

**Fake Renewal Notice Meeting
TRANSCRIPT
Thursday 01 March 2012 at 2130 UTC**

Note: The following is the output of transcribing from an audio recording. 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.

<http://audio.icann.org/gnso/gnso-frndt-20120301-en.mp3>

Attendees:

Mike O'Connor
Michele Neylon
James Bladel
Ken Stubbs

Staff:

Marika Konings
Nathalie Peregrine

Apology : Paul Diaz

Coordinator: Thank you for standing by. Today's conference is now being recorded.

Nathalie Peregrine: Thank you very much, (Zoe). Good morning, good afternoon, good evening. This is the FRN call on the 1st of March, 2012. On the call today we have Mikey O'Connor, James Bladel and Ken Stubbs. From staff we have Marika Konings, Berry Cobb and myself, Nathalie Peregrine. And we have no apologies.

I would like to remind you all to please state your names before speaking for transcription purposes. Thank you very much and over to you.

Mikey O'Connor: Thanks, Nathalie. And welcome all to what I hope is maybe our last call he said with a question mark at the end, a pleading question mark at the end.

Before we get into the meat of it we'll just take the standard pause to see if there are any updates for the statements of interest. Okay.

And to remind folks the last time we came up with sort of a structural change for the report which Marika has driven into the draft and it's on the screen in front of you. And Marika and I will arm wrestle as to where in the draft we're looking. Marika is making all those changes right now but I may just - just to be difficult I may change things, you never know.

Anyway basically what we said on the last call was that we have completed our charter which is to go out to the registrar community and ask them whether there's smoke or there's fire. And they've come back and said there's fire. And we've documented that.

And we went ahead and came up with some suggested recommendations as to how to proceed. And then on last week's call concluded that maybe the thing to do since those recommendations are a little bit outside of our charter that the way to structure this report is to say what's showing up on the screen that we've come up with some options for the Council to consider but it's really up to the Council to decide what to do.

And maybe the best thing to do would be to send this off to the community for some review and some comments and leave our recommendations in as possibilities but let the community take a look at those and come back to us.

So, Marika, why don't you take us through these changes and then we'll see how close we are and see if we can give it the final approval.

Marika Konings: Okay. This is Marika. So the version you actually see up on the screen is the second version that went out after last week's call. Basically what I did do

was accept all the changes from the previous version to, you know, really highlight the small changes that were made and made here.

But I'll just explain as well to those that didn't have a choice to review the earlier version what was added which basically, as Mikey said, we added a couple of additional options for consideration for the Council.

So what you see on your screen now - I've taken control so I can take you through the different changes. A very small change here on Page - I think it's Page 17 that we're on - adding the word some suggested. Someone pointed out that this was, you know, it was stated as a fact while it's actually an opinion so, you know, adding those words to make that clear.

And then you see the section on the drafting team recommendation. You see here that at the end it was added a disclaimer basically explaining that, you know, this was developed by a small group of volunteers, not necessarily, you know, going through the usual proper comments and, you know, usual mechanisms for input and consultation.

And then as a result, you know, the recommendation of the drafting team is to actually put this report out for public comment including or excluding the proposed options for next steps and also noting that, you know, the drafting team would remain available to review and/or address any comments received if that were deemed to be appropriate by the GNSO Council.

So then the report goes into - this section goes into the options for potential next steps. One thing you see changed here - because initially we wrote here that the recommendations were listed in the order of preference. But I think at this stage we're putting these all out for consideration and, k as they're not mutually exclusive it might be more difficult to actually rank them.

Although I think it's obvious from the drafting team's view on each of those, you know, what the opinion is and, you know, where it sits in the kind of rank order. So that has been taken out and I've rephrased this slightly.

Can I find my mouse back - oh my - Mikey, can you maybe scroll down. Oh right, I have control again.

So basically here you see on this page the Number 2 is one of the items that we added following last week's discussion basically the option to add this issue to the current or one of the upcoming IRTP PDPs. I think one issue here is where we did leave open what the drafting team's view of this issue actually is.

