

gTLD REGISTRIES STAKEHOLDER GROUP

**PROPOSED REGISTRY AGREEMENT AMENDMENTS
COMMUNITY-WIDE TELECONFERENCE**

4 MARCH 2013

10 :00 – 12 :00 EST (15 :00 – 20 :00 UTC)

Note: The following is the output of transcribing from an audio. 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. Some edits have been made to correct the spelling of names.

Cherie Stubbs: This is Cherie Stubbs the secretary for the Registry Stakeholder Group, welcome. And I would like to...

Fadi Chehadé: This is Fadi.

Cherie Stubbs: ...I would like to request that the recording be started. And while that's being done just a few housekeeping items if you will, first of all so everyone knows, your lines will not be muted during this call - however we would very much appreciate and request that you keep your own personal line muted for purposes of background noise.

And Keith will explain the ground rules as far as the discussion of topics and question-and-answers. And audio streaming will take place in the Adobe Connect room and if question are be asked - are to be asked out of the Adobe Connect they will come from Adobe Connect Chat. And as a reminder if you would - if you - the floor is open and you are speaking we would very

much appreciate it if you would please announce your name and your affiliation for purposes of the recording, is there any...

Coordinator: Please go ahead the conference call is now being recorded.

Cherie Stubbs: Thank you so much (Tim) and I'd like to introduce Keith Drazek the Chair of the Registry Stakeholder Group who is moderating the call today, Keith.

Keith Drazek: Great thank you very much Cherie I appreciate that, thanks for, you know, giving us some ground rules there and I would just like to reinforce that everybody please mute their phones. Before we begin I just noted that Evan Leibovitch has just said in Chat that the Adobe Connect is apparently at its limit and new joiners are being rejected, I'd like to see if there's anyone - if there's anyway that we can expand the limits or to find a way to get those people in.

I regret that that's the case, at the very least this session will be recorded and transcribed, so if anyone is unable to join today there will be a record for full openness and transparency. So - and (Marika) said they're looking into correcting the Connect limit, so. But in light of that let's go ahead and get started, we have a very full agenda today, so good morning, good afternoon, good evening, I'm Keith Drazek Director of Policy Affairs and current Chair of the Registry Stakeholder Group and I'll be your moderator for today's call.

I'd like to welcome everyone who's joined today's meeting on ICANN's proposed amendments to the new gTLD Registry Agreement, so thank you for your interest and for making the time to participate. This session is a community-wide consultation focused on the proposed changes of the new

gTLD Registry Agreement that were announced by ICANN on February 5. I think as everyone knows the public comment period on this issue closed on February 26 and the reply period now closes on March 20.

I sincerely hope that this will be a constructive conversation that helps move us forward in a predictable and transparent way towards a goal that we all share, a timely, responsible and successful introduction of new gTLDs. With substantial input from the NTAG our new gTLD applicant observer group the Registry Stakeholder Group has taken the lead and coordinating and hosting today's community-wide call because we have some very significant concerns about many of the proposed changes including concerns on process, substance, timing and implementation.

That said we don't want to monopolize this conversation or have it be a one-way engagement, so to everybody on today's call we want and encourage your thoughts and input. You'll see from the agenda that's on the Adobe screen that we reserved more than an hour of the two hour session for dialog, question-and-answer and interaction from all participants, so I encourage everyone to join this conversation. To that end let's cover to brief but important housekeeping items.

If you have a verbal question or make a comment on the phone bridge, please be concise and keep your intervention as brief as reasonably possible, we have a long way to go and a short time to get there. And if anyone has questions or comments that don't make it to the phone bridge, please feel free to post them in the Adobe Chat Room. We plan to consolidate the written input into a FAQ for submission to ICANN for their review and response.

So I'd like to note for the transcript and for all participants that we're fortunate to have participation of ICANN's staff on today's call and this includes ICANN's CEO Fadi Chehadé who will say a few words after I make some introductory comments and before we kick off the formal agenda. So thanks in advance for Fadi for offering to join us today. I've been advised that the ICANN staff is primarily in listening mode for today's call, so let's be sure to capture the most critical questions for their review and response following the call.

So a quick review of the detailed agenda, I'll note that for each of these agenda items we've allocated about five minutes for an overview of the issue from the Registry Stakeholder Group perspective and then at least the same amount of time for open interaction and dialog. We've allocated about ten minutes for each specific agenda topic, so first I'll provide some introductory comments on behalf of the Registry Stakeholder Group.

