

**Registrar Accreditation Agreement (RAA) DT
Sub Team A
TRANSCRIPTION
Monday 27 September 2010 @ 2000 UTC**

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On page:

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

Present for the teleconference:

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

ICANN Staff

Heidi Ullrich
Margie Milam
Gisella Gruber-White
Glen de Saint Gery
Marika Konings
Liz Gasster

Absent apologies:

Konstantinos Komaitis
Siva Muthusamy

Coordinator: Excuse. I'd like to remind all parties this conference is being recorded. If you have any objections, you may disconnect at this time. You may begin.

Gisella Gruber-White: Thank you. Good morning, good afternoon, good evening to everyone. On today's RAA Sub Team A call on Monday the 27th of September we have Beau Brendler who will be joining us shortly, Michele Neylon, Evan Leibovitch, Cheryl Langdon-Orr and Paul Diaz. Form staff we have Glen DeSaintgery, Margie Milam, Marika Konings, Liz Gasster, Heidi Ullrich and myself, Gisella Gruber-White.

We have apologies today from Konstantinos Komaitis and Siva Muthusamy. If I can please remind everyone to state their names when speaking for transcript purposes. Thanks you. And Avri Doria is on the call as will. Apologies if I left a name off. Thank you. Over to you Michele.

Michele Neylon: Okay. Good evening everybody. I think we're just going to be looking at the - primarily at the public comments. Just try and get through those. So...

Margie Milam: It's Margie. Would you like me to walk everyone through the comments?

Michele Neylon: That would be very helpful Margie. I was about to call on your (unintelligible) for that.

Margie Milam: Yeah. Yeah. I'd be happy to do that.

Michele Neylon: Thank you.

Margie Milam: Just to remind everyone where we were. We've obviously published the initial report and opened it for public comment. And I circulate the summary of public comment a while ago. And the task for this group really is to look at the public comments as they relate to the Registrant Rights and Responsibilities Charter to see if the charter should be changed in any way or whether this report should be changed.

So what I'll do is I'll walk through the various (unintelligible) pause and we can just (unintelligible) something should be done about it or whether, you know, there's any group response to the comments. This shouldn't take very long because there aren't that many comments related to the Registrant Rights and Responsibilities Charter.

So if you have time, I also have - I've also uploaded the current version of the report. It essentially just changed the background information to reflect the fact that we did have public comment that attaches the public comment

summary and changes, you know, the name of the report from initial report to final report. And so I'll walk you guys through that if we have time for that.

And so that's essentially what I'd like to do now. You know, we have right now posted on the Adobe Connect the summary period - the summary of the public comment period. And we start off with essentially the background that gives background for why we published the report.

There's also a description of the people who (submitted) comments in the public comment period. And then in Section 4, which is on Page 2, and you can all scroll through the document, you can review the general comments that came from the commenters.

And these are essentially, you know, noting the tremendous amount of work that the group has done, applauding the effort of the group to deal with these issues. There was some criticism related to the initial report from George Kirikos. And most - on the RAA additional amendment topic.

And then if you flip over to Section 5, which is on Page 3, these are the comments that deal specifically with Registrant Rights and Responsibilities Charter. And we've got comments from (Debra Hughes) that encourages ICANN to provide - more clearly define what the purpose of the Registrant Rights and Responsibilities Charter and to provide meaningful guidance that would provide benefits to registrants and the public.

And then George Kirikos (unintelligible) was disappointed on the lack of progress on the registrant rights charter feeling that the work really failed registrants and noted that the charter seems to be a waste of time because the annex states that the summaries do not override or replace the actual terms in the RAA or the related policy or specifications. And so his suggestion was to have it be the other way around that registrant rights should supersede the document with the RAA.

And so with that, I guess we can open it up to comments to see if anyone wants to react to these comments or make changes either to the report or to the Registrant Rights and Responsibilities Charter.

Cheryl Langdon-Orr: Just with the comments in from George. At least it was different to the pro forma ones he was putting into everything. It was specific so we elicited a slightly more meaningful response. How are we going to respond to that because there are limitations under our own terms of reference as to what can or can't happen. Is that not the case? Is that going to satisfy that need or what?

Beau Brendler: Hey, it's Beau. I'm sorry. I jumped back online. I don't know if the comments I'm sending out on Verizon are going through. But I think we should specifically respond to George with some details about some of the measures that have been taken to try to drum up interest in that registrants rights charter. Because it's not for lack of trying that we have attempted to reach out to a lot of people connected to ICANN and have not for one reason or another been able to drum up much excitement or interest to the project.

Cheryl Langdon-Orr: I agree with that. Cheryl here. I agree with that. But I think we also should make a point as to what can and cannot supersede what. And perhaps even have a piece of specifically legal advice on that just to make sure we've closed the loop.