And I've just suggested here a language making it, you know, very neutral and general that, you know, we just consider this option worthy of further discussion by the GNSO Council. I don't know if the drafting teams wants to put anything more specific there at this point or, you know, whether you're happy with the language as-is.

And scrolling down on Page 21 this was basically - drafting Paul's comments on the - adding this to the - I think this is the - yeah, adding the issue to the upcoming PDP on the RAA.

He basically made the point that, you know, it's not clear at this stage, you know, from a timing perspective whether it actually will be possible to add the issue to the, you know, scope and conversations that might already start, you know, sooner or are taking place. So that might be a con because, you know, that would have an impact on the timing or it might not make it a viable option.

And then scrolling down, the other option that we added is, you know, whether this would be an issue that could be referred to the FTC noting that, you know, they did reach a settlement in 2003, you know, when one of the

parties involved in this practice and - could be explored whether, you know, this could be raised again.

There's still language here bracketed, you know, because I think it was suggested that this request could maybe be made, you know, by ICANN Compliance. But I'm actually trying - we're actually trying internally to determine whether, you know, that is an option or how that could work.

So I don't know if I'll get the answer, you know, before we're ready to release the report so if we don't know for sure my suggestion would be just to take that sentence out and just, you know, leave that option and, you know, that can still - if we determine that it is possible for ICANN Compliance to do so, you know, I think we can still bring that in and that shouldn't hopefully be a problem.

And I think, scrolling further down, I think those were the main changes that we made if I remember. Oh right here at Number 1, there are actually some changes there to add this section to the RAA that addresses business practices. Just a change here that instead of Compliance it will probably be ICANN staff; there's probably others who will be involved in that process as well.

We initially had questions and remarks on, you know, which section so I would just change it to the appropriate section because I guess at this stage it might be difficult to determine where exactly that would fit.

And a colleague actually made a suggestion for more specific language on how, you know, for example this could look. And I think it's some language that comes from some kind of other agreement that follows that model just to be more specific so that was just a suggestion.

And I think as well if you look under the pros I made a small change there because I think I had raised a comment there as well that as part of contract

negotiations the contract negotiations themselves might go quicker than a PDP.

But the implementation or applicability of new provisions might not necessarily be faster than a PDP because once a PDP is completed, adopted and implemented it applies - or is a requirement on all contracted parties while with contract negotiations they become applicable upon renewal of the contract. And that might vary over I think quite a substantive time span. I'm sure James or Michele will know and is it five years or 10 years the RAA agreement...

James Bladel: It's five years; it's a maximum of five years depending on...

Marika Konings: Okay.

James Bladel: ...the previous renewals. But, you know, there have been incentives in the past to get them to...

Marika Konings: Right.

James Bladel: ...renew early so that's not a deal breaker.

Marika Konings: Right indeed it's just something to, you know, take into account that, you know, it might apply not at the same time to everyone; that's just a difference between PDP and the, you know, contract changes. But, as James said that's not a show stopper.

So I think - and I think that's it. I think those were the main changes that were made. I was discussing with Mikey just before the start of the call I think that they'll need to be down in the executive summary but I basically wanted to wait to, you know, finalize the rest of the content because then, you know, it shouldn't be too hard to pull that together.

And the idea would be, you know, following the call try to put that together and put it out to the group hopefully on I think Monday at the latest and then give everyone like the last 24 hours to see if there's still anything, you know, major or glaring in there so that we can submit to the GNSO Council on Tuesday which is the deadline for submitting documents that are to be discussed or reviewed at the Council meeting in Costa Rica.

Mikey O'Connor: Thanks, Marika. That was fabulous. And the changes work pretty well for me too. Are there comments from anybody, staff or members? This is one great big happy family here people so any thoughts about this or are we close enough...

Ken Stubbs: Mikey...

Mikey O'Connor: ...to call this platinum.

Ken Stubbs: Mike?

Mikey O'Connor: Go ahead, Ken.

Ken Stubbs: Yeah, I just was going to say I'd be more than happy to make a motion that we accept it as drafted and move it forward.