We'll then have remarks from ICANN's CEO Fadi Chehadé, then we'll get into a detailed discussion of the proposed amendments, including an overview of the picket fence, proposed language around unilateral right to amend. Then we'll get into a detailed discussion on Specification 11, Section 1, requirement to use only registrars that have signed the 2013 Registrar Accreditation Agreement, Section 2 a description of the public interest commitments or PIC and Section 3 the enforcement of PIC Specs and the PIC-DRP.

We'll then go to a discussion of ICANN's CEO's expert working group on directory services and then a - the proposal that enforcement of rights protection mechanisms should be shifted from ICANN to the registries. We'll then open it up for 20 minutes of a discussion and a dialog around next steps

forward and the idea there being we really want to make this constructive and be able to, you know, move this forward so that it does not become more of an obstacle than it has.

And then if time permits I'll provide a summary of action items with concluding remarks. So as we go through our very full agenda and bear with me now I'm wrapping up, I think it's important to underscore that we all as participants in the ICANN community have many common interests.

We're all committed to the multi-stakeholder model of Internet governance and recognize for better or worse that ICANN is currently the most visible example of that governance model in action. We're all committed to the successful, responsible and timely introduction of new gTLDs which is currently the most visible example of ICANN in action. We're all committed to ICANN as a strong professional organization that's well positioned to execute its narrow technical mandate.

And ultimately the ICANN community really needs ICANN the organization to meet and exceed its own obligations in the multi-stakeholder bottom-up consensus driven policy development process. But before I hand the microphone to Fadi for his remarks, I'd like to give a very brief overview of our three most pressing concerns, while leading a detailed, substantive discussion for the next part of the call.

First the timing of the proposed comments, ICANN published the February 5 proposed amendment nearly nine months after the new gTLD applicants spend hundreds of millions of dollars in anticipation of the introduction of new gTLDs based on the final agreement as published in the June 2012 final applicant guidebook. Now eight years after the new gTLD process began but

only two months before ICANN plans to recommend delegation of the first new gTLD, ICANN is proposing fundamental changes in material provision of the final agreement and seems intent to drive these substantive changes without due consideration.

We have to ask, how is this consistent with ICANN's obligations under the affirmation of commitments. Next we're concerned with the process ICANN followed in proposing these comments - in the February 5 release ICANN surprising reinserted language giving ICANN the unilateral right to amend the new gTLD Registry Agreement. This language was initially proposed by ICANN staff in 2008 and openly removed from the Applicant Guidebook in 2010 following extensive community discussion that included the ICANN staff.

So we've had to ask, why is ICANN now taking a second bite of the apple with regards to unilateral right to amend proposal after that issues has been long resolved through the bottom-up multi-stakeholder process. We're also curious about the ownership of ICANN's decision-making. Following the February 5 webinar and posting of the proposed amendments, we came to wonder who is pushing these substantial changes at the 11th hour. Did it come from the General Council's office, from the ICANN Board, ICANN's leadership or a combination.

From our perspective the decision-making that led to these proposed changes has not been apparent. Finally since the beginning of the year we've heard a lot of discussion coming from ICANN about the need to improve perceptions around our industry, including Fadi's comments in Amsterdam following Goggles. And then comments made during and following the various CEO roundtable networking event.

We believe that several of these proposed changes to the Registry Agreement and the timing and process for issuing them actually undermine the perceptions of ICANN as an organization committed to the multi-stakeholder model. So with that I'm at the end of my allotted time, in the spirit of keeping to the agenda I'd now like to welcome Fadi Chehadé and thank him for his willingness to join this community call to engage with us and to listen to our concerns. So we're pleased to honor his request to say a few words and thank you Fadi, over to you.

Fadi Chehadé: Keith thank you very, very much for a great introduction and an explanation of the concerns that you have. I want to thank you for the leadership and very kind leadership in putting this thing together, also new role within the GNSO, thank you for that.

It's good that we're engaged in this discussion and I have deep appreciation for the fact that we're discussing things and we're trying together to find a way forward. So I'm delighted by the effort, I'm delighted by this goal specifically and I'm glad that it was organized and I thank you for it very, very much. I really mean that because I think without dialog which is exactly what we should be doing it appears in the action from ICANN may appear heavy handed or top-down or as you said in violation of the spirit of - and the policies of the multi-stakeholder model.