Man: (Unintelligible).

Cheryl Langdon-Orr: Sorry, what was that?

Paul Diaz: It's me. It's Diaz.

Cheryl Langdon-Orr: (Unintelligible).

Paul Diaz: I was just going to say I'd follow up with what Cheryl asked. And, you know, I thought when the group - when we put together the draft charter that we were being careful to state what's in the terms of our - of the working group's mandate.

And it seems that some of the people their comments are looking for things that kind of went beyond that what that mandate was and perhaps that is the response that needs to go back out to those who are looking for a very prescriptive or anything else. If I'm wrong, please somebody correct me but I thought we really tried to, if you will, stay within the lines.

Michele Neylon: Margie.

Margie Milam: Yeah. This is Margie. If I can comment. That is correct. Or he probably wasn't aware of the origins of the group. But the origins of the group related to what was in the actual 2009 RAA where it said if a Registrant Rights and Responsibilities, you know, document was put together that outlined sort of rights under this - under the RAA that registrars would be required to post to it.

So that's - it was a very narrow scope in terms of what the group was chartered to do. And I think his comments are probably more appropriate for the Aspirational Charter. But, you know, not understanding what the scope of the group's work was.

Michele Neylon: I'm going to recognize myself, Michele. Margie has pretty - touched on what I would have said that it would be unreasonable to expect somebody who wasn't following this group's deliberations in the early part of its work to understand exactly where we were coming from. Maybe we should have specified that more clearly within the report. But that's neither here nor there.

So in reply I think it would be - the best thing would be to say something along the lines of that, you know, these comments have been noted. We

would respectfully suggest that they be, you know, that they be - that those efforts be put towards the Aspirational Charter, document or whatever it's called at the moment.

Margie Milam: Michele, if I may make a suggestion. The other group, the one that dealt with the additional amendments actually put together a document that - essentially a reply to the public comments and have attached those in the annex to the end of the report. So I can certainly revise that to address the portion of public comment that dealt with the Registrant Rights and Responsibilities Charter following the themes that we're talking about today if you think that's a good approach.

Michele Neylon: Margie, this is Michele. Personally that sounds perfectly fine to me or somebody else - the other folks (unintelligible) please let them (unintelligible).

Cheryl Langdon-Orr: Big, big tics showing from Avri and I to Margie's suggestion.

Michele Neylon: If nobody has any problem, then I suggest that would be the best way forward.

Margie Milam: Okay.

Michele Neylon: Are there any other - Margie, are there any other comments on this that are specific to this working group's...

((Crosstalk))

Margie Milam: Beau, can we - is Beau able to speak because I think he's got some comments in the chat you might want to - he mentioned about (Debra)'s comment...

Michele Neylon: Yeah.

Margie Milam: ...and I don't know if we can hear from Beau directly.

Michele Neylon: I can read out his comments if you wish. Never mind. Are you seeing a response Margie from the co-Chair of the group to offer that document as opposed to staff? I mean that's fine by me as well as the other co-Chair. He's also saying that the condition of his phone line is deteriorating so it is better for him to type.

Margie Milam: Okay. Well that's fine. If you guys prefer to draft the document and send it to me, I can include it in the report. Whatever, you know, whatever you prefer.

Michele Neylon: Personally I don't mind either one way or the other. And Beau if you want to ping me after this call by email, we can thrash out the details. That's fine by me. What is - Beau was asking what the deadline is for drafting this.

Margie Milam: Well there's really no deadline except that another - the Sub Team B report is essentially done; the part of the report that dealt with their issues is done and they wanted to deliver it to the GNSO Council before the next GNSO Council meeting which is next week.

So Steve wanted to get it published in the next day or two. So that leaves the question of whether, you know, this group can finish its work by then, we can publish in the entire report or I can publish a final in part, if you will, and just have it address the additional amendments with a follow up report when this group concludes its work. So it's really up to you guys as to how quickly you'd like to turn this around.

And Avri is correct if you look at her notes that in order for the - it to be part of a motion, it would need to be done in three days.

Michele Neylon: Well that would be by what, Friday of this week?

Margie Milam: I believe it's Wednesday actually.

Michele Neylon: Oh, so it's just being three days in advance is what you mean.

Margie Milam: It's eight days in advance and then board - and the GNSO Council meeting's on Thursday.

Glen DeSaintgery: Hi Margie. This is Glen. It's eight days in advance and Wednesday is the D day.

Margie Milam: Okay. Okay. So that's correct. So it's really up to you - both of you as the co-Chairs as to how quickly you'd like to turn around that report. I can split up the final report into two parts so that the group - the work from the Sub Team B isn't affected by the work of this group.

Michele Neylon: Okay. Well maybe just with respect to the timelines on this, maybe something myself and Beau can thrash out after this. And then three days, as Beau's saying, is a bit short. I'm personally about here - (I've got) a trip around Europe. (Unintelligible).

