

**Registrar Accreditation Agreement (RAA) DT
Sub Team B
TRANSCRIPTION
Monday 10 May 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 10 May 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-20100510.mp3>

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

Present for the teleconference:

Steve Metalitz - IPC – Chair
Kristina Rosette – IPC
Philip Corwin – CBUC
Holly Raiche – At-Large
Michele Neylon – Registrar Stakeholder Group
Shiva Muthusamy – At-Large
Tim Ruiz - Registrar Stakeholder Group

ICANN Staff

Margie Milam
Marika Koning
Heidi Ullrich
Glen de Saint Géry
Gisella Gruber-White
David Giza

Absent apologies:

Cheryl Langdon-Orr - ALAC chair
Tatyana Khramtsova – Registrar Stakeholder Group
Statton Hammock - Registrar Stakeholder Group
Liz Gasster

Coordinator: At this time the recording has begun.

Gisella Gruber-White: Thank you (Sean). Good morning, good afternoon, good evening to everyone on today's RAA Sub Team B call on Monday the 10th of May. We have Steve Metalitz, Holly Raiche, Michele Neylon, Siva Muthusamy, Steve

Metalitz. From staff we have Glen DeSaintgery, Heidi Ullrich, David Giza, Margie Milam, Marika Konings, myself Gisella Gruber-White.

We have apologies from Cheryl Langdon-Orr, Tatyana Khramtsova and Statton Hammock. (I hope) I haven't left anyone off the list. If I can please remind everyone to state their names when speaking for transcript purposes. Thank you. Over to you Steve.

Steve Metalitz: Okay. Thank you very much. And thanks everyone for joining the call. We have a pretty extensive agenda here which is listed on you screen and was circulated last Thursday I think. So - and we'll expand some of these items a little bit since we now have had a couple more versions of the initial draft report circulated.

But let me ask if anybody has any additions or changes to the agenda. Okay. If not, we'll proceed with Item 2, which is the next steps bullet and resolution of our position.

The document that you see up there and where there have been a couple of different versions of this in the past but I think we've - what we've got in front of us now are two different versions. One, you see a red line up there which is Statton's markup of my 30th of April proposal. And it's pretty easy to tell since what he's done almost entirely strike throughs. You could what my proposal had been. So I don't think we need to put both documents up.

And I think this really comes down to a single question really. I think the only real difference between these two versions is whether we recommend that there should be observers during the negotiations - during the negotiations on the amendments to the registrar accreditation agreement.

My proposal provides that there would be observers representing the interest of affected non-parties to the agreement. And they would participate but they could be excluded on a session - from a particular session. That they would

be consulted about whether the final draft was ready to be posted for public comment.

And Statton's version just takes those provisions out and says that the negotiations will be between the staff and the registrars and that that group would report periodically but that that group would simply decide final draft was ready for public comment.

So I think those are the - those are the two positions and I would certainly like to open the floor to comments on them and to see if we can come to a resolution today. And of course if you think there are other changes that need to be made to these - this proposal, this is the time to bring those up. So let me open the floor at this point to any comments either pro or con on Statton's markup of my proposal.

Holly has raised her hand. Does anybody else want to be recognized? I know not everyone has succeeded in getting into the room. So if you haven't but want to speak, speak up. Holly, go ahead.

Holly Raiche: Yes. First of all, I would like to hear from Michele. I noticed that he was approving of Statton's comments. So I'm assuming that he is happy with the red lines. I do understand these are contractual negotiations and part of me -- I mean the lawyer half, but sometimes lawyer though not a practicing lawyer has -- understands contractual negotiations.

But I think if you having read and understood the initial documents or the introduction which is the Board was not terribly happy about the (ad comes) from the first round of RAAs would like - have liked a more open process.

If they are to be closed negotiations, I think that I'd be first of all not necessarily happy with it, but I would want some pretty clear steps to ensure that the - as things are being discussed we can at least understand what's being discussed and why things are or are not being accepted or rejected.

Because after all in the end the RAA is there not just for the protection of ICANN and registrars, but it's there also for the end users. Okay.

Steve Metalitz: Okay. Thank you Holly. Any other comments on the (unintelligible). Well I recognize myself. I think (Tim) has raised his hand and I will defer to (Tim) and the come back. Did anybody else want to speak? At this point, (Tim) go ahead.