Mikey O'Connor: Cool. Well we'll put that motion on the floor. And any comments people want to make? Bladel is in. I'm in. Let's see if I can find my little tick mark so that I can join James there. Michele? Ken's in. Michele hates his phone I know that. Are you looking at Adobe Connect through your phone? Probably. That's helpful. I think...

((Crosstalk))

Ken Stubbs: ...this is the only conference call I'm on with Adobe Connect where I can actually hear you guys using the audio in the program. I wish the other ones would do this.

Mikey O'Connor: Well that is all due to the miracle worker, Nathalie Peregrine, who is the maestro of Adobe Connect. And this is actually something that's done fairly often in the ALAC calls. And we stole it on DSSA and then moved it over to this one as well. So, yeah, I like it too.

Michele, why don't you clarify your status; you're the only one that's - see he's got his hand up. Go ahead.

Michele Neylon: Sorry I'm not - first of all apologies for not making the last couple of calls and also apologies for forgetting that this was at half past nine my time. Thanks to Marika for reminding me.

I haven't had a chance to actually read this document so I'm just going to have to read over it very quickly but I don't - if James is happy with it I'll probably be happy with it so I'm not trying to throw a (span) in the works I'm just trying to speed read at the moment.

Mikey O'Connor: Yeah. It's pretty close to the conversation we've been having. The one big change that came out of last week's call was this one to sort of push everything down a notch and say, you know, look we have ideas but we weren't really chartered to come up with those ideas so here they are but we should really take those ideas out to the community.

James, go ahead.

James Bladel: yeah I just wanted to say that I do support the document as it stands. I've been skimming through it, specifically the redline version that Marika took us through the changes today, and, you know, I think my opinion is that I support it.

But I would appreciate maybe just, you know, another 24 hours to go through it. When is the document - when is the document cutoff for Costa Rica?

Mikey O'Connor: It's about a half an hour from now.

James Bladel: Then, you know what, then I'm going to just go ahead and say that the piecemeal approach I took to reviewing this is going to be sufficient. And I think that, you know, I feel confident that - I feel much more comfortable knowing that we've dialed it back from these are our ideas to, you know, you didn't ask us to come up with ideas but here's, you know, some idea-starters and then leave it at that.

Mikey O'Connor: Yeah, yeah. And in all seriousness I bet Marika is coming in with this too but I don't think the document deadline is really upon us yet. Marika, you want to go ahead?

Marika Konings: Yeah, this is Marika. That's correct, I mean, the document outline that we're handling for this as an issue to be considered by the GNSO Council basically that the normal GNSO Council rules and procedures apply and that is eight days in advance of the meeting so that will be coming Tuesday.

So as I said if you have any further comments like, you know, please share them as soon as possible. I will be pushing out another version which, you know, will only have - the only difference will be that it will have an executive summary which is basically based on what is already in the document so that shouldn't, you know, present any major changes .

And that should go out at the latest on Monday just to give everyone, you know, indeed another 24 hours and then we're, you know, we're planning to submit this on Tuesday to the GNSO Council.

So if there's anything, you know, please let us know as soon as possible so, you know, if there's something that people want to comment on there's still time to do so on the list.

Mikey O'Connor: Why don't we draw sort of an arbitrary line in the sand and say that - I don't know, pick a day, either end of - I would think end of business tomorrow, Friday, is sort of our deadline just to give Marika a little bit of a zone of silence so that she can write the executive summary on Monday. Does that work for you guys?

Marika Konings: Great suggestion, Mikey.

James Bladel: Yeah.

Mikey O'Connor: Then let it be so. And so do try to read it between now and close of business Friday. And then we'll push it out on Monday and off to the Council on Tuesday.

And, Marika, if you want help with the executive summary in terms of either review or editing I'm happy to do that.

Marika Konings: Thanks, Mikey. I think that should be okay. And just one question; would you like me or will you send out a notice to the mailing list as there are a couple of members that are not on the call today.

Mikey O'Connor: Yeah.

Marika Konings: With this deadline, I mean?

Mikey O'Connor: Yeah, I'll send that deadline note.

Marika Konings: Okay great.

Mikey O'Connor: Okay. Michele, go ahead.