Cheryl Langdon-Orr: Cheryl here. Beau makes some good points on the shortness but at the same token, it is going to get - these - our particular responses perhaps are wrong and GNSO Councilors are unlike any other group of executive council I've ever worked with. And they read everything that comes in (intercessionally).

But unless it's in this lot of business papers when it's being discussed, I'm not sure how much actual input into their - the memory set of the Council it's going to get unless it goes through a second run specifically before the next meeting. Just as long as we're aware of that I guess.

Michele Neylon: Avri. Avri.

Cheryl Langdon-Orr: Muted Avri?

Avri Doria: (Unintelligible).

Cheryl Langdon-Orr: Well, I can hear you.

Avri Doria: (Unintelligible) probably the best way for me to speak. I am not sure that separating them is a really good idea. And I know that would be my tendency within the NCSG Group to recommend that if they come separate that the first that RAA B be tabled Claudio Di Gangi as A came in anyway.

I think the whole thing was originally written as all. It should be dealt with in the Council as a whole. And I think yes it is unreasonable to do it in three days. And there'll be another meeting two weeks later. So - and correct me if I'm wrong Glen if it's two weeks or three weeks later.

So I understand wanting to get it in real soon now but as I say, even if this one - if B does get in there for this meeting, I'm almost positive it won't get acted on until the following meeting when this one would join it.

Michele Neylon: Well, this is Michele. Since they've become quiet. Okay Margie, go ahead.

Margie Milam: Yeah, I just wanted to reply to Avri. I don't disagree with what Avri says and if it's the sentiment of the group that we prefer to have the entire report delayed, I'd be happy to communicate that to Steve and just say it's just going to take us a little bit longer and we're looking at the next Council meeting. And, you know, I'm happy to convey that or you as, you know, as co-Chairs could do it as well.

Michele Neylon: Margie, just refresh my memory. Who's chairing the other sub team?

Margie Milam: Steve Metalitz.

Michele Neylon: Okay.

Margie Milam: Steve Metalitz.

Michele Neylon: And this is Michele. Avri's point is very valid. I mean splitting the report while I appreciate Margie's offer, I can see that call - that would be problematic as well. So probably - if - would two weeks (unintelligible) make that much of a difference to anybody?

Cheryl Langdon-Orr: Possibly only to the other team but, you know.

Michele Neylon: Yeah. But I mean doing it properly once probably...

Cheryl Langdon-Orr: I - Cheryl here. I think it should be together. I don't think it'll get the airtime. I don't think it'll get the action. I don't think it'll get done properly unless it all goes together.

Michele Neylon: And I'd agree with you Cheryl. Anybody else have any other thoughts? Does anybody have a pressing overwhelming desire for it to be done in some other fashion? I'll take that silence to mean no.

Margie, could you please loop us in with the chair of the other sub team to explain the situation?

Margie Milam: Sure. Sure. I'll send an email and I'll cc you and Beau.

Michele Neylon: Yeah. I mean just - because that may have to include the - what the current situation is and what our thoughts are roughly. (Unintelligible). Any other matters that we are meant to be dealing with?

Margie Milam: I think we can continue on the public comments if we - if you don't mind. It's kind of (unintelligible) report. Okay. So the next part of the comments if you flip to 5A, which is on Page 3, talks about the work related to the Aspirational Charter. And there were several comments that related to that.

The IPC was supportive of the development of the Registrant Rights and Responsibilities Charter and it's also supported further work by the At Large community and other constituents on the proposed Aspirational Charter. So it seems that the IPC and also INTA would like to also do additional work on the Aspirational Charter.

Cheryl Langdon-Orr: Which is good.

Margie Milam: And that was submitted by Claudio Di Gangi. The Internet Commerce Association, and I don't think Phil's on right now, also recommended the adoption of the charter so long as it's superfluous - legal (commands) and inappropriate references to retail price regulation has been removed from its text. And then...

((Crosstalk))

Margie Milam: And also suggested that the charter be supplemented by the addition of a concise executive summary. So that was Philip's recommendation.

Evan Leibovitch: So there's - this is Evan. There's actually support outside of At Large for the Aspirational Charter.

Cheryl Langdon-Orr: Absolutely. And they want to work with it, which is a very good thing.

Evan Leibovitch: It's extremely pleasantly surprising. So where do we go from there given that the original intent was to move the Aspirational Charter away from this group and towards At Large? Do we try and do a cross community group together with these other constituencies?

Cheryl Langdon-Orr: At Large will have to discussion that won't they? My guess is yes Evan because of two things. First of all at least the ALAC has always recognized that to simply do it in a small stewpot of their own would be all very exciting

but hardly as productive as interacting with a wider ICANN community. And because we've been seen particularly (can) get cross community workgroups going in every way, shape and form to find a model that's more proactive and less reactive in policy development.

