

**Registrar Accreditation Agreement (RAA) DT  
Sub Team A  
TRANSCRIPTION  
Monday 30 November at 21:00 UTC**

Note: The following is the output of transcribing from an audio recording of Registrar Accreditation Agreement (RAA) drafting team Sub Team A meeting on Monday 30 November 2009 at 21:00UTC. Although the transcription is largely accurate, in some cases it is incomplete or inaccurate due to inaudible passages or transcription errors. It is posted as an aid to understanding the proceedings at the meeting, but **should not be treated as an authoritative record**. The audio is also available at:  
<http://audio.icann.org/gnso/gnso-raa-20091130.mp3>  
<http://gnso.icann.org/calendar/index.html#nov>

**Present for the teleconference:**

Beau Brendler – At Large - Chair  
Michele Neylon – Registrar Stakeholder Group - Co-chair  
Paul Diaz – Registrar Stakeholder Group  
Phil Corwin - CBUC  
Holly Raiche – At Large  
Cheryl Langdon-Orr – ALAC  
Evan Leibovitch – At Large

**ICANN Staff**

Margie Milam  
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Glen de Saint Gery

**Absent apologies:**

Avri Doria –NCSG  
Tim Ruiz - Registrar Stakeholder Group

Coordinator: (Unintelligible) this is the operator. I would like to inform all participants that this conference is being recorded. If you have any objections, please disconnect at this time. Thank you, you may begin.

Glen de Saint Gery: Shall I do a roll call for you, Beau?

Beau Brendler: Yeah, sure, thanks everybody for joining. And I apologize we had to postpone it from the previous date. So why don't we just right to it here. By way of introduction we could just figure out everybody who is on the call very quickly. I'm Beau Brendler, I with At-Large. I think if everybody else can just sort chime in and say who you are. And we know that some of you in the Adobe Connect, but not everybody may be.

Glen de Saint Gery: That we have on the call Beau Brendler, Michele Neylon, Paul Diaz, Cheryl Langdon-Orr, and Evan Leibovitch. And from staff, we have Margie Milam, Heidi Ullrich, Marika Konings, Liz Gasster, and Glen de Saint Gery. Thank you Beau, hand it to you.

Beau Brendler: Next on the agenda is filled with work, for the step of work I will direct you to the work states for this. For the theme there's a document there that's background, it's 30 November 2009\_RAA\_DT\_SUB LED Registrant Rights and within that is the charter for what this group is supposed to do. I'm not sure that we need to go over this again, but I will quickly just read some here.

The GNSO council supports the RAA amendments as documented in -- particularly (unintelligible) and recommends to the board that they (deducted) this meeting within 30 days of board approval of the set of the amendments representatives from the GNSO community and the At-Large will be identified to participate in drafting registrant regs charter as contemplated by the amendments in current GNSO council discussions -- skip a little bit here. Within 30 days of board approval this set of the set of the amendments, the GNSO council will form a drafting team to discuss further amendments to the RAA.

So the drafting team shall consider the following questions within the registrants right to charter, that's Team A, that's us, a subgroup of volunteers from GNSO and (unintelligible) will draft the descriptions with the rights of registrants drawn from the current version of the RAA. And there's a link

there in that document. And using the staff-generated document as a starting point.

So I should stop and mention right here that I had actually considered that document as a provisional charter. And originally in the meeting we were supposed to go over a provisional charter, but due to my error solely, we don't have that. So what we do have, and with this I will segue into the next item on the agenda is the review of work done to date.

In essence we have met and Seoul and we have distributed to the group a number of documents that are now collected here within the workspace today that were intended to help inform us in the going over and writing and dotting the I's and crossing the T's in essence on what has been compiled for the registrants right charter already. So probably one thing that we'll need to do later on in discussion is make some determination that we are in agreement on process.

And there are some who may consider that actually just going directly from a document like that into creating a registrant rights charter is the wrong way to go, there are some who may suggest or want to create two different documents, both being the same in content, but one being easy for consumers to read. Of course, I think the point has been raised that a lot of the current material is difficult to read. I'll get to that later in the discussion.

So, yes, I hear a question. No, okay. So from Item 3 there, review of work done to date, in essence it's been something of a fact-finding mission to this point. Again, I had hoped that we'd be further along than that, but that's no one's fault but mine. Point A under 3 is the review of the meeting in Seoul. So to review the meeting in Seoul, we had a fairly good group; Steve Metalitz and I did it jointly as the substance of his group is quite heavy. And there was some good discussion there.

And we did have a member of law enforcement present which is good because one of the documents I don't necessarily know that everyone has seen yet, and it's, you know, here in our workspace for this meeting is law enforcement comments on the RAA. At Seoul we did pass out a number of different documents that again were to kind of inform our contemplation and work on this particular assignment. And also the -- we had begun to discuss some of the experience that .au has had with its domain name and street code of practice.

And fortunately today we have Cheryl here who was able to do that. She was swamped by other work in Seoul and was not able to make that presentation then, so we have it now. And in fact, that brings us to Point B on the agenda, presentation on .au domain name and code of practice from Cheryl. Cheryl are you prepared to jump into that at this point?