That frankly as I said here today in Dubai is the only legitimacy we have. Legitimacy comes from the fact that we all work together to make this call and if we don't than frankly we loose that legitimacy. So I very, very much appreciate everything you brought up and I thank you and the team here for stocking this process and giving us important feedback on these agreements.

I'm going to make just a few comments to set the stage and I'll be able to stay with you to the top of the hour so that I can listen and learn. But my intent here is mostly to listen, listen and then listen some more before I get back to Los Angeles and confer with our team so that we can move to the next step together and so I'm really largely here to listen. I just wanted to share with everyone some feelings and thoughts that I have not specific to any particular point that I'm sure we'll be hearing more about in the minutes about.

But I want to share something with you, I am frankly I remain sometimes puzzled, sometimes amazed by how we move from discussing things as a community to a move of acquisitions and it's just not healthy when we do that. When we imagine the ICANN staff that they sit in the basement and plot all kinds of things to cause difficulty for our community or to remove for certain things in the community - we -frankly I mean I certainly don't have the time to do this and I know that my team didn't as we were coming up with these recommendations.

So I hope we get into a mood of less, you know, thoughts that are not based on collective goodwill. And we need to enter a space that says, well why might the other party be coming up with this at this moment? And if it doesn't make sense and the other party cannot make sense of it then let's discuss it, this is what reasonable people do all day, this is what communities and especially in ICANN, we've got - we - actually I'm inviting as one frankly with very - with all good faith that you know I injected into my day-to-day work here and that I'm trying to convey across all of my work at ICANN.

I'm asking us to not get into some (ball league) that I've seen of accusing people of deception of, you know, bad faith, this is not ICANN this is not the

intent of the ICANN team. And if we don't get out of that mode and instead have what I would call really open, frank discussions about the importance of one clause or one requirement or another point then we are not going to frankly be able to get into a solution.

The second thing I would like to talk about is this also feeling that I'm getting from the community that we're rushing things for the reason. Well the only reason for rushing things is because I sincerely believe that release of new gTLDs is good, it's good for the market, it's good for the users, it's good for the world, and it's a good thing. If I did not believe that I frankly would not be rushing this and I've told you this before, I shared this before.

So yes in Amsterdam I was sharing amongst staff my feelings as I explained very well in the subsequent (run) that if we could take more time it will be easier, but in reality we really owe it to the market, we owe it to the world having been in China and Korea and Japan and the UN and London and France just in the last ten days, most of the countries we visited and especially the countries that need our IDM gTLDs in order to expand their market, they need us to move. They need us to make this happen - the market is ready, all of us is ready.

So I'm not rushing this for any (natharius) reason or for any reason to hide anything. I'm rushing this because I believe it's in the public interest and it's in market interest and in the global interest that we move forward and get this thing out the door. And lastly on the issue of public interest, I don't need to explain to all of you who know this space far better than me that we are facing some important phase here between GAC advice and GAC warning and also public outcry in some cases about the commitment to what many (new detailers) but the new applications.

And you were next to me if you haven't when governments of the GAC suggest that we take the entire application of every gTLD applicant and make it enforceful. ICANN does not want to become a law enforcement agency, this is not what we want to be or we will be. ICANN also understands that people put things in there in their applications because, you know, they were thinking this is a business plan rather than an illegal device.

I understand all these things and therefore I think we came up with the solution that would allow us to navigate through a potential block completely to this situation and allow you to all step up to the plate, declare your public commitments based on what you think is reasonable, is feasible, is enforceable and we will vote and we solve I think a debacle that could go on for months and months.

So I want to close by bringing up the point that was brought up at roundtables, there is a big concern that we do have some current gTLDs sitting on contract and that these contracts if maintained as is would provide - create a situation where new gTLDs are to a disadvantage. There is also - potentially also the situation that we find ourselves with some things enforced on new (g's) that would put them not just in a tactical disadvantage but potentially at a business disadvantage, strategic disadvantage against current gTLDs.

I told the leaders at the CEO roundtable that I'm acutely aware of this, that I'm not going to as ICANN ignore this point, that I'm going to tackle this point in good faith with the current gTLDs and, you know, we will work together to find the best solution forward. But we must understand that this juncture is a juncture where the world is watching if the ICANN contracted parties are on

their own, able to embrace the responsibility governments helps with solid agreements and allow us to move forward from this point on.