Yeah. And of course with the new GNSO workgroup model, the role of what a workgroup is ALAC and At Large had a fair round of input onto the mechanism search for that more open model. So it would also fit comfortably with the newer design that GNSO is looking at adopting. So I can see no impediment towards being a wider cross community working group.

Evan Leibovitch: Okay. We have the precedent.

Cheryl Langdon-Orr: We have several. But that doesn't meet the responses other than us saying the workgroup appreciates what's been said and we will be strongly supportive of that as an outcome. What do we - what do we say to that I think is the question.

Evan Leibovitch: Oh, just that we're delighted to see the - that the interesting cross community engagement on it. I mean literally. I mean for sometime At Large was carrying the flag for that alone and I'm delighted to see that there's other communities that are interested in it.

Cheryl Langdon-Orr: I don't think the delight thing should come back as a response to a public comment from this workgroup.

Michele Neylon: I would second that Cheryl.

Cheryl Langdon-Orr: I think that would be extremely inflammatory.

Evan Leibovitch: No. I didn't mean that choice of words. I just meant trying to convey something that we welcome the active participation of other communities and - or, you know, maybe I'm not wordsmithing it right. But just something to the

effect that, you know, cross community participation is a vital component of having what a mainstream traction for this and we need to move forward.

Cheryl Langdon-Orr: Yeah. Yeah. Aren't we trying to put together the words for this part of the report? Yeah. Beau and Michele are making the responses.

Evan Leibovitch: By the way, I apologize I can't get on Adobe Connect for reasons you know Cheryl.

Cheryl Langdon-Orr: Not a problem. Michele, you going to have what sort of wordage to react to I think what are these very good and very specific suggestions particularly when we look at the degree that ICA's putting to.

Michele Neylon: Well personally I think I would - I think we need to be careful how we word the reply to this. While I can understand that if this was an ALAC - purely ALAC, Cheryl and Beau might wish to use other wording. But bear in mind this isn't just ALAC. So...

Cheryl Langdon-Orr: that's right.

Michele Neylon: ...and something - I don't know how one would word this but something along the lines of (unintelligible).

Cheryl Langdon-Orr: You guys are going to have to work on this wording is what I'm saying. I suggest that the first drafting is going to have to come back out to the rest of the workgroup on this particular paragraph because it's actually going to be a very important one to set us up with the right foundation for the next steps for the aspirational document work to be done properly.

Michele Neylon: Avri's had her hand up for a couple minutes I think we should let her...

Avri Doria: Yeah. Thanks. This is Avri. Yeah, I mean I was thinking about this and I think where the wording and I'm not sure why delighted would necessarily have been a bad word.

But I think that in terms of looking at and I'm sure we don't want to use the word modality but what we're talking about is that we will need further explore exactly what the right sort of setup will be for continuing that. That the increased cross community interest in this, you know, is a good thing and now we have to figure out what's the best way within the evolving ICANN structures is...

Cheryl Langdon-Orr: Yeah.

Avri Doria: ...for this broad community work to get charted and done and without necessarily presupposing what sort of structure and where it will land. So I don't think it should be impossible to word that, you know, in a diplomatically appropriate way.

Cheryl Langdon-Orr: I agree with you Avri. Cheryl here. I think, you know, recognition that recent experience in cross or multi chartering organizations modeling in ICANN affords us some exciting and interesting opportunities in this field, et cetera, et cetera, et cetera. Yeah. There's stuff we can do on this and it's actually pretty good timing to do just that.

Michele, as an ally point, we do have face to face time in Cartagena between industry and large in my ALAC agenda. Perhaps we should look at this as a particular topic for the agenda.

Michele Neylon: Sounds very reasonable.

Cheryl Langdon-Orr: Okay. That might be a nice development point perhaps.

Michele Neylon: Avri, I think with respect to any (unintelligible) on agenda for cross - whatever you - whatever we're calling these kind of things - cross community might we...

Cheryl Langdon-Orr: CWG, yeah.

Michele Neylon: ...I think it's probably best if we thrash out the (deeds) that made (unintelligible) to liaise with you on that.

Cheryl Langdon-Orr: Okay. Well (Mason)'s already suggested the face-to-face time in Cartagena would be very good and we're got a traditional time. So I don't know whether this report could recognize that as an opportunity to take this to the next steps.

Michele Neylon: Well I think if you were to follow that up with him. I don't - I'm not on the Registrar Stakeholder Group...

Cheryl Langdon-Orr: Yeah. Yeah.

Michele Neylon: ...so I can't (unintelligible).

Cheryl Langdon-Orr: Okay.

Michele Neylon: Or fortunately depending which way - what's your viewpoint. Margie, go ahead.