Cheryl Langdon-Orr: I'm more than happy to jump in, but what I would like to do is make it a very, very short addressing to the slightly more wordy and fulsome document that I provided. I figured giving you a synopsis for the record of absolutely everything I thought was important was the way to go. And then it seemed that A, everyone can read and follow the links; and B, open up for some questions or inquiries that anyone may have on this matter.

So just by way of introduction, Australia, as a few of the CCs have done, has a industry code of conduct. The industry code of conduct was developed in collaboration between the supply and demand side of the equation which is how we refer to the way AUDA was designed in the beginning and indeed how our board is actually structured where we have public interest demand and supply side directors appointed as representational directors on the board as well.

The need for the industry led self-regulatory code of practice which is enforceable by AUDA and is frequently reviewed and can be renewed on request or where need is recognized. In other words, if there's been a

loophole found and bad actor operating and the reputation of the industry or the care of consumers is in jeopardy from time-to-time is also a periodic review of all codes of practices under AUDA and this is one of them.

I think the document should fairly closely speak for itself, but I would like you to note the amount of information that is in it and the explanatory notes that we decided after a two to three-year process was needed in a code of practice.

And also the depth of that we were first of all empowered to look at, which was transferred between registrants and resellers, policy compliance checks, WHOIS issues, privacy, communication between registrars, resellers, and registrants, including renewal notices, consumer information, separation of domain management function, continuity of business and ownership, including customary information, complaints handling, duplication of other regulatory and legislative arrangements.

And I should note that our regulators and legislators were at the table, and in fact were active in the first round of our developments, but were so satisfied with the way the process went that they've simply gone to a watching brief and commentary on the second and third round of our developments. Customer tuning, bulk re-delegations, and transfer to main-name licenses between registrants

So it was a very broad, very encompassing, very important piece of work and it stood the test of time. I believe it stood the test of time mainly because of the way it was developed hand-in-hand with need, with regulator requirements and with the industry leading the way. That's it, Thanks Beau, I'm open for questions.

Paul Diaz: Beau, I've got a question.

Beau Brendler: Yeah. We -- please go ahead.

Paul Diaz: Okay, this is Paul Diaz from Network Solutions.  
((Crosstalk))

Paul Diaz: Thank you. Hey, Cheryl, actually it's for Cheryl and/or the group more broadly I think. I'm just a little confused. It's wonderful that we're actually moving through an agenda quickly in a PDP process or work team, but I'm having a hard time. I'm looking at the charter that we're - that we have, and understanding how we so quickly leapt from a charter that tells us to, you know, essentially produce a draft of descriptive rights registrants based on a staff-generated document with a place holder for whatever the B group may come up with to now reviewing a very comprehensive ccTLD use code of practice.

Somebody help me out here. Did we get a more detailed charter from GNSO council?

Beau Brendler: No.

Paul Diaz: Why are we jumping all the way towards reviewing a code of practice, a very comprehensive one at that?

Beau Brendler: I think I can, this is Beau, Paul, I think I can help to answer that because the same issue kind of came up at Seoul and that is that there's really no intent here to delve into the ccTLD space or anything like that. Just really what this is about is before embarking on actually writing what's required in the charter, we just wanted to spend some time looking at anything else in the, you know, community that resembled what we were trying to do in order to give us a little bit of a roadmap if that makes sense.

We don't necessarily intend for people to adopt the minutia of what's here and out of works, but there's not a whole lot out there at the moment to look

at to help us guide what it is that we are supposed to do. So that's really what it Web site about, it's more just reference material I think.

Paul Diaz: Okay, that really helps in responding to Cheryl's notes on the Adobe. Understood that this is an example, I'm just wondering, this group even though we might have started later, in some ways is well ahead of the B team that is still going through, you know, a fairly comprehensive list of proposed amendments.

And I'm just wondering if we focus more of our time initially on the ICANN staff report, you know, we may find ourselves either getting ahead of the B team or at least syncing up with them. Because I do expect that there will be things that are recommended there, again, under the charter there's - this is a lot that they will then kind of throw over to us to further review.

Beau Brendler: We can certainly discuss the ICANN material as well, but I think we were planning to move on from what Cheryl was saying now to another document that was just supposed to inform our next step from here. And then after that perhaps our focus should be on the document itself. I think what -- are you referencing the document that was passed out in Seoul that was kind of in a spreadsheet format that represented staff notes or staff guidance on this process? Is that the document you're talking about?

Paul Diaz: Yeah, and that's the one that linked off the Wiki now as well.

Beau Brendler: Off the Wiki now, okay. Well, then since Cheryl is done and the next item on the agenda was to just briefly review the law enforcement suggestions, what I propose is that we go ahead and just very quickly do that and then add getting into the ICANN staff notes part of this towards the end of the meeting. Is that satisfactory for everybody? Does anybody have any questions?

Margie Milam: I have a question, this is Margie. Can you hear me? Yeah, Okay. I just wanted to clarify what we were talking about a few minutes ago. I believe the

document we circulated in Seoul was the staff notes document that was the proposed amendments to the RAA or suggestions on topics to consider for the RAA.

What the charter was talking about though for - to converting the registrants -- I -- in a separate document that I had circulated probably mid-August that had this spreadsheet of summary rights and responsibilities, and so that's a little bit different than the staff notes document that we were discussing in Seoul, so I just to clarify that.

