it's done, is there any objection to including the Staff generated list in our deliberations if you will?

Okay so I'm assuming that that would be part of our - that's part of our raw materials also. So I wonder if we can look at a target date for everybody to step forward or to put their lists in.

Obviously they can - this could be supplemented later but at least so we have something to start with. And since we're obviously not doing it - getting this done before the Seoul meeting and many people are traveling to Seoul and then coming back. I think we need to be looking at a date a week - at least a week or two after the Seoul meeting.

So let me just, you know, throw out on the table the suggestion of Monday, November 9 for the date to - for everybody to submit their lists and then we could hopefully schedule a call soon thereafter to go over these, and among other things weed out the duplicates or clarify things that are unclear in the list of topics.

And also figure out how best to organize the list. That - does that sound good to - does that sound like a reasonable deadline?

Danny Younger: I'm okay with it Steve.

Steve Metalitz: I see some checkmarks and so if - without objection let's set that Monday, November 9 as the date for everybody or as many people as are interested to submit their lists.

Again this is not a - not final but hopefully as complete as you can of issues that you think are good topics for amendments to the RAA and then we can

go from there. And presumably the Staff can - the Staff list will be done by then as well Margie, right? Hello?

Margie Milam: Well yes, we'll make that our target.

Steve Metalitz: Okay great. Okay so I think we've - I don't think we could set any other deadlines at this point because I think that is our first step and so do people think we should be mapping out other deadlines here or should we just plan to, you know, schedule a call shortly after November 9 so that people will have had a chance to review what's come in and what's posted on the list and then go from there.

So, you know, we can obviously use the Doodle or whatever to try to set up the date and time of the next call in that process. Okay unless there's any objection maybe we could move on to the agenda item on the meeting in Seoul.

We had a little back and forth - I did with the Staff and with Beau Brendler who's heading the other subteam about scheduling this but I think we've come to rest that we will have some type of opportunity to meet on Wednesday which is the 28th in Seoul. And I believe it's at 5:30 pm. Staff, you can correct me if I'm wrong.

Margie Milam: Yes, that's correct.

Steve Metalitz: Okay. Do we know the room for that or we'll just wait and see what's the schedule?

Margie Milam: I'll send it around. I think it's Sapphire Floor but I'll confirm that in an email.

Steve Metalitz: Okay. And one reason as we were going back and forth about dates it was apparently, you know, there was some discussion about the value of having translation services available.

And I think they would be available at that date and time and in that room. I don't know what we - what exactly we have to do to decide do we want that, do we - how do we get that or I guess I'm kind of asking the Staff for some guidance here about what we would need to do.

Margie Milam: I can't remember whether I asked for - Heidi are you online? Do you recall what we asked for?

Heidi Ulrich: Yes, I'm not sure. Let me see if I can get meetings and confirm that during the call.

Steve Metalitz: Okay. Great. Well we'll get that worked out but I guess I'd be open to people's ideas about what we should be doing during this hour, hour and a half that we have to meet face to face.

I mean, in practice it's also a means of other people getting involved obviously because they may, you know, wander into that meeting without having had the benefit of all of our interaction so far.

But I guess I'd welcome people's thoughts on how best to make use of that time. And of course I'll try to communicate with Beau Brendler, the - my co-coordinator here and see what he wants to do.

Do people have thoughts about how we should make use of our meeting time in Seoul? Okay Kristina has raised her hand. Kristina.

Kristina Rosette: Thank you. I was just wondering that, you know, too. It does seem a shame to not take the opportunity of a face-to-face meeting to get some work done. And I'm just wondering that notwithstanding the fact that the final list deadline isn't until the 9th of November I would imagine that there may be enough of us participating either in person or remotely that we could at least talk through some of the topics that are on some people's lists and obviously we wouldn't

make or purport to make any kind of definitive decision at that meeting. But I think that might be helpful to do at that point.

Steve Metalitz: Okay thank you. Do - what do people think about that and would they - I guess the - one question is who on this call is expecting to be at that meeting in Seoul? I'm planning to be there.

Avri Doria: I'll be there.

Statton Hammock: This is Statton. I'll be there.

Steve Metalitz: Okay. And I see Kristina and Michele have their hands up. I don't know if that was hands up saying that we'll be there, or hands up to make a comment. I guess that was hands up that we'll be there.

So we'll at least have four or five of us there and perhaps more. So can we ask people to bring a couple of topics to put on the table there and to start discussing?

Again I think we're in an additive process here, not necessarily a decision making process so it would be basically just to put forward a couple of topics and answer questions or have clarification about what might be covered by them.

I could certainly try to bring forward a couple of topics and again I think everyone should be aware as Kristina said it's not an exhaustive list, even what we come up with after Seoul won't necessarily be an exhaustive list but let's certainly get some conversation started, some examples.

Okay well I'd be glad to bring forward a couple of examples and maybe if people get - I would encourage everybody else who's attending there, whether in person or virtually, to do so as well.