Margie Milam: Sure. Does - since Phil's on the call, Phil, do you want to talk about your comments with respect to this topic that you submitted on behalf of ICA? I think you had some specific comments related to the charter itself.

Philip Corwin: Okay. Just let me bring it up. Okay, which...

((Crosstalk))

Philip Corwin: ...which item we on now?

Margie Milam: We're on Page 4. And it's your - I've summarized some of your comments...

Philip Corwin: Right.

Margie Milam: ...on Page - related to the work for - initial work for the Aspirational Charter.

Philip Corwin: Okay. So all right. So my comments are the ones on Page 5 here.

Margie Milam: And four.

Cheryl Langdon-Orr: It starts at the top of four.

Philip Corwin: Okay. Top of four. Yeah. I thought there were some comments in there where, you know, frankly ICANN was trying to insulate themselves from any potential legal liability. And I'm trying to recall now what the reference was to retail price regulation. I have to look back at that.

I think adding an executive summary is pretty self-evident. It's a long complicated document. I think it provides an upfront summary would be appropriate to help people identify the parts of greatest interest to them.

And then on the next one and let me - yeah. This was again there were some comments, which suggested that ICANN could have some influence on registrar pricing and that this should be deleted. It's outside ICANN's authority and I don't think they'd ever try to do that. You know, we have a very robust and competitive market among registrars. And of course we have a thriving secondary market as well. Could this point or does that cover?

Margie Milam: Yeah. I think that - I think that's right.

Philip Corwin: Okay.

Margie Milam: Phil, the comments you're referring to (unintelligible) the Aspirational Charter and that language did not come from ICANN. Tried to discourage discussion related to price. So - take that out.

Philip Corwin: Right. It's the one in registrants' rights where there was some suggestion that ICANN has some legal insulation. I just didn't think that was appropriate. Again, I would have to take the time to look back at the report and identify those. It's been a while since I read through it.

Margie Milam: Sure. And if I can comment, I took a look at it from your perspective and I see you point. The language that was in that proposal, that did come from (unintelligible) here directly in the RAA and was an interpretation. So that certainly could be deleted if the group feels that's appropriate.

Cheryl Langdon-Orr: Me - I have some stuff I'm doing. But I can't un-mute and I can't mute.

Michele Neylon: Margie, (want) Phil continue?

Philip Corwin: At any rate, I have no further comments at this time unless somebody asks questions of me.

Michele Neylon: Okay. Does anybody have any questions with respect to Philip Corwin/ICA's comments at this time? Okay. I'll take that as a no.

((Crosstalk))

Philip Corwin: And I will add one thing in regard to the short comment at the bottom of Page 6 and 7. The folks I represent don't view expecting ICANN to enforce its agreement with registrars as anything that's aspirational around from the future. We expect that, you know, we expect ICANN to enforce the contracts it enters into if there's been a significant breach.

Margie Milam: Hello.

Michele Neylon: Hello.

Cheryl Langdon-Orr: Looks like somebody's picked up some static.

Michele Neylon: Okay. Thank you Phil.

Philip Corwin: You're welcome.

Michele Neylon: Margie. Would you like to continue?

Margie Milam: Yeah. Sure. So I guess the question again for the group is do we want to drop the executive summary? Do we want to delete the sections of the Aspirational Charter that relate to price? And do we want to take out the language that Phil suggested related to legal conclusions that weren't reflected in the RAA?

Michele Neylon: As Cheryl has piped in since she's on mute, yes to an executive summary. Does anybody else have any thoughts before we (unintelligible) with the idea of the executive summary?

Avri Doria: This is Avri. I'm trying to get my hand up but I can't.

Michele Neylon: Okay. Well you've done it. Your hand is up. Go ahead.

Avri Doria: Okay. I am always uncomfortable about executive summaries because what they tend to do is just abstract information down and give people something short and pabulum like to read preventing them from feeling the need to actually read the content.

So I just am concerned about what our purpose is for having an executive summary, what we would expect it to contain and how we'd expect that to work. So it's not that I'm, you know, totally against one. Sometimes they're good pieces of fluff to put before a document just so an executive can pretend they've read them.

But I'm just not all that supportive in general of their utility. Or I don't believe that they're a utility. Thanks.

Michele Neylon: Okay. Thank you Avri. And Cheryl who's still on mute is saying that she disagrees with Avri. (Cynthia), any other thoughts. Avri's got her hand up.

Avri Doria: Yeah. This time I got it up in time. Thanks. I guess then I'd ask is what do we hope to achieve from the executive summary so that whoever is writing it knows how to orient it in terms of what is it you actually expect that executive to achieve for us? How do you expect that executive summary to, as it were, sell the case that we're making in the recommendations? Thanks.