And that the document that I had circulated earlier was a in-depth review of the different provisions of the RAA as they exist today and to use that as a basis to try to come up with this registrar rights further. Does that make sense? I mean, I can pull it up. I did a presentation - a PowerPoint presentation a few months ago and I actually have in Adobe Connect if you'd like to see what I'm referring to.

Beau Brendler: Well, I think that would be fine. I just -- what I sort of want to get clear is there is no sort of test version of a registrant bill of rights or registrant set of expectations for best practices or whatever you want to call it that we can go from, right? I think there's some confusion as to whether something like that exists in these two documents you just referred to. But that does not exist yet, that's why we have to create it; correct?

Margie Milam: Yes, that's correct. And I'm just opening it up right now in Adobe connect so you can see what I'm referring to. But this is the presentation that I made in August and I'm just, you know, flipping through it right now. Where I give you RAA sections and you can - I think you all can probe your document individually. It talks about, you know, what the topic is and gives you the text.

So this is the larger document if you will that needs to get synthesized into a document that's usable for registrants, and that's, you know, the suggestion is to use that as the starting point.



Beau Brendler: Okay. All right. I'm trying to think here what the -- what I'd like to do is -- yeah, this is good. In fact this is -- I have seen this before. Even though we have this, I would like us to just get through some of the material on today's agenda that pertains to making sure we have appropriate background to dive into this document that Margie is scrolling through now and use that to (unintelligible) pattern for what we accomplish as the registrants' bills of rights. Does that make sense to everyone? Is that doable?

Evan Leibovitch: Beau, this is Evan.

Beau Brendler: Hey, Evan.

Evan Leibovitch: Hi there. As you know I wasn't able to make the Seoul meeting. I had another engagement, but I still am very deeply interested in this. I'm kind of concerned about the difference that Group A and Group B seem to be doing slightly varia - different variations on the same theme. And I guess when I think of the term of a rights document, I think of something that's fairly high level. I think of something that is in clean language and of something that if it's past and recognized, then other components of the RRA or things like that can be challenged based on what happens in the rights documents.

If I have this wrong, please correct me. But I think we're doing things slightly in the opposite direction in that we're coming with the very highly detailed components of the RAA and trying to craft a rights document based on that, as opposed to just banging our heads together, determining at a high abstract level what those rights are, and then trying to see how they affect the contract.

Beau Brendler: I do understand that. That was sort of the reason behind getting Cheryl and the other folks to talk about their experiences in trying to do something like this. It was also sort of behind -- it was also behind wanting to include, like, a

couple of the documents like the law enforcement suggestions which are fairly easy to read.

And I don't think the intent here is to duplicate what the other team is doing. The other team is trying to come up with suggested amendments to the RAA. Whereas, what we're trying to do is come up with a set of principles or whatever you want to call them that we give consumers what -- give consumers a notion of what rights they should expect when dealing with registrars.

So if I'm confusing everyone with all of the background, we can sort of scrap that for this -- we can sort of scrap that if you like. Why don't I just go through the law enforcement stuff very quickly because then we have Holly Raiche who has some comments. And then when we get to Items 4 and 5 on the agenda which are provisional deadlines and procedural issues, perhaps we can tackle under procedural issues what's exactly we're going to do next. Can we do that?

Cheryl Langdon-Orr: Yep, works for me.

Beau Brendler: Great. If we go to the law enforcement recommended RAA amendments and ICANN due diligence; I'm not just going to sit here and sort of rotely read through this because it's, you know, fairly well written. But there are some things to consider in here within the context of the proposal that the RAA should not explicitly condone or encourage the use of proxy registrations or privacy services that appears in Paragraph 3.41 and 3.12, etc. you can go ahead and read that material here.

I do think that a registrant bill of rights needs to address to some extent in some language the use of proxy registrations or privacy services as I've noticed that among some registrars in the process of trying to sell these services to consumers when they make a registration, there is some pretty strong language that's used that represents I think a principle of privacy rights

that not necessarily everyone agrees on. So I just would like to call people's attention to Item 1 there in law enforcement.

Paul Diaz: Beau? Beau, excuse me it's Paul Diaz, just a quick question...

Beau Brendler: Yeah.

Paul Diaz: ...to the point. Do you know if this particular document has been made available to the other team? Because these seem more of a - the wish list type things that the other group is working on.

Beau Brendler: I think they probably have. I don't know what's been submitted to the other team.

Paul Diaz: Okay. I - it just seems that, you know, again, as we said earlier, we want to work at least in synchronate -- to synchronize with them, you know, make sure we're not either overlooking or duplicating efforts.

Beau Brendler: Okay. (Unintelligible).

((Crosstalk))

Paul Diaz: Might ask just to make sure because I mean some of these things just smack of - this is a wish list by the law enforcement guys...

Beau Brendler: Yeah, and...

Paul Diaz: ...more than a statement of principles. And that's okay. But I just want to make sure that it was definitely communicated to the other group.

Beau Brendler: Yeah, I can certainly check with Steve to make sure it was communicated to the other group. And I think once again, to reiterate a point, I think this is the time, if there's no other time, to begin -- not begin -- but I think this is the time,

if there's any other time to inform ourselves of what some of the wish lists are out there so that we have a reasonable set of understanding and input from different communities as to what's expected from our work.

