

**Registrar Accreditation Agreement (RAA) DT  
Sub Team B  
TRANSCRIPTION  
Monday 14 June 2010 at 20:00 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 14 June 2010 at 20:00 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:

<http://audio.icann.org/gnso/gnso-raa-b-20100614.mp3>

On page:

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

Present for the teleconference:

Steve Metalitz - IPC – Chair

Philip Corwin – CBUC

Mason Cole - Registrar Stakeholder Group

Tatyana Khramtsova – Registrar Stakeholder Group

Statton Hammock - Registrar Stakeholder Group

Michele Neylon – Registrar Stakeholder Group

Avri Doria - NCSG

Kristina Rosette – IPC

ICANN Staff

Margie Milam

Marika Koning

Heidi Ullrich

Glen de Saint Géry

David Giza

Liz Gasster

Absent apologies:

Cheryl Langdon-Orr - ALAC chair

Shiva Muthusamy – At-Large

Marc Trachtenberg – IPC

Coordinator: Excuse me. At this time the call is being recorded. Thank you.

Glen de Saint Géry: Would you like me to do a roll call for you Steve?

Steve Metalitz: Yes please. Go ahead Glen.

Glen de Saint Géry: Good morning, good afternoon, good evening everyone. This is the RAA-B Team call. On the call we have Tatiana Khramtsova, Michele Neylon, Avri Doria, Steve Metalitz, Mason Cole. And for staff we have Liz Gasster, Marika Konings, David Giza, Margie Milam and myself, Glen de Saint Géry. And we cannot get Siva Muthusamy on the line. We have apologies from Cheryl Langdon-Orr.

Thank you very much Steve, over to you.

Steve Metalitz: Thank you very much. I think we've got a couple of people waiting in the queue to get into the call according to our chat, (Kristina) and Statton so hopefully the queue - (Kristina) seems to be having a problem so I hope someone can help her with that.

Thanks for everybody for...

Glen de Saint Géry: I think it's mostly because the number has changed. It's not the usual number.

Steve Metalitz: Right.

Glen de Saint Géry: Shall I resend the details to the list?

Steve Metalitz: Yes. That would be great. Thank you. Okay. I think thanks to the hard work from Margie and the rest of the staff and many other people, we got our initial report posted on time, in fact early I guess. I think our deadline was the 31st and I think it was up there the previous Friday.

So it is up there for public comment. The last time I check, which was earlier today, there had been a grand total of zero public comments so I guess everybody's perfectly happy with everything that's in there so far. And the people who aren't happy we'll hear from later.

So I think our - the order of business that's before us - obviously once we get some comments in we'll have to be looking at those and dealing with those. But for now I think the only order of business we have is to plan our presentations in Brussels.

And primarily the plenary presentation that is scheduled for 17:30 I believe on Monday, the 21st, and it's currently entitled something having to do with law enforcement amendments to the RAA which I think is a little bit narrower than what we had been talking about which is really all of the, you know, the proposals in the - in our initial report. But obviously there is a lot of interest in the law enforcement proposals, and I think our understanding was that that would be one of the main focused of the discussion.

So I guess I'd like to solicit people's views about how we should organize this. I think we have a 90 minute slot. I'm not 100% sure of that but I think unless somebody has information to the contrary, I think we can plan on a 90 minute slot.

And I do hope we can - whatever format we use, we can make sure there's plenty of time for questions and comments and interchange with the floor. As I said, this is in the plenary, in the big room, so I think we would probably have a big turnout.

I did speak with (Bobby Flame) from the FBI a few days ago. He has suggested that there be two - opportunities for two law enforcement agencies from two different countries to speak. I did encourage them to take a look at our initial report which of course they - he had seen and to respond to the proposals that were there.

So that's the request I've had so far. And I guess we'll - we need to figure out first are we - we're just doing sort of a conventional program where we have presentations and then open the floor to questions or do we want to have

some somewhat different format? And in either case, who will be our presenters and how do we plan to do this?

I see Avri had her hand up. Mason's also in the queue. And I will invite at any point if the staff has comments or if I'm not right about any of these logistical questions, I'm sure that the staff can get in the queue too and - or just let me know.

So let me turn it over to Avri, then Mason. Did anybody else want to get in the queue at the outset here? If not, Avri go ahead.

Avri Doria: Yes. Just - I don't know whether we're going to decide to have specific speakers from law enforcement. If we do, I believe that there's going to be an attendee, granted in her own capacity, but who is a member of DFF, and employee of DFF. And I would definitely like to reserve equivalent time for those who aren't specifically law enforcement and willing to speak about any of the civil liberties issues that may be on the other side of the coin for law enforcement.