So this is a very critical time and I stop here, I tell you that I want to assure you that I'm going to be carefully listening. Nothing is done, we put out an agreement for you to discuss, so I'm listening and I will keep listening until we altogether figure out what's the ICANN (status), you have my commitment on that - so Keith back to you.

Keith Drazek: Okay thank you very much Fadi and I really do appreciate your comments and the time that you've made for us today. You know, I take to heart here, you know, your call for us all to work in a more collaborative and collective way and, you know, in good faith across, you know, the entire community.

So I really do appreciate everything you've said, the - your comments specifically around being responsive to governments I think all of us understand the need for ICANN and for applicants in the community to work with governments particularly around early warnings and potential government objections and GAC advice. So I think conceptually the PIC spec and we'll get into more detail around this, the PIC spec that's been proposed I think many of us understand.

But we still have some pretty significant concerns about timing and implementation and being able to really flush out some of the detail around enforcement and the dispute resolution processes. So I want to say that I think we are here in good faith, wanting to work with ICANN and the community on something that would accomplish these goals, but as I said we'll get into more detail on those. So I'll stop there, thank you very much Fadi for your comments and let's go ahead and just jump right to the agenda.

So first up we have an overview of the picket fence, a brief overview of the picket fence from Becky Burr, so Becky over to you.

Becky Burr: Thank you Keith and good morning, good evening to everybody...

Man: (She)'s there, okay.

Becky Burr: I understand very clearly that someone scores on the ICANN bingo card every time I say the phrase picket fence - I'm sorry I'm getting a lot of feedback.

Keith Drazek: Yes one moment please Becky, please everybody mute your phones if you're not speaking, thank you - Becky go ahead.

Becky Burr: Thanks, so even though that's the case I agree to provide a history of ICANN's policy (is the wordy) in five minutes or less. This is a pretty complicated subject but with only five minutes I'm going to have to be pretty blunt. In a nutshell the picket fence is the source of ICANN's legitimacy and it is consciously the source of ICANN's legitimacy.

ICANN as we all know is not a government or a regulator, it does not derive sovereign authority via its contrast with registries and registrars. It's not constrained by constitutional or other guarantees of due process nor is it informed by years of judicial interpretation of fundamental product - protections for those who are governed. Rather ICANN was conceived as a coordinating body with a limited charter.

At the beginning and the end of the day ICANN's authority is (provided) from the agreement of registries and registrars to commit in advance to be bound

by policies that do not yet exist but are developed in the future through the multi-stakeholder process. This commitment is balanced by ICANNs corresponding commitment to constrain its policy development activity to specific issues. When I talk about the fundament bargain that is the heart of ICANN, that's what I mean - and agreement to abide by policies that don't yet exist so long as they are within a specified scope.

And the third wheel in the negotiations that produce the first registry and registrar agreements I can say with absolute assurance that ICANN exists today because of the fundament bargain that emerged in those discussions. Registries and registrars agree to transfer limited perspective power to ICANN based on commitments related to this (boat) of perspective will making. This fundamental bargain is not - does not just exist in the Registry and Registrar Agreement, it's embodied in ICANN bylaws which were themselves the product of a comprehensive exercise in intense organization intersection, otherwise known as the 2003 Evolution and Reform Committee.

So what's the fundamental bargain? I can't - don't think I can repeat this enough, in exchange for coordination services provided by (a account) registries and registrars agree in advance to comply with and bear the cost of future developed policies, so long as those polices don't unreasonably restrain competition and relate to a specific and highly articulated set of issues that lie within the picket fence. This authority to impose perspective obligations from registries and registrars is extraordinary - it does not exist in ordinary commercial contracts.

To the extent it exists in government contracts is it's happened by an undertaking on the part of the government to bear the cost of those changes. Only government regulators possess the ability to impose new and

unanticipated obligations on commercial actors. Regulators are of course subject to elaborate due process requirements, administrative procedures and lots of jurisprudence that is not available in the ICANN context.

In addition the DNS simply doesn't have a lot in common with typically regulated industries, domain name registrations are not subject to substantial shifts in supply and demand. Supply reliability can be achieved through precautionary techniques and the interruption of one source of supply is not associated with substantial cost. So absent some global regulatory mandate ICANN's authority and legitimacy is the product of a bargain which is constrained by a picket fence that prevents mission creep and provides a reasonable degree of predictability for commercial actors.