So we'll get through this really quick, but in terms of whether or not it's on parallel with the other team, I don't know that for sure.

Margie Milam: Beau, it's Margie. Yes, this has been circulated to the other team as well, so they have this law enforcement document.

Beau Brendler: Great, okay, that's good to know. I think we have...

((Crosstalk))

Michele Neylon: ...Beau...

Beau Brendler: ...if you get down to us -- hello.

Michele Neylon: It's Michele here. You know, just from this law enforcement thing, I mean, I'm on the other team as well so I've not seen all the documents that have been circulated to both. There's a problem with the law enforcement document in that some of the items in there, the way they're expressed in the document, it's impossible to interpret them without understanding what law enforcement was trying to achieve. And this is something that I raised in the other working group. And I think Margie may have been dealing with us.

We were trying to get some kind of understanding from law enforcement where some of this stuff -- what they were trying to achieve in some of the stuff.

Beau Brendler: Oh, good, well that can be part of the process. But in the meantime, for instance, if you look at Point 4 on their wish list, registrars must publicly display the name of CEO, president, and/or other responsible officers. I

mean, that's the kind of thing that could be thought about in terms of the registrants' rights that a registrant should be able to determine the identity of who they're doing business with.

And this is already in the current RAA I think in the (unintelligible) -- I don't think CEO and president are in there, but physical address and contact information are in there. So this is not an attempt to try to graph the law enforcement document onto what we're doing here, it's just sort of simply saying that some of the things that law enforcement is talking about and wanting may be things we want to keep in mind when we think about putting our pen to paper.

So if you look at Item 6, registrar must notify ICANN immediately of the following and concurrently updated registrar Web site with identity information or bankruptcy filing or change of ownership or criminal convictions. So I think in a registrant document again, you know, the point here is that somebody who is going to be doing business with the registrar should be able to have access to information that did help them make an appropriate consumer choice.

You know, I don't think we're within the scope here to get into things like in Item 8 with resellers, but I think the entire community sort of understands that the RAA needs to clarify what exactly a reseller is and what they're accountable for, but I don't think we'll wind up doing that.

So Michele I mean, think like Item 9, maybe, you know, along those lines where it's kind of difficult to figure out exactly what law enforcement is looking at when they're going to very specific stuff about data collection.

Michele Neylon: I mean, some - in the problem that what happens is some of the stuff because of the - it - from both a technical and registrar perspective, some of the things that are in this document, all right, there's a second document that gives more details. There's a couple -- there's several things in there that are,

you know, quite problematic in their current presentation. I would agree with you 100% and wholeheartedly that consumers need to be informed about who they're doing business with.

However, I'm not overly happy with success, for example, because success is far too broad sweeping.

Beau Brendler: Yeah, yeah.

Michele Neylon: Okay?

Beau Brendler: I agree with that.

Michele Neylon: I mean like, so let's say if we every time somebody attempts to sue me for some spurious reason, I should A, put it our Web site, and B, inform ICANN. If any company with more than of about ten employees or and more of about 100 customers did this, I mean, it - can you imagine the amount of useless rubbish that will be floating around out there.

Beau Brendler: Oh yeah. Yeah I agree with you on that, but then the problem from the At-Large aspect that we've had some people complain to us just, you know, as being in the At-Large about registrars who are allowed to continue doing business when they've had a criminal conviction that no one can seem to find unless they do some fairly intensive searching. So...

Michele Neylon: I get -- that's a criminal conviction though, Beau, which is very different to a civil action.

Beau Brendler: Yeah, I agree. I agree.

Michele Neylon: A criminal -- you see, the problem is this, is that without understanding what some of law - some of the law enforcement are trying to achieve, you get a - you end up with this kind of stuff where you have the criminal conviction

change of ownership there's no real difficulty there, bankruptcy, there's no real difficulty because you - under (corpus) enforcement legislation in Europe, you'd be bound to disclose most of that anyway.

Beau Brendler: All right. Well I don't want to take us too far down a road here that is a tangent, but I think Michele's points are very well received. Margie is in communication with the other group and knows kind of what they're doing, and we can rely on both of you to keep us honest. So, you know, we don't want to go down any rat holes there with that, but we do want to keep conscious of some of the things that are in this document that may help us in crafting language for consumer related stuff.

So let's move on in the agenda now. We have -- is Holly Raiche on the line? Holly was going to make some comments, I think, related to some of her work. She's also -- has also been involved with the Australian work. And so Holly are you on the call?

Holly Raiche: Yeah, I am, but I'm not sure what you're talking about. So just refresh me because I've said a lot for Team B and I'm not sure what includes Team A here.

Beau Brendler: I just have the agenda in front of me and it says comments from Holly Raiche. So I'm not sure I can go too much further than that in telling you...

Holly Raiche: Okay. I think what I was -- what maybe brought me to the attention of Team A. When I was looking at, I guess, the overall scheme of both Team A and Team B before they split up, was going through not only what - the really good work that the secretary had done, but also looking at the documents that you, Beau, had pointed out, which were what - some of the code of practice that Australia has done.

But then looking at some of the other documents and seeing how you turn those into consumer rights. And some of the stuff I was actually looking at

was some of the stuff that was coming out of some of the security advisory that we're - that have been managed. So I think that was where I was coming from. And most of that applies to Team B, but it might actually fit into the rights category as well. But because I haven't heard the first half of the call - of this call, I'm sure.