Michele Neylon: Yeah, thanks, Mikey. I've read the document now in full. And I support it as it is.

Mikey O'Connor: Oh great.

((Crosstalk))

Mikey O'Connor: Okay, good deal. Well it hasn't, you know, it's been fairly stable for the last couple three weeks so there shouldn't be any surprises in there for folks. So that's...

((Crosstalk))

Michele Neylon: Yeah, I just wanted to make sure I had read it fully before I said that I agreed to something.

Mikey O'Connor: Oh you mean that little clause that I put in there that all registrars have to pay Mikey O'Connor a 1 cent per domain tax; you didn't like that one?

Michele Neylon: No I thought that was actually quite an interesting concept.

Mikey O'Connor: Okay well this is great. I think we've done well. And...

Ken Stubbs: Mike, I'm supporting that last statement providing there's a 25% finder's fee payable from you to me.

Mikey O'Connor: Already we are arguing over the spoils. Oh dang. Okay I think that's going to be it; I think this is our last call then. And we'll take the final approval out to the list. I'll write that note and we'll call it quits.

James, go ahead.

James Bladel: Yeah, I just wanted to say thanks, Mikey, and congrats for keeping this moving. It's not like any of us have anything else going on, right. So...

Mikey O'Connor: Right.

James Bladel: ...appreciate all of your work on this. Thank you.

Mikey O'Connor: Well Marika did all the heavy lifting on this one. Michele, go ahead.

Michele Neylon: Mikey, we've just - we will all buy you a beer.

Mikey O'Connor: Hooray. I'd love that.

Michele Neylon: James will put it on his credit card but we'll all be there to order it for you.

Mikey O'Connor: Oh good, good.

James Bladel: I was going to say you're in Wisconsin; you need to bring the New Glarus down...

Mikey O'Connor: I know. If I could I would.

((Crosstalk))

Mikey O'Connor: Do we have a selected drinking point identified yet in Costa Rica?

James Bladel: One of the advance staff members needs to find that and post it to the social list so...

Mikey O'Connor: I think maybe Michele has got that job because he's getting there like two days early so...

James Bladel: Yeah. There's your task, Michele.

Mikey O'Connor: There you go; you have a mission.

((Crosstalk))

Ken Stubbs: I just want to know is this working group button-qualified?

Mikey O'Connor: I don't know that this one really qualifies for a button.

Ken Stubbs: I'm inclined to think you're right; we didn't go to the mountain on this one so...

Mikey O'Connor: Yeah.

Ken Stubbs: ...you've been to the mountain go over the top and it would be different.

Mikey O'Connor: Yeah, well and my criterion is if the numbers on the status reports remain in single digits then I don't think so. I just wrote Status Report 7 so I think this one doesn't quite qualify for a button.

DSSA however has three colors of stickers this time around. I'm happy to...

((Crosstalk))

Ken Stubbs: May I make a political comment, Mikey?

Mikey O'Connor: I took a...

Ken Stubbs: Or should I not do that because...

((Crosstalk))

Ken Stubbs: ...and I don't want to create problems there.

Mikey O'Connor: Well I - we have pink, yellow and green neon colored stickers this time around...

Ken Stubbs: Okay.

Mikey O'Connor: ...for DSSA. Okay...

Ken Stubbs: So now I will say that from Michele's perspective the American - now that we're done we have to get back to the important things which apparently appear to be birth control and contraception which is the equivalent of arguing over the placement of condom dispensers on the Titanic. So only someone who's living in Ireland can appreciate what I'm talking about right now.

James Bladel: Oh.

((Crosstalk))

James Bladel: Now we definitely have to get this crowd some beers.

Mikey O'Connor: Yeah, and we probably ought to end the recording.

James Bladel: Well thanks everyone.

Ken Stubbs: Bye-bye.

Mikey O'Connor: I think that's it. Nathalie, I think you can wrap us up. Marika, thanks a million for all the work you did. And I'm more than happy to help out with that final draft. And I'll also push that note out to the list about the deadline.

That's it for me. See you in Costa Rica.

Michele Neylon: Thanks, Mikey.

Marika Konings: Thanks.

END