Michele Neylon: Okay. Beau has just said that he disagrees also stating that ICANN documents are hard enough to understand. And Paul Diaz is asking who would craft the executive summary for this working group's output - (us) or the co-Chairs?

Cheryl, could you take yourself off mute please?

Avri Doria: She said she couldn't take herself off.

Michele Neylon: Oh, I don't really know.

Coordinator: Cheryl, your line is open.

Cheryl Langdon-Orr: Sorry, I can never on this (side) in a Verizon control meeting view, I can't mute or un-mute because I use a headset that doesn't have that facility. So now it's open.

I would - the question back on who would craft the executive summary. Well if the co-Chairs are crafting the response to the public comments, who would think that it's far more likely to be in sync with any of the points made to that if the co-Chairs also craft the executive summary.

I noticed Paul would like it to be a collaboration. In what way do you see the collaboration working Paul?

Paul Diaz: I honestly didn't have an opinion on it Cheryl. I was just simply asking - let's put it this way. I wouldn't want to see staff alone take a whack at it. That the group in some form or fashion whether it's all...

Cheryl Langdon-Orr: Sure.

Paul Diaz: ...of us online or the co-Chairs as our proxy.

Cheryl Langdon-Orr: (I understand). Yeah.

Paul Diaz: It's a way...

Cheryl Langdon-Orr: It's no - okay. I hear and see where you're coming from. And well mainly because we have a relatively short amount of time even with putting it to the next GNSO meeting, I would have thought that the co-Chairs would have put that to the list any drafting they're doing anyway that that would be the best way forward.

Any glaring omissions or cut and paste, you know, insert in here please to staff would be also handled through list activity. But it is an executive summary. It's not a rewriting of the document.

Michele Neylon: Okay then. All right. Then so I think that's probably the best - what Cheryl's saying makes a lot of sense. Beau's on mute and hopefully he agrees with what I'm about - what I'm saying. If we can - if Beau and I can try to put something worked together and then get other members of the group to make additional suggestions and edits to that, then we can work it through and as Cheryl suggests the kind of terribly exciting factual things will be inserted by staff. Does anybody have any issues with that? And Beau has agreed with me.

Okay. Right. So that's our little bit of homework. And this is in relation specifically to the aspirational rights while I presume. I'm starting getting complete confused.

Margie Milam: No. This I think was related to the Registrar Rights and Responsibilities Charter.

Michele Neylon: Okay. Sorry. Just I've been doing the speaking for people on mute. I'm getting a little bit confused here Margie. And okay, are there other comments that we need to have a look at?

Cheryl Langdon-Orr: The legals. Removal of the legals was the next issue to discuss - to do on the to do.

Michele Neylon: What do people feel about the legals? Cheryl.

Cheryl Langdon-Orr: Well no, I've got actually - I thought we should hear from Philip actually seeing it's one of the comments he was making.

Michele Neylon: Okay. Philip. Mr. Corwin.

Cheryl Langdon-Orr: Muted?

Philip Corwin: Yeah, sorry. Hello.

Cheryl Langdon-Orr: Yeah. We can hear you.

Philip Corwin: Okay. I'm sorry. I missed the question.

Cheryl Langdon-Orr: It was about the removal of the legal references, et cetera. You called for that.

Philip Corwin: Yeah. I just didn't think it was appropriate in this type of document for - to be expressing, you know, advanced thoughts on what the outcome of - what individual or organization rights were to bring suit or what the outcome might be.

Michele Neylon: Anybody else have any thoughts on this?

Cheryl Langdon-Orr: I think (my follow up) says not really. Avri.

Avri Doria: Yeah. I guess I'm trying to frame an answer. But a sort of personal and an aspirational that one should have something is not necessarily a legal restriction or a legal argument on what may or may not happen. It's just talking about, you know, a registrant expectation and rights. So I'm not sure I understand the problem.

Philip Corwin: Are we talking about my comment on Page - let me for - seven or earlier on in the document because I...

Cheryl Langdon-Orr: I thought it was earlier on as well, but...

Avri Doria: That's...

((Crosstalk))

Philip Corwin: ...address that a few minutes ago. Yeah. I mean I believe I was referring to a statement, and again I don't have the original document before me, in which it stated that - to the effect that the RAA was entirely between ICANN and the registrar and no third party had any ability to bring suit against ICANN in regard to it.

And while, you know, I'm well aware of privity of contract and all that, I would never - I just think it was a little self-serving to have that. There may be some legal theory where if ICANN completely neglected to enforce the agreement and someone suffered substantial harm as a result where a court might uphold - might not dismiss a suit brought against ICANN in that situation.

It's not a big deal. You know, we're not (falling our storage) over this but I just didn't think in, you know, sort of an official ICANN document it should be stating that other parties have no right to bring suit against ICANN. Has no legal affect anyway. A court's going to decide such an issue on its own.