Brent Brendler: Well, in your first item here, it says, "Registrants' rights." And it says, "Suggestions for the sorts of issues that might fit in the charter of rights including registrant's right to..." And it looks like there's been some inclusion of some material from Danny Younger. And I think perhaps we can let this document stand as reference for people to talk about. So, let's see here. Next on our agenda. Did you have anything to add Holly or?

Holly Raiche: Well, what I was looking at -- I'm just looking at what actually put in. I was looking at what Danny had put in and that's kind of what we were talking about at the time. I was -- and a couple of the things - there was a comment that was made, some of the stuff that -- there was a comment made in Team B about the difficulty of enforcement.

Issues that I was looking at also were things like cybersquatting, malicious conduct, some of the registrant data escrow and some of those issues, full information on affiliates was another issue whose accuracy improved timelines for the arbitration process.

That's actually - those are the things that I highlighted for the working group. That's what I emailed out.

Beau Brendler: Well, we've had a question from the group that seems - before we get to Item 4 and Item 5 on the agenda, provisional deadlines and procedural issues, I think there's been some question from the group that are suggesting that we should just take a stab at trying to begin making statements that could be - could help us create some language for making a registrant bill - registrant rights document.



So I'm not really necessarily translating the comments all that clearly but, you know, is there a way for us to just sort of begin jumping in and starting on this? I mean can we jump in and, you know, make some basic assumptions from what we all know and just sort of say like, "Item 1, okay, registrants have the right to updated identity information from registrars"?

I mean do we want to just to sort of get in practice? Do we want to try to come up with a list like that in this meeting? I throw that out to the group. Or is that jumping too far ahead?

Evan Leibovitch: This is Evan and that's exactly what I would like to see out of this. Before - you know, we're looking at all these detailed codes of practices. As far as I'm concerned the code of practice should filter down from a statement of rights as opposed to the other way around.

Beau Brendler: Okay. So in terms of taking notes here, if we start throwing out a few ideas is there someone who - I suppose I could try to do it with my upgraded privileges here in Adobe but, staff, can we just open up like a whiteboard document within Adobe Connect and start putting some of these ideas just on the board?

Ah, beautiful, beautiful. It appears. Okay. (Unintelligible) the notes. Okay so right under Evan's comment -- can everybody see just now? Right under Evan's comment, the code of practice should filter down from the statement of rights, how about if we just start making some statements of rights?

I'm going to put my arm out there and make one which is -- oh, there's a message being typed in as long as we know who -- okay, okay. As long as we know who holds the pen. So who is holding the pen? Cheryl. Thank you Cheryl, okay.

So the first one then let's say, "Registrants should have," -- I'm just going to say it and then we can wordsmith it later -- but registrants should have the - registrants have a right to updated infor - updated identity information from registrars. Okay. That's my momentary contribution while my daughter's knocking at the door. (Unintelligible).

Anybody else have a contribution?

Evan Leibovitch: You're on the right track. I guess I would add something to the effect that registrants have the right to have sole control over the modification of information regarding their domains.

Cheryl Langdon-Orr: Someone else will need to hold the pen. I can't mute and unmute and there's feedback from my typing. So someone who can mute and unmute needs to do it. And I've missed the last few minutes.

Evan Leibovitch: In my case the note window has totally overlapped on top of the chat window so I can't type anything in there.

Beau Brendler: Yeah, I have the same problem.

Cheryl Langdon-Orr: You've only got that -- we can make it.

Evan Leibovitch: Oh, there we go.

Cheryl Langdon-Orr: Yeah, just need to shift the sizes I think.

Evan Leibovitch: Okay.

Cheryl Langdon-Orr: So we need -- that's.

Evan Leibovitch: Yeah, that's perfect. Because this way I can start typing things in and - into the chat window.

Beau Brendler: Oh, got it. Yeah, that's perfect.

Margie Milam: Hey this is Margie. Can I comment while we get the note thing fixed up? Just a couple of observations. Some of the things we're talking about may not actually be in the RAA at this point and so I guess as a question to the group is what do we do about the overlap when, you know, rights you guys come up with or something that we think is important. It looks like there will be a need for analysis on whether that's actually in the RAA or not in the RAA and then some mechanism of reporting it back to the other team so we're not, you know, duplicating the work?

Evan Leibovitch: Margie this is Evan. I guess this goes back to what I thought was one of the fundamental questions of this group which is whether or not a registrants' rights document was an enumeration of what already existed or a determination of what should exist. And the answer to that would also answer your question as well.

Margie Milam: That's right. And my understanding from the prior discussions we've had is that we were limiting it to what's in the agreement at this point and then, you know, taking notes on things that should be there that aren't included and having them feed into the other process. At least that was the understanding when we first got this group going. But I can certainly -- if anyone disagrees with that, please speak up.

Beau Brendler: Well my suggestion -- this is Beau -- and my suggestion would be to retrofit. I mean if we're getting into a little bit of rhythm here and we're putting some stuff up on paper but then we go back and look and see that it's not currently in the RAA, you know, I don't think we want to - I think we want this process to be useful and efficient, so, you know.