If we don't have speakers, that's not an issue, but if we decide to have specific law enforcement speakers, I'd like equivalent time for civil liberties speakers. Thanks.

Steve Metalitz: Okay. Mason?

Mason Cole: Thanks Steve. I just had a question. Pardon my ignorance but the session, does it have a specific desired outcome of some kind?

Steve Metalitz: That's a good question. I think - okay. Everybody there?

Man: Yes.

Mason Cole: Yes still here.

Man: Still here.

Steve Metalitz: From my perspective, I'll obviously - anybody else may have a view on this but I think there were two objectives. One is that there was a specific request from as I understood it from the registrars to have a discussion or dialogue with law enforcement about some of their proposals, some of which have in somewhat different form ended up in the - our initial report.

So that was one to have this, you know, obviously law enforcement is going to be speaking in other context in the meeting and the registrars will be meeting. But I thought there was an interest in having the registrars and the law enforcement kind of on the same day as a - and some interchange on these points.

The larger purpose I think is just to acquaint people with what's in the report, encourage them to read it and to offer comments on it. Obviously from the floor but also there's a written comment period that goes through July 9 or I think it's July 9.

Mason Cole: Oh okay. That's helpful. And just for everybody's benefit, (Bobby Flame) and any of the other law enforcement colleagues you'd like to bring along have been invited to our stakeholder group meeting on Tuesday as well.

Steve Metalitz: Oh they have. Okay.

Mason Cole: Yes.

Steve Metalitz: So you'll have some of that - you'll have that dialogue there.

Mason Cole: Yes. So we'll have two sessions of dialogue with him.

Steve Metalitz: All right. Okay. Thanks. Anybody else with comments at this point? David your hand is up and Margie - Margie confirm that we have 90 minutes for the session. David go ahead.

David Giza: Yes Steve just a quick suggestion for the group. You know, perhaps the title of the session ought to align with the title of the report. You know, this is really sort of an overview of the proposals for, you know, you know, possible improvements to the RAA. And so that might give the audience a better descriptor of essentially what they can expect during that 90 minute session.

Steve Metalitz: Okay. Good point. Yes. I - that - I think we all - well I think we agree that we probably need to change the title, and would certainly be happy to have it be Proposals for Improvements to the RAA which is the title of our initial report. I see a few checkmarks but let me just open the floor to anybody who wants to comment pro or con on the title.

Okay. Not hearing any negative comments, why don't we ask the staff to make that change or have that change made in the agenda, so Proposals for Improvements to the RAA.

Now, we - I think Avri's raised a point - I mean I - (Gus) I would hear that as partly, you know, what are the circumstances under which non-participants in the sub-team should be designated speakers. And we have suggested that - or I have suggested that law enforcement be given an opportunity to speak because I thought that that was one of the purposes of this was to have the dialogue with them.

And I guess Avri is suggesting that we also have a speaker, a non-sub-team member speaker from a civil liberties perspective. Let me just, you know, let me - first let me just see if anybody has any reaction to Avri's suggestion or to the slightly broader question of non-sub-team members as speakers.

Margie has her hand up. Anybody else want to get in the queue? Margie and Avri.

Margie Milam: I wasn't commenting. I just wanted to mention that Cheryl Langdon-Orr couldn't make the call today but she did indicate she'd be happy to participate if you want someone from the At-Large community. She just wanted to make that clear that she certainly has an interest in participating if we want her. But - and I can give her details later. But she, because of her schedule, couldn't make it today.

Steve Metalitz: Right. Thank you. Avri.

Avri Doria: Yes. I mean I don't disagree with keeping it to sub-teams. I just think that if law enforcement is invited to speak - I think anytime law enforcement is invited to speak, it's remiss not to invite the other side of the coin which is the civil liberties side of it.

So if there are no invited speakers, then it's not an issue. I have no problem with invited speakers, you know, per se. Thanks.

Steve Metalitz: Okay. Does anybody else want to be in the queue? Okay. Well I guess one point was that I suppose that the registrars, at least I certainly got the impression that the registrars saw themselves as another side of the coin to the - some of the law enforcement proposals. Some coins have more than two sides though. I recognize that although, you don't usually spend those. But Michele has his hand up.

Michele Neylon: Yes. I was just going to agree to - with your point there Steve. I mean part of the thing with this is that it's law enforcement that's driving some of the more problematic possible changes or request for change.