But no one should be confused here, it is still extraordinary and it is not limited to situations that destabilize the DNS or the Internet. It indeed it also encompasses issues for which uniform or coordinated resolution is reasonably necessary to facilitate interoperability, reliability or stable operations and policies that relate to the allocation of domain names in the resolution of disputes, regarding registration - including Whois, the UDRP and many other items.

This authority is pretty broad and allows ICANN to impose obligations on registries and registrars over their objection. I - we wanted to start with a dialog this morning by recalling the (neck sense) and its role as the fundamental bargain that's the source of ICANN's legitimacy authority. It provides important context for the community's reaction and for this discussion this morning. And it's important to remember that the picket fence protects both the contracted parties and ICANN itself, so I hope we can keep this in mind as we go through the rest of the discussions this morning.

Keith Drazek: Good, thanks very much Becky - appreciate the overview and sort of introduction giving some context as it relates to this - the picket fence both in concept and in reality. So I'd like to open it up now for discussion dialog questions, anything on this particular topic. If you're in Adobe please raise your hand and I will call on you. If you're not in Adobe and would like to speak up or ask a question or comment, feel free to do so now. Okay anyone - going once, going twice.

All right thanks Becky appreciate it, let's go ahead and then move on directly to the sort of the presentation from Jeff Neuman on the unilateral right to amend which is really the follow-on to the conversation about the picket fence. So - and maybe if anybody has questions about the picket fence we can pick them up following the discussion about 7.6, so Jeff over to you.

Jeff Neuman: Yes thanks Keith and thanks Becky for that overview. My presentation actually dovetails well on Becky's presentation on the picket fence and I'm sure you'll hear the word multi-stakeholder a lot - a lot more often in what I'm going to say.

So as I said, you know, in the beginning (our case) five years ago in 2008 ICANN staff tried to unilaterally increase its authority over registry by proposing a new amendment provision for the new gTLD registry agreement that allowed the Board to unilaterally amend the agreement by a 2/3's super majority vote regardless of whether there was consensus of the community in support of its amendment.

It merely had to show that the modification or amendment sought by ICANN was justified by a substantial and compelling need related to the security or

the stability of the Internet or the domain name system. It should be noted here that this was even a more limited version of the amendment than the one that we're going to discuss today. And as you can imagine and as Becky kind of reiterated, ICANN's unilateral attempt at that power grab in 2008 was extremely contentious and thoroughly rejected for all of the reasons that were cited by Becky.

After trying to get this on the agenda for a good year and a half, finally in 2010 at the request of the ICANN Board and existing ICANN management at the time, the community came together and compromised and yet an additional mechanism to amend the gTLD Registry Agreement. In fact it was ICANN's outside legal council Jones Day in Marina Del Rey in April of 2010 that initially proposed what became known as the Compromise Amendment Provision.

And that new provision as reflected by ICANN staff when it released that compromise to the public about a month later it said, "ICANN will have no ability to unilaterally amend the Registry Agreement. Rather after consultation with and in vetting by a working group, ICANN may propose amendments to the Registry Agreement that if approved in the manner set forth by the Agreement, it would automatically amend all registry agreements that contain the new amendment provision."

ICANN staff told the registries at the time that they would set up a standing committee, a kind of legal working group if you will to discuss these issues on a routine basis, I will note that no committee has been shut up although it's been mentioned several times to ICANN staff that we were - that we at registries, both the existing ones and the new ones were certainly willing to

set up this committee to work on any changes, but that never came to fruition.

The multi-stakeholder compromise that's reflecting all the versions of the Applicant Guidebook since 2010, including the final Applicant Guidebook under which under 1900 applications that were submitted was agreed upon by the entire community. And that compromise - and when I say entire community, I'm talking not just about the registries, the registrars - the contracted parties, but the non-commercial interest. Governments - everyone that weighted in had the ability at the time, there were no negative comments that were received on the compromised provision.

In fact the community declared it as one of its greatest victories, that's one of the few things that you can see in which everyone agreed with the compromise. And that compromise we should note already provided a conceded mechanism to oppose changes outside what Becky talked about as a picket fence in order to deal with the potential unknown things that were out there.

In an interview last week ICANN's CEO repeated the (montroe) that the world has changed since that compromise was reached, but many of us were left scratching our heads. The only thing that could be pointed to that actually has changes is that instead of 500 new TLDs which ICANN staff had foreseen, we now have potentially 1500. And sure those numbers may be greater, but the fundamental principles, the basic building blocks upon which ICANN was founded have not changed.