But I also don't want to like curb the passion of all the people who are sending me notes saying, "Why are we spending time on this? Let's just write

a charter.” So I think we should try to write one and then, you know, toss out what needs to be tossed out. Does that sound reasonable or -- I mean I like to capitalize on passion in an ICANN meeting whenever it arises so...

Evan Leibovitch: Well the other -- this is Evan -- the other thing about that Margie is that if all we're doing is enumerating what's there, then this is really a documentation issue. It's basically taking what already exists, gelling it, putting it into plain language and putting it out there.

That's not a sort of, you know, what should registrants' rights be? What should they expect from ICANN?

Margie Milam: Right. But that was what the - what you described is what we expected in this group because the origin of this charter relates back to the 2009 amendment process where we came up with the new agreement that just got implemented recently. And in that document it says that if ICANN develops in consultation with registrars a document that has registrant rights and obligations that the registrars are obligated to link to it.

And so that's a document that we were chartered with writing because it fulfills the need in the RAA. That sounds like a different purpose than what you're describing Evan. And I'm not suggesting that you don't want to think of better rights and responsibilities, but this group was meant to write the document that's referred to in the 2009 amended agreement.

Paul Diaz: Yeah, and this is Paul, just to follow up on what Margie's saying. You know, there's a big difference in what's there, what we can refer to and then when we start using words like "should," you know, you've got to remember the RAA is ultimately a contract. So, you know, some third party can't - this group can't come along and just start telling contracted parties, "Well, go put this into your contract because that's what we want."

And then to go back with Beau's initial idea here, updating information from registrars. I mean can we change that text to say, "Look, this is what's recognized, what's in the contract now, what needs to be provided." If this group feels that we should go beyond that, okay, then enunciate what those things are. But provide more detail and always begin with what is initially there because that's ultimately what our charter is.

If we want to go beyond and say, "This is how it really should be," you know, and there now I'm using a subjective verb but, you know, let's do that. But let's not -- this isn't going to become the wish list for everybody. It's what the other group's, you know, fighting with this now - with - right now as well. And if...

Man: You know, then I don't get it. I mean if it's just an enumeration of what's there, then this is documentation project that really shouldn't require discussion. I mean the whole point of why we're being here is to determine what the registrant rights are. And if that is simply a matter of going to the existing contracts and extracting stuff out of there, that's a documentation project. That's, you know, and nothing really beyond that.

Beau Brendler: Would it help to go back to Margie's documents that she -- sorry I have a bad cold, that's why I keep clearing my throat -- would it be better to go - instead of doing this sort of free-form thing that we've got on the screen now that I've been typing, would it be better to go back to Margie's document and just say, you know, "(Effective for need) of what has been agreed on," then just sort of wordsmith that? I mean is that the best way to go? What do we think about that?

Cheryl Langdon-Orr: Whatever wor -- Beau, Cheryl here -- whatever works. I'm just feeling we're sort of treading water here and we're not particularly going in any direction and we need to.

Beau Brendler: Yeah, okay. I agree with that. And maybe the way to - maybe the way to do that is for all of us to take the documents that Margie - or to embrace the documents that Margie referred to that outlines specifically what is already in the RAA.

This group is not trying to reinvent the wheel and then we take a week and reconvene with a call and, you know, the homework assignment in between now and then is for each of us to have gone through the documents and raised specific concerns with the language that's in there related to what we've been doing up to this point. Does that make sense?

Holly Raiche: Yeah. Look, it's Holly and first of all I think I'm stuck like everybody else with this note on top of what the document I (unintelligible) and forgotten about. But this is - there's a real connection between what this group is doing and what the B Team is doing. Because the B Team is actually looking at what else might be in the RAA and in a sense if you turn that around, some of that does wind up looking very much like we're thinking about what should be there as well as what is there.

For example, looking at possible restrictions on privacy but confirming the right to, you know, proxy servers and stuff. Some of those issues that are being talked about in B do add to the sum of what's there and so there seems to be a bit more synergy than I thought there was.

Cheryl Langdon-Orr: Meaning, Holly, what?

Holly Raiche: Meaning there's a bit of synergy. And when I participate in the Friday meeting it's going to be some of what's being discussed looks at possibly adding to the RAA but that in a sense it's a round about what of saying to Evan certainly what the B Team is looking for is not just what's in place but what might be there as well. Evan does that sort of (I suppose) answer how you (progressed it)?

Evan Leibovitch: Well, yes, but I mean that basically dictates that the two groups don't go in parallel. What that process that you're describing says is that the A Team first of all says, "What are the high-level principles we're looking at?" And then the B Team goes ahead and turns that into contract language.

Holly Raiche: Yeah. But what I'm hearing is what you're doing is not looking at the high-level principles, you're just looking at what's there.

Evan Leibovitch: Well, and then I would assert then that's simply a documentation issue and as we're sitting around here as a political group, that's not a great use of our time.

Beau Brendler: Right.

Cheryl Langdon-Orr: Yeah. There has been a joint work group when, you know, a glorified scribe with a basic level of literacy and competency can do that. She says, being a bit of a bitch, but there you are.

Holly Raiche: What the means Evan really is we're heading off in perhaps more of an adventurous path and I thought the adventurous path was you guys and we were turning that into RAA language. It's to me a little bit of a surprise, that's all.

Michele Neylon: Do you mind if I intervene here because this is what...