And one of the problems this - from my perspective, is trying to understand what the spirit of those requested changes is because what we have at the

moment is just some, you know, dead text whereas it's actually being able to engage actively with law enforcement in this kind of face to face type meeting which would be very helpful to understand exactly what they're trying to get at.

Steve Metalitz: Okay. Mason?

Mason Cole: Yes. I just wanted to echo what Michele said. You know, up until recently, even after the law enforcement's proposed amendments were made, the registrars didn't have a particularly active dialogue with law enforcement. And this is sort of a repeat of my opening question about desired outcomes.

We - what - we had a couple of discussions with law enforcement up to this point about what sorts of experiences they have had in using the domain name system to track down the bad guys. And I know that most of the registrars don't have the benefit of that insight. And, you know, we're looking to do that.

I mean the registrars want to understand what the desired outcomes are for anybody proposing an amendment to the RAA. It - and on the other side, maybe it was a six-sided coin, I don't know, but, you know, from our point of view, you know, we need to understand more about that so that we can understand and make understood the operational impact that has on our businesses. So, you know, some changes may not be as easy as they might seem.

Steve Metalitz: Right.

Mason Cole: And we don't want that to have any kind of negative impact on registrants or our customers or our companies frankly.

Steve Metalitz: Um-hmm. Okay. All right. Well let me see if there - I mean there seems to be support from the registrars to inviting law enforcement speaker or speakers.

Let me just ask if anybody else has any objection to that. I know Avri has made the point that if they are invited, she would like someone else invited too. But is there any objection to law enforcement speakers being invited for this program? Avri.

Avri Doria: Yes. I'll go stronger. I have a very strong objection if a counter availing civil liberty policy is not presented. It's not only that I think it should be, it will be a matter for strong protest if only one side of the civil liberties issue is allowed to be presented by law enforcement in an open session like that.

I understand that in the registrar session where they'll merely be talking about how best to serve law enforcement techniques, you know, questions or how to understand them or whatever, that that's a different issue. But in a larger venue, I mean we've seen this before. The first ICANN meeting I ever went to was a stage full of law enforcement with absolutely nobody to counter it and it was shockingly disturbing.

So yes, I would object to law enforcement without counter balance and civil liberties counter balance, not just registrar - I mean not just the registrar perspective. Thank you.

Steve Metalitz: Okay. Thank you Avri. Michele?

Michele Neylon: I mean with all due respect to Avri, and I can understand what she's trying to get at, but at the same time, you know, it's almost as if saying that the - what the registrars are concerned about is something completely different to what she might be concerned about.

I mean, the thing from our perspective as well is probably very similar to the concerns that she has. And it just sounds to me as if the way Avri's putting this is if - as - is - it's almost as if we, the registrars, have a completely different point of view to anybody else which I don't think is a fair reflection of reality.

I mean if for example law enforcement wanted us to implement some of the more extreme measures that they've mentioned in their document, and it would have a very negative impact on the entire system, I mean not just registrars, it would affect just about everybody.

Steve Metalitz: Thank you Michele. I see (Kristina) has her hand up. Let me just ask if there's anybody else that wants to get in the queue. Go ahead (Kristina).

(Kristina): I don't have an objection to having a civil liberties representative participate in the debate on the implications of amendments that are in fact proposed. But I don't think we're even there yet.

And I think at this point, given that law enforcement has been part of the dialogue, there was a formal communication sent by several national agencies and I think on behalf of the government from those agencies to ICANN. And the session is really intended to elucidate what is the outcome of our sub-team in terms of what is being proposed and how we got there.

I don't think that this is the right forum for that. I don't - I'm not saying that there isn't one. I just don't think that this session is the right one.

Steve Metalitz: Okay. Thank you (Kristina). Any other comments at this point? Okay. Well I should point out that I think that - and I think - I hope everyone agrees that however we structure this, we should make sure there's plenty of time for members of the audience to speak and to engage in a dialogue with the people on the dais.

I would agree with (Kristina)'s point that really the purpose of this is to focus on what is, you know, the list of topics that's being proposed by the sub-team and the law enforcement people were a part of that although not formal members of the sub-team.

So I guess my suggestion would be that we limit the speakers on the dais to sub-team members and - of law enforcement representatives but that - I think we should - we definitely do need to get the civil liberties perspective into this and that the mike, you know, the comments from the floor will be the vehicle for doing that. And I hope that we will allow, you know, let's make sure we allow plenty of time for comments from the floor because I think we're going to get a lot of interesting comments.