(Tim): Yeah. I guess, you know, to respond to Holly as best I can. I guess I'm not - I wasn't aware that necessarily that the Board was unhappy with what had taken place. In fact the impression we had gotten was that staff and the Board were actually pleased with the changes that were made and that they would make some significant improvements in the situation that arose. Or that was really made evident clearly by the register (fly) issues that rose - that arose.

And then much of what was in that first set of amendments was meant to address those kinds of problems. So I know that there were concerns and discontent expressed by some of the community as far as the way that that took place and that it was behind closed doors, et cetera, et cetera.

And that's why, you know, registrars agreed to this process and why we agree in the next steps to be more iterative I guess would be the way to put it in the way that those negotiations proceed so that the community would be involved more regularly or better at, you know, points throughout that whole process.

But as far as inviting observers in and the concern with that is one that we don't set some precedent that third parties, you know, can come in and engage in negotiations of our contract, of RAA. That certainly is a concern.

But also that as we negotiate with staff that the group isn't inhibited and in with negotiations so that things can proceed and move forward again keeping

that iterative process in place where there's (a level) of reporting back to the community as a whole and allowing them opportunity for input and feedback, et cetera.

So I think it's a much better process than what was - what took place previously and that the only place where we're drawing a line is that in negotiations we (will look at that) to be between registrars and staff, the two parties to the agreement.

Steve Metalitz: Okay. Thank you (Tim). (Kristina) is next. And does anybody else want to speak on this topic? Phil Corwin will be next. Anybody after - anybody else? Okay. (Kristina) and Phil.

(Kristina): I just frankly have a problem with this. I don't see how the current proposal that has been put forward by most of the registrar stakeholder group really advances the situation. I mean the Council - we all know that one reason that this Council resolution was passed was that there was an agreement by the registrar constituency to participate in developing a process and timeline for further amendments on a good faith basis.

And, you know, perhaps it is my own interpretation but if you never intended to allow or to approve of any process other than the one that got us in a position where you actually had a majority of the Council voting against the original amendment, I fail to see how - first off, how that's good faith, and second, how the iterative process is really got any mechanism or aspect in place that will allow for and facilitate greater incorporation of community input than what happened last time.

I mean with all due respect, you can have numerous reports to the community about how the negotiations are going and what has been agreed on and what hasn't. But if there's really now way to take into account what non - what other members of the community believe should happen and

those topics that should be included, I just fail to see how this is really advancing the situation.

Steve Metalitz: Thank you (Kristina). We have Phil Corwin and then Michele and then (Tim) again. So Phil, go ahead. Phil are you on the line with us?

Phil Corwin: Oh sorry. I forgot to - can you hear me now?

Steve Metalitz: Yes. Yes. (Hearing you).

Phil Corwin: Okay. I forgot to un-mute my line.

Steve Metalitz: (Unintelligible).

Phil Corwin: What I (staring at) - I'm saying this as an individual and asked for some guidance from my client and haven't really received enough since sending that out late last week to speak for them. But I guess my starting point - I understand both points of view here. I don't think this is a contract negotiation between a group of accredited registrars.

The registrar constituency and ICANN, they're the ones that are going to be bound by it but obviously the RAA has implications for registrants and then all kinds of other parties who are part of the ICANN community. And I'm kind of with seeing if we can find some kind of middle ground. Obviously we don't want just registrars in there with ICANN staff and marching out with a fait accompli that is just an up or down.

And on the other hand, if we say there's observers, they only get into debating which groups are represented, what their role is, what their reporting requirements are, I guess I'd like to know how this could differ from the process in the past what's being proposed here.

And if we could get some more formal - if this was - if this proposal were basically registrars and staff negotiate, there's no other priorities in the room, how that would be formalized that we would, you know, to assure other interested parties that there's really a meaningful information sharing and feedback process here where the community obviously is not a - is not a party to negotiations that has - is able to weigh in on negotiations.

I'd like to hear a little bit more from the registrars why even for non-sensitive issues they would object to any - even a single designated observer on behalf of the outside community being in the room with the ability to ask for executive session when they're getting into really sensitive territory.

So basically I guess I'm saying that I'm trying to see if we can reach some middle ground here where it recognizes the concerns of registrars, doesn't set an undesirable precedent, but gets full assurance to other interested parties in the ICANN community that it's - they're going to be fully informed and be able to weigh in and have some influence on shaping this from - at least conveying their concerns and perspective before a final document is released.

Steve Metalitz: Thank you Phil. So you posed some questions to the registrars and as it happens, the next person in the queue in a registrar. So Michele please...

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