((Crosstalk))

Cheryl Langdon-Orr: Please.

Michele Neylon: This is going round and round in circles, I'm developing a chronic headache as a result and let's just see if I can get a couple of things straight in my head. Okay, under the RAA (two pairs and a nine) there is an explicit reference to

registrants' rights. That is in the RAA 2009. Could somebody from ICANN staff confirm or deny that? It's a yes or a no.

Margie Milam: Yes. This is Margie.

Michele Neylon: Okay, fine. Okay, that's crystal clear, okay. There are two - this RAA-WG has been split into two parts. One part is able to - is to deal with the registrants' rights as per the 2009 RAA, the other part is to pick up on things that people would like to see in future amendments of the RAA.

Therefore, taking the registrants' rights as based on what is possible within the boundaries of the existing RAA can be put into a document drafted by this group. Putting things in which are outside the bounds of existing RAA, will be put in a side list and sent to the other group.

Cheryl Langdon-Orr: Yep.

Beau Brendler: Yeah, I think that's basically...

Michele Neylon: That's what - that would work and that would prevent me from having a massive headache because this is going round and round in circles. And no offense to anybody but I can't cope with this. We need to be dealing with things we can actually deal with as opposed to talking about aspirational things that we cannot deal with.

As a contracted party to ICANN you cannot expect me or Paul or anybody else to agree to rewriting the contract through some - a kind of a backdoor. You can, however, ask us to help draft a document that gives our clients registrants' rights which are possible within the boundaries. And then you can have a wish list of things you'd like to add into future documents.

Beau Brendler: Well I have a suggestion actually and that is this, I mean I have not been in the other group at all and that's something of a handicap not knowing what



they're doing. I mean, you know, Michele, would you consider taking on a role as vice chairman of this group then and helping us along with that so we're proceeding in a way that doesn't give you a headache because I don't really like causing people headaches?

Michele Neylon: That's fine. I don't mind. I mean I'm just -- look I can - look, I can see both sides to this. Look, I mean we are a registrar but as Cheryl will attest and Paul who's a fellow registrar will attest, we are not a very large registrar. So we - and I personally am a registrant and I've dealt with stuff from both sides and I have no interest in bad business practices from anybody.

I do however have problems with people trying to unilaterally kind of rewrite things and just cause massive headaches because ultimately it's not going to go forward. Whereas a registrants' rights (unintelligible) is based on what can be dealt with under the current contract which I am a party to, which I believe Network Solutions is a party and so are Go Daddy, (unintelligible). And the other large registrars make up for 88% of registrants at the moment and, you know, that's something we can all work with.

And say aspirational things people would like to see then, you know, they can be pushed to the other side for future amendments. And I'm more than happy to try and assist with those.

Beau Brendler: Any discussion on this point other than what - there seems to be a fair amount of acclimation in here for your vice chairmanship there Michele. So I think one thing that we need to try to figure out is process. So what's the process from here?

Is it taking the distillation of what's currently available as you -- if you're not available but what is currently agreed to in the existing RAA which I assume is summarized by Margie's documents -- having everybody take that to heart and reflect on it, and then reconvene in a week and say, you know, "Here's perhaps some language changes we suggest," or, "Here's perhaps some

order changes we suggest for what is here and conversely in an RAA of the future we'd like to see this," and just bring that back to the group next week or in two weeks? I'm just sort of trying to get out a process here that yields something useful.

Cheryl Langdon-Orr: I think reg -- Cheryl here -- I think regular meeting and predictability is important. I think we also need to realize that the setting of homework is admirable but rarely done and that you do have to commit to a tight agenda and some very specific outcomes for each agenda.

We have gone around in a few circles this time but then it is Meeting No. 1 and we haven't got the processes bedded down. But we also have the, I think, this great step forward now of at least understanding what we're all believing we should be doing as opposed to desiring or hoping we might be doing.

Michele Neylon: Looking at the document -- Michele again -- looking at the document that staff prepared, it's - you know, there's a list there of things that are covered within the RAA Version of 2009. So that is - that's a very, very good starting point. I mean at the moment it's a (bullish) - it's not exactly - it's a - whatchamacallit - it's a tabular presentation of information. So I think that's a very good document to start with.

Woman: Yeah. Sounds great.

Michele Neylon: I mean from a registrar perspective if it is, you know, the thing with this is that the registrants have rights and they have responsibilities as such as we as registrars have rights and we have responsibilities.

So for example if Cheryl's on the (unintelligible) working group, I mean the thing that keeps on coming up there is that, you know, registrars can't read people's minds nor can we take over their lives and responsibilities. So, you know, it is - you know, this thing about for example -- where (unintelligible)

this -- sorry, looking between multiple tabs here so I'm having wonderful fun here -- the registrant (unintelligible) responsibility, you know, is payment of registration fees, you know, timely consent to renew (unintelligible) registration may be canceled, et cetera, et cetera, et cetera.

I mean it's all, you know, there's language in there from a registrant's perspective and from a consumer rights perspective it makes perfect sense. Like, look, you know, "If you do not pay your bill, you will not get the service." So, you know, and obviously we as registrars have to do certain things to make sure the service is provided in a sane manner.

I mean and there's things that people would like to see in future amendments and those things are fine but they should just be - somebody should put, you know, it's good to collect that information but it should be kind of put in brackets, "Okay, we can't do this now," and push that off to one side. But it's good information to have.