So that would be my suggestion. Any comments on that? I see Avri is opposed to that. I was trying to, you know, characterize what I thought was the thrust of most of the comments here. But I'll - I will - door is open for any further discussion on that. Okay.

Let's talk about our speakers. I think when I sent out the notice, it seemed like a list of about six speakers as it was presented in that paragraph. It was - and this is just a notional list. Obviously we can change this.

My proposal was that I start off with a synopsis of the sub-team's recommendations. There would be two slots for - I suppose then it would also be good to have someone from ALAC which Cheryl has volunteered to do. This is - was a joint GNSO ALAC event or affair.

Then I listed two slots for law enforcement because that's what they asked for. That doesn't mean that we have to agree to that, and a red - a slot from the registrar representative.

Somehow I ended up with six there. But as going through that I only see five, so maybe I've left somebody out here. Is - first of all, who else should we be thinking of and second I guess the one question would be how do we identify who our specific speakers will be? And for example, who will be the registrar speaker? Any comments on this? Mason and Statton have their hands up.

Mason Cole: I defer to Statton. He's much more eloquent than I'll ever be.

Statton Hammock: I was just going to nominate Mason to speak on behalf of the registrars.

Mason Cole: That's what I get for letting Statton go first.

Statton Hammock: Yes. I mean...

Steve Metalitz: You won't make that mistake again.

Mason Cole: Yes.

Statton Hammock: I unfortunately am not actually going to be in Brussels, so I would tip my hat to my friend Mason and Michele too. If there's a spot for two registrars I think both could be there to speak on behalf of the group.

Mason Cole: I'd be fine doing that. I mean I'm sorry Steve if I may.

Steve Metalitz: Yes. Go ahead.

Mason Cole: Yes. I'd be fine doing that. If there could be spots for two registrars to be accommodated without too much trouble, I think that might be useful. I know that Michele has a better technical grounding in the operation of the registrar function than I do. So it might be useful to have that point of view as well if that can be done.

Steve Metalitz: Okay. Did anybody else want to be in the queue? Okay. Well let me ask - are people comfortable with a more or less conventional format here with presentations followed by questions from the floor or should there be some opportunity for panelists to question each other? Again, I don't want to cut into the time for the floor. I think that's really important. But what do people - do people have any thoughts about the format one way or the other?

Okay. No particular thoughts there. Then it's easier to do the more conventional format and I think if we can get these presentations, you know, over fairly quickly, then could probably, you know, have time for questions and so forth.

I guess another point is who's going to be the moderator of this? Somebody needs to be the traffic cop for calling on people at the mike or, you know, posing questions if that seems to be appropriate. Is that something that the staff would undertake to do or how do we suggest that that be done?

Okay. There don't seem to be any thoughts on the moderator either. I'm wondering at this point if whether it would make more sense simply for - I'd be glad to circulate a - and I apologize I didn't do this before this meeting, but to circulate just a straw man of how we would format the program and ask people to respond to it on the list.

I'll also prepare - I mean I'll also circulate the slides that I'll prepare to give a synopsis of our recommendations. I can't - I just - I don't think I'm going to have time to go into any detail on or very much detail on any of them. So, it's really more or less a list of our high priority items and then a slide on the process issue I guess and that would be about it.

But, maybe it would be better to just - for people to just react to that on the list. We don't seem to have a lot of people forthcoming as to - on the call here. That - is that - what do people think about that suggestion?

Woman: Steve. I'm sorry. I don't have my hand up.

Steve Metalitz: Go ahead.

Woman: I - and I think this is probably true for everybody else is like the window of time that I have left to work on ICANN stuff before I actually have to go is

closing. So I personally would prefer that if we can try and work it out in the next 15 minutes that we do that.

Steve Metalitz: Okay. Other comments on this?

Margie Milam: Hey Steve, it's Margie. May I comment?

Steve Metalitz: Yes please.

Margie Milam: Cheryl didn't mention - Cheryl mentioned she'd be happy to moderate if that was something that you, you know, I mean I'm sure she'll be also chiming from that At-Large perspective, but she certainly suggested that she could do that.

Steve Metalitz: That's a good point. Yes. And then...

Margie Milam: And then I also have comments on the time. Given we've got 90 minutes, you know, and the report covers a lot of stuff, I assume where we wanted to spend most of our attention was on the amendment process versus the registrant right's charter. But I want to at least raise that with the group because, you know, taking time to discuss the charter issue I think would just, you know, take precious time for those who want to really focus on the amendments.