Michele Neylon: Avri has her hand up.

Avri Doria: Yeah. In this case let me apologize for having responded to the comment in the wrong place. I would definitely support your point on this one.

Cheryl Langdon-Orr: (Unintelligible).

Avri Doria: Right. That, you know, this is not a statement that probably belongs there. And I would think it would be reasonable to remove it as you request.

Philip Corwin: Yeah. And in fact I note that on Page 7 I actually quoted - although it was (May 1) commenting on something else I actually quoted no one - the statement were to no one else including registered name holder may sue ICANN or the registrar to claim a breach of the RAA.

You know, I think particular - if I've got a contractual relationship with a registrar and they've just - I've suffered great harm as a result of them not delivering on their obligations to me or what they pledge to do to ICANN, I didn't think it's appropriate to say that I can't sue. And of course, you know, again, it wouldn't stop me from suing. And it's going to be a court of jurisdiction that's going to decide whether or not the lawsuit can go forward.

Michele Neylon: Does anybody else have any other thoughts on this? Cheryl, you're being very quiet.

Cheryl Langdon-Orr: I am. Because it's talking about a correction to the charter. We now as a workgroup be going to make a statement that says we agree with this suggestion and this needs to change. If that's the case, fine, but we need to make that statement and do whatever is required in the workgroup to make sure we've got consensus on that.

Michele Neylon: Thanks Cheryl. This is Michele just giving my own personal thoughts on this. My understanding, and (just somebody) correct me if I'm completely off base on this, is that the - this isn't primarily in relation to the Aspirational Charter this. Is that correct? Or am I completely off base?

Margie Milam: No, that's right. It's in the Registrant Rights and Responsibilities Charter.

Michele Neylon: No. No. No. No. There's two things. There's the Registrants Rights and Responsibilities Charter and then there's an Aspirational Registrant Rights Charter.

Cheryl Langdon-Orr: This is particular to the Registrant Rights and Responsibilities Charter.

Michele Neylon: But this is particular to that.

Cheryl Langdon-Orr: Yes.

Michele Neylon: Okay.

Cheryl Langdon-Orr: Which is why you had such silence from me for a while.

Michele Neylon: Okay. All right. Sorry. I think I'll shut up. I guess everybody else has spoke on that but (I can). That's fine. Sorry. I'm getting confused.

Cheryl Langdon-Orr: I've just stepped away from the Adobe room for a minute.

Michele Neylon: We're coming to the end of the hour. I think it probably would be a good idea to call it a day now and then follow up via on the list with respect to drafting some of those replies and other text. Margie, are there any more comments that we need to look at in relation to this works - to this group's work for our - that we covered?

Margie Milam: Well, a lot of the changes related to - a lot of the comments relate to the Aspirational Charter - actual comments on the principles. But as you recall, the working group didn't endorse the Aspirational Charter. The report only reflects what work was done through the At Large community. And so going through those comments, may be appropriate in where the next forum is for...

Cheryl Langdon-Orr: Yeah.

Margie Milam: ...you know, this Aspirational Charter - that the Aspirational Charter wasn't a product of this working group. My suggestion is that perhaps include in the document (unintelligible) are received and would be appropriate for whatever next steps associated with the Aspirational Charter.

Cheryl Langdon-Orr: I agree with Margie. Cheryl here. I agree with Margie. I think it - they need to be recognized, they need to be noted, they need to be parked to the side and passed on to the next steps of opportunity. But we can't ignore them. We need to recognize them and say, you know, valued, all points taken, bundling it up, pushing it to the next step.

Michele Neylon: So you - Aspirational Rights - aspirational thing is in a Wiki.

Cheryl Langdon-Orr: Oh that aspirational - that part of the work is a background to - it's an opportunity for people to have a comment and a place to work on it at a macro level. Because you're going to have a cross community workgroup that's effectively going to do something meaningful, then it - that's just one of the tools it would use.

Michele Neylon: Yeah. No, what I was just going to suggest is that one possible next step would be to (pay to) both comments onto the Wiki page so that they're all in the one place.

Cheryl Langdon-Orr: Sure. If Margie - if we as the team give Margie an action item to bundle them across to (Heidi), then she'll get probably (Marilyn) or someone to do just that. Yeah. They'll check with me and I'll say yes.

Margie Milam: So that's fine.

Michele Neylon: If for no other...

Cheryl Langdon-Orr: In our responses Michele - in our response to the comments that came in, we need to make sure that there's, you know, a sentence there that says that's what's being done.

Michele Neylon: Oh, I totally agree. I totally agree. No, I totally agree. I mean it's - to me it's the - the comments that came in - all comments and it doesn't matter what they're in relation to.

Cheryl Langdon-Orr: Yeah.

Michele Neylon: Should be acknowledged in some shape or form.