Woman:            Yep.

Michele Neylon:  I am bloody freezing here.

Beau Brendler:   Yeah, okay, well that's good. I think we've restated that a couple times now. So what is the process to get to the next point? Is it a - do we set up a call? And since the idea of doing homework has been declared dumb I won't suggest that, but perhaps I will suggest that somebody has own responsibility for the next call to come up with something that relates to the agenda that we want to put forward or how do we do that?

Cheryl Langdon-Orr: Beau, just to clarify I didn't say it was dumb I just said it's more often than not in busy and volunteer as well as working live unattainable. Some people do manage to do it and that's great but I think...

((Crosstalk))

Cheryl Langdon-Orr: A Wiki works.

Beau Brendler: Yeah, that's fine. I saw a comment earlier...

Cheryl Langdon-Orr: Yes.

Beau Brendler: ...that -- I saw a comment early that Sub-team B seems to be floundering as well and I hope that's not the case but I don't want us to feel like we're wasting our time so I'm just trying to figure out what the best way is to get to the next call. So...

Michele Neylon: I think it's not a matter of floundering, it's more a case of it wasn't very clear from the outset what the (unintelligible) Sub-team B was actually meant to be doing. That caused a lot of confusion.

Beau Brendler: Okay. Well...

Cheryl Langdon-Orr: Fairly similar to here.

Beau Brendler: Pardon?

Cheryl Langdon-Orr: Fairly similar to this group.

Michele Neylon: Well, yeah, the difference is I think in this group we've managed to -- well, possibly because I got so frustrated with the other group I just couldn't sit here quietly and just letting it just kind of drive me slowly insane. I just said, "No. No, I can't cope with this anymore. (Scream) make it stop."

((Crosstalk))

Michele Neylon: Look ultimately - look, under the terms of the RAA 2009 this document has to be produced fairly quickly. It's not a question of it being something that's

dragged out for, you know, interminably like so many processes are within ICANN. It's not something that we can be still discussing in 18 months time.

Beau Brendler: No. I don't think any of us want to do that.

Michele Neylon: No, but they never do Beau. They never do.

Beau Brendler: They never do, yeah.

Michele Neylon: It just happens. It just happens. With this one it is quite tangible because it's not something -- it's more of a case of putting it into words that people can deal with. It's not a case of discussing whether we should do it or not. That's already been decided for us.

Beau Brendler: All right. Well, it's getting to the 5 o'clock hour, so what I guess I would suggest then based on some of the notes that I've seen going on the chat board here is that people take a look closely at the Margie - well the documents that we know that are linked from the Wiki page - that on the Wiki space or within the Wiki space we begin contributing on our time as we feel any sort of observation we have on the existing material that's in the RAA previously.

And then perhaps in a separate workspace or a separately delineated area on the Wiki that we begin putting in whatever wish list concepts we might want to have in there so that we keep that separate from the work of -- let's take a look at each of the items that's already in the RAA and figure out how to word it so that it's - or figure out how to word it in a way that we all agree on.

And then the topic of the next call can be where we are on that and perhaps proceeding to write some of that as we go. Does that sound reasonable?

Margie Milam: Yep, that sounds good.

Michele Neylon: Yeah, fine.

Beau Brendler: So the way to get a call going that would be - that will be a Doodle that staff will send out. Is that the way to do it now?

Cheryl Langdon-Orr: Can I please have some form of predictability? I know many of us are on so many different work groups that we actually, you know, to manage Doodles gets - they're all very good as startups or if you're going to change but if this time and space is suitable to people, then can we not suggest same time, same place next week?

Beau Brendler: I...

Cheryl Langdon-Orr: And then if there's an issue later on, do a Doodle to change it. But a high degree of predictability is important in my diary's life at least.

Beau Brendler: I have no problem with that.

Paul Diaz: Yeah, definitely agree. Otherwise and it's shown attendance will drop off rapidly if we start going different days and different times.

Beau Brendler: Yeah, okay.

Cheryl Langdon-Orr: That then leads me to ask does it need to be next week or because we have a bit of Wiki work to do, do you want to make it the week after and then at the end of each call say is it a week or two weeks, but same time, same place?

Beau Brendler: This is Beau. I would vote for two weeks. Anybody else?

Cheryl Langdon-Orr: I'd prefer two weeks on this startup because I think we do need to give people time to try and do their Wiki work. Any objections?

Michele Neylon: What's that -- two weeks suits me better as well. I'm trying...

((Crosstalk))

Michele Neylon: I'm trying desperately for global domination, Cheryl.

Cheryl Langdon-Orr: Well not without me Michele, not without me.

Beau Brendler: Okay, well it sounds like it's settled then.

Michele Neylon: Two weeks is good for me.

Beau Brendler: Sounds like it's settled. Two weeks from now, same time, same place. Is that going to work for everyone?

Cheryl Langdon-Orr: Perfect.

Beau Brendler: All right.

Michele Neylon: Okay, thank you.

Beau Brendler: Any comments, questions? Nope. We're done.

Michele Neylon: All right. Thanks.

Beau Brendler: Thanks everyone. Bye.

Cheryl Langdon-Orr: Bye.

Woman: Bye everybody.

END