Steve Metalitz: That's a good point. I hadn't even - I had not thought about - I kind of assumed that this - the focus of this session was Sub-team B and that maybe the Sub-Team A material was being discussed elsewhere. But I could be totally wrong about that.

Margie Milam: Yes. It isn't, but it doesn't need to be. I think we can just make an, you know, an - a reference in passing that the report also covers, you know, work related to the registrant right's charter but that's not the topic for this discussion.

And if you'd like Steve, you know, I didn't prepare a slide so I didn't - I wasn't sure which direction we wanted to go but I'd be happy to take the leg work on that and circulate something by, you know, close of business tomorrow if that would help you guys to look at the framework and the content.

Steve Metalitz: Yes. That would - I would certainly welcome that. I would certainly welcome that offer. Let's see. Avri has her hand up. Did anybody else want to be in the queue? Go ahead Avri.

Avri Doria: Okay. I'm already obviously very disturbed about how this meeting is getting arranged but that's beside the point. I think you have to at least mention registrant's rights. I know we don't really want to talk about registrant's rights, but I think you have to at least mention them and mention that there was work done on them in the overview and allow questions on it to sort of totally repress the notion that there is registrant's rights, an issue there. A notion of continuing discussion on that just compounds the injury that this workshop is becoming. Thank you.

Steve Metalitz: Thank you Avri. Other comments on - well I guess there's kind of two suggestions on the table. One is Cheryl as the moderator and Margie is correct, I now recall she did offer to do that. And the second is how we deal with the registrant rights issue Sub-team A.

I guess my feeling is that it should be included in the presentation. And if people have comments on it, they'd be welcome to make them. I don't feel prepared to really go into much detail on it, but perhaps Margie is that something that you can reflect in the - in your slides?

Margie Milam: Yes. I definitely can, not a problem.

Steve Metalitz: Okay. Other comments on the format or on the speakers? Okay. Well let's see. What I think we have in front of us is - and I'll ask for people's reaction to

this is Cheryl moderating, Steve presenting the synopsis based on slides that Margie will prepare and circulate by close of business tomorrow and obviously subject to comment and modification, two law enforcement speakers.

I heard two volunteers from the registrars to speak. So - and then turn to the - and then open to the floor to comments on, you know, anything that had been presented, questions, dialogue and so forth. Is that - does that capture what we've been talking about here? Okay.

Avri Doria: This is Avri. Please also capture somewhere in the notes my very strong objections.

Steve Metalitz: I think that should definitely be reflected. And again, I'll - I would say I hope that there will be a robust dialogue here and that we will have - we can get through this first part in plenty of time to have that dialogue. I mean I know there - again this is a plenary session. So, hopefully you'll have a big turnout. I know it's at the end of the day which is not, you know...

((Crosstalk))

Avri Doria: I'm going to try and get a whole campaign started about this meeting so there should be good dialogue.

Steve Metalitz: Good. Okay. Is there anything else that people would like to bring up? If not, we'll look for Margie's slides before or by the end of the day tomorrow. Please weigh in with any comments on those and we'll - Margie can also prepare something I guess to go up on the Web site regarding this program as well as the change in title that we've agreed to.

I will make sure that we have the names of the law enforcement representatives as soon as possible. And we'll split up the time here to make sure that there's plenty of time for discussion. Okay. If there's - unless there's

any other business or any other points that people want to bring up, which this would be the time to do it.

If not, thanks to everyone for participating. Safe travels to all those who are traveling. By the way, please also tell the people that you work with that this - there will be remote participation for this session and encourage people to take advantage of it. It's a time that's probably pretty conducive to participation through a number of time zones so hopefully we will get that too.

And I guess Margie, I don't know exactly what the setup is going to be as far as making sure that the moderator is made aware of questions from remote participation, but whatever the system is going to be, we need to make sure Cheryl, if she's the moderator, knows about that so that the remote people can get their questions in.

Margie Milam: Sure. Sure. I'll make sure we get that coordinated.

Steve Metalitz: Okay. Great. Thanks everyone.

Man: So long.

Man: Bye now.

Man: Bye-bye.

Coordinator: At this time, that would conclude today's conference. You may disconnect. Thank you for your attendance.

Glen de Saint Géry: Thank you (Ed) very much.

Coordinator: You're welcome. You have a good evening, okay?

Glen de Saint Géry: Thank you. You too and thanks again for a great call.

Coordinator: It's always my pleasure. I'm sure we'll see you sometime soon this week.

Glen de Saint Géry: Yes. Thanks (Ed).

Coordinator: Thank you Glen. Bye-bye.

Glen de Saint Géry: Bye.

END