But again I could certainly talk with Beau Brendler about how exactly he wants to handle this because both subteams will be meeting together. Let me just ask in terms of - I'm kind of making the assumption that there would be remote participation possible in this meeting. Is the Staff - can I confirm that with the Staff also?

Heidi Ulrich: This is Heidi. I think at a minimum we could do an Adobe Connect. We can continue this room which people can send in their questions and participate this way. Margie?

Margie Milam: Yes that's right. I'm looking at the requests I've made. I didn't request interpretation but I did request audio recording, audio streaming, chat and so we could do it through Adobe Connect.

Steve Metalitz: Yes. Okay that sounds good. Okay so, yes, for those who can't - who aren't attending in person and time zones permitting maybe they can participate. Okay any other thoughts about how we ought to make use of the time in Seoul?

Okay well then I'll certainly volunteer to just give a brief introduction to this, particularly for the people who may be new to it there and then put forward a couple of topics.

And I hope others who are in attendance will also put forward a couple of topics and we can at least have - start having that conversation and then try to come up with a more extensive or a more extensive and written list of topics by November 9 on the list and then meet shortly thereafter.

Okay any other thoughts about Seoul that we need to discuss? Okay, the last item is procedural issues, mailing lists, Wikis and scheduling of future calls. So I guess I'd ask the Staff if there are things that they would like to see raised or things they'd like people to know about under this topic.

Margie Milam: Yes one of the suggestions might be do we want to have a regular scheduled time for this working group? You know, if we could all get in the habit of going, you know, a certain time, a certain day, weekly or bi-weekly, but that sort of discussion so we know what to anticipate from a scheduling perspective.

Steve Metalitz: Okay. How do people react to that? I'll just give my reaction. I mean, this Group has a fairly short lifespan. I mean, I think we've got a few just - I don't remember our ultimate deadline which of course could change but I, you know, this is not a long-lived Group.

And I guess one concern I would have might be that since we're talking about the next call in the middle of November we're starting to get pretty close to the end of the year holidays for a lot of people.

So it may be - it just may be difficult - a little bit difficult to say, "Yes we'll meet every other Thursday at, you know, 1600 UTC," when the next Thursday would be a holiday somewhere or other.

That's my only thought but I'd be interested in what other people have to say on it. Okay well if there's no other comments on that then why don't we - at least for now we'll just do the Doodle thing about scheduling our call sometime shortly after November 9.

And we'll - what I tried to give since the first time around was a pretty wide range of times and knowing that we have a couple of people from Australia who aren't on this call, you know, I hope we can try to accommodate them from that time zone the next time.

So we'll send out the Doodle, you know, in the usual course I guess. In terms of the mailing list there is now a separate mailing list for subteam B, right, so everybody is on that. It's publicly archived and what else do we need to - do we need to cover under these procedural issues?

Well maybe we've got it all covered then. Okay well if I can sum up I think we've agreed that, you know, we'll have this meeting in Seoul with the other subteam Wednesday at 5:30.

We'll try to bring some examples of topics for potential amendments to the RAA and start talking about them there. We will all endeavor or as many of us as possible, endeavor to submit to the list our more comprehensive list of topics by November 9.

We'll meet shortly thereafter to start on editing that list which I think is primarily a question of making sure that, you know, eliminating duplication and organizing it in some coherent fashion.

And then I think we can move on to our next step which is flagging any of those that have consensus policy implications. So I think - and we will not at this point have a set weekly or bi-weekly meeting time. We can always revisit that decision later.

And we also know there is a Staff list which will also be put into the mix certainly by November 9 if not before. So is there anything else that people want to bring up on this call?

Danny Younger: Yes Steve, I just wanted to get a general clarification from Staff just to straighten out some of the confusion in my own mind. We've got Clause 5.4 that deals with an updated agreement and yet we've got another Clause 5.14 that deals with amendments and waivers.

And I just wanted to get some sense of what the real difference was between those two clauses. Are we looking at updating an agreement by way of, you know, amendment by amendment or are we after a - an overall update? I mean, what does it mean to update the agreement from the Staff perspective?

Margie Milam: I can slightly address that. I don't think reviewing it as an amendment to the existing contract. I think what we're doing is adopting a new form of agreement and so that's the way we did it with the last version.

It was a new form of agreement which would take - it would be adopted voluntarily by the Registrars. We can certainly explore other ways of making it because that's certainly another way of doing it.

But what we were envisioning was a new form that would somehow be used to be, you know, would be migrated to over time.

Danny Younger: Okay, that's helpful.

Margie Milam: And it's - if it's helpful for our meeting on Wednesday in Seoul I can try to get some guidance from the legal department on the various options so we, you know, and we can certainly explore the other ways of making these amendments effective.

Steve Metalitz: Okay that sounds like a good idea. Other questions or other points to be raised before we adjourn? If not then thanks to everybody for their participation and for those who are traveling, safe travels.

And we'll watch for a Doodle in the near future for a call in mid-November to work on the list of topics. Thanks everybody.

Danny Younger: Thanks Steve.

((Crosstalk))

Margie Milam: Bye everybody.

END