Cheryl Langdon-Orr: Yeah. I mean we heard a lot of that in the world of the ATRT and it's pretty important that, you know, all of these workgroups start getting it right including this one.

Michele Neylon: You won't find me disagreeing with you Cheryl.

Cheryl Langdon-Orr: Oh well, there we go. That happens occasionally.

Michele Neylon: Yeah, okay. Let's not go there. Okay.

Margie Milam: And Michele, if I could just do one more in - at the very end of - I guess it's on Page 7 in Section C. This is the last part that deals with the comments for this group. And it's the second part of Phil's comments related to the UDRP in that the UDRP - the charter states that and there's a quote there that he quoted. The registered name holder cannot dispute a UDRP provider's ability to hear disputes that is otherwise properly brought under the UDRP. So I think his suggestion was that that be deleted.

Philip Corwin: Were you asking for my input since it's my statement?

Cheryl Langdon-Orr: Yes, they just said if Phil.

Philip Corwin: Yeah. Yeah. The issue I was trying to get to here is that we've been - we at ICA have been disturbed by the fast track UDRP process adopted by the Check Arbitration Court under their supplemental rules and by (Wipo)'s still dormant propose they do something similar under supplemental rules.

We don't believe that the - that that - we believe that's way outside the scope of what's proper under supplemental rules. Not under the UDRP as posted at the ICANN Web site under the ICANN rules.

But I was just trying to make the point here that if a - we believe a registrant does have the right to do - to say hey, wait a minute. That's no longer the

UDRP. That's not giving me the reasoned decision that the UDRP is supposed to provide. So it's just in that narrow circumstance.

Right now it'd only apply to the CAC but since we've been actively raising questions about what we believe is an issue to supplemental rules by UDRP arbitration providers, we wanted to raise that concern in this context. And that would be the only - I would safe to say that there's no other circumstance.

Right now that's the only circumstance I can foresee where a registered name holder could dispute the provider's ability to hear something that a complainant brought under their version of the UDRP.

That is when they have altered the basic substance of the UDRP through supplemental rules which so far as we're concerned they were supposed to deal with secondary ministerial and technical matters; the way you file dispute; the number of copies; the format; that type of thing. Not the actual substance of the UDRP proceedings. So I hope that explains the background on that comment.

Michele Neylon: Okay.

Cheryl Langdon-Orr: And Cheryl here Phil. It explains the background nicely but Margie's question is do you want that deleted hasn't been answered.

Philip Corwin: Well either delete it or elaborate on it. Deleting would probably be simpler because the real issue in here is when - is whether such a complaint - let's say a complaint brought under the CAC fast track process has been properly brought under the UDRP.

So, you know, I guess we're taking issue with the notion that anything - any complaint accepted by a UDRP provider has been properly brought. But we're getting into areas where it's probably a lot simpler to just delete it than to elaborate on it and then to get into the level of detail as articulated.

((Crosstalk))

Michele Neylon: We're over time here. I think this conference is - this discussion about UDRP and various other (for a) might be better conducted on the mailing list or offline or somewhere else. Sorry. I'm just calling time on this call.

Woman: Michele, if I could ask a question. Should we gather up all of the (unintelligible).

Michele Neylon: I can't hear you. The line's very broke up for me.

Margie Milam: Sure. Hold on a second. Should we set up a follow on call because it sounds like we'll have some work on the list but we probably do need to schedule another call to wrap up this - these issues?

Michele Neylon: I would suggest that we (unintelligible) of this (unintelligible) group as a whole feels another call is merited and we will try to schedule one. That's my own personal thoughts. Beau, you want to type in something there quickly? Beau suggests another call once the draft is produced. Fine by me.

Cheryl Langdon-Orr: Fair enough.

Michele Neylon: (Unintelligible) I think we're working on the basis whether we get the - get moving on the work - get stuff moving rather than (unintelligible) ourselves to call in a week or two week's time or, you know, whatever time period.

Cheryl Langdon-Orr: Cheryl here. Just to that end as you wrap up. Could we frame to the list the specific question and to just people go back to the end of the mp3 of this meeting to listen to (Paul)'s background and just pose a question about deletion so you know you've got consensus to delete or not to delete?

Michele Neylon: We might be able to get back to add just one of these questions on the list as in...

Cheryl Langdon-Orr: Yeah. That's what I'm saying. If we could do that on the list.

Michele Neylon: Yeah.

Cheryl Langdon-Orr: And then that will give you guidance in your drafting.

Michele Neylon: Yeah. Okay. Sounds good. Okay then. Anything else? Beau, do you have any closing comments to type? No. Okay then. Thanks everybody.

Cheryl Langdon-Orr: Bye bye.

Woman: Bye.

Margie Milam: Thanks everybody.

Michele Neylon: Bye.

Woman: Thank you.

END