There needs to be a much better justification for imposing what can best be described as top-down regulatory authority other than the world has

changed. ICANN has told us, well, you know, don't worry about it because we're only going to use this amendment process where there's a substantial and compelling need. But many of us are asking this question, where was the demonstrable substantial compelling need to change the amendment provision four weeks ago?

In fact as John Berryhill pointed out in his comments, what happens tomorrow when the ICANN Board says, you know what a 2/3s vote is not - we no longer want to do 2/3s of a vote of the Board, we actually want to lesson that because we have a substantial and compelling need to do so. Well what if the Board decides by 2/3s super majority that we don't even need to do a substantial and compelling need, we could just change the whole reason for passing amendments.

The fact is that no business should have to operate in a world where it cannot predict the scope of things that might change - and that is what is being proposed by contract. A contract by which one party can unilaterally amend the agreement is not a contract at all. And to sum it up in response to ICANN's concerns that the picket fence is too limited, you're multi-stakeholder process - we included a new process in the new gTLD Agreement that is not limited to the picket fence.

If you want to change the picket fence then you need to use the process that we all came up with unless you're making the case that most of the registries are irresponsible and we cannot be trusted, then you must give this compromise that we already struck the chance to work. We're not saying this process will never be able to change or that the process we put in place is perfect, it's far from it.

But we are saying that we worked for a good number of years for a compromise and now without even seeing if this compromise works ICANN staff is advocating for a change. (Go to Faith) mandates that we try the model we've worked so hard to come up with. And Fadi's right the world is watching us but that world doesn't just consist of governments but it also consists of civil society and also business.

Some of the largest businesses from around the world are watching us. Public companies that have obligations to do what is right by their shareholders, they are also watching us. Changing the agreement to require or to allow a unilateral right to amend is not the way to do this, it's not the way to show the world that we are a mature industry and it's not the way for us to show the rest of the world that the ICANN model actually works or how the model works.

It's time for ICANN to withdraw this proposal which has been unanimously rejected again by the ICANN community as evidenced by the comments, but to move on with the compromise in the June 4, 2004 Applicant Guidebook before condemning that proposal that has never been given the chance to work. Thanks Keith, I'll turn it back to you.

Keith Drazek: All right Jeff thanks very much for those comments, we now can move into - we have ten minutes for a dialog discussion, Q&A on this specific issue before we then move on to a discussion of Specification 11 and the PIC specs, etc.

So let's go ahead and open it up, if you're in Adobe Chat as I said please raise your hand if you have anything you'd like to add or questions that you'd like to submit. If you're on the phone bridge please go ahead and speak up now. I

just have to note that if nobody actually decides to speak up and participate in the dialog we're going to have to listen to Jeff more, so it's time to get active.

Jeff Neuman: And I got plenty more to say.

Fadi Chehadé: Then I will intervene to save everyone, this is Fadi.

Keith Drazek: Thank you Fadi, Fadi go ahead and then Ron Andruff has his hand up in chat, so go ahead Fadi, thank you.

Fadi Chehadé: I just have a quick question to Jeff and to the team, when Jeff said the community must agree to the change, who is the community here? Is it - does it include say - and I don't know, so I'm asking, does it include civil society, does it include governments, does it include really the full multi-stakeholder community or just the registry who will then be concerned with that change to their contract, I just need clarity.

Jeff Neuman: So this is Jeff, I mean it starts with the registries and the discussion starts with the registries and ultimately goes out to the community.

Because even if it has to be remembered that even if the registries do - for whatever reason do not agree with the proposed change, ICANN does have mechanism that are built into the contracts either through the consensus policy process or through the temporary policies to impose changes on the registries. I also see Becky's hand raised, so Becky may want to address this question as well.

Keith Drazek: Thanks Jeff, Becky are you raising your hand in response to the Fadi's question because I know Ron Andruff is also in chat?

Becky Burr: Yes I was, I just - I think that I want to make sure that we are addressing Fadi's question. I think that provision in the new gTLD Agreement which allowed passage of an amendment to that contract with the support of the registry constituency does not require further, you know, policy development process unless it's amending existing consensus policy.

So it is a more flexible amendment tool and I just want to - just in case that was what Fadi was asking about, make sure that we note that.

Keith Drazek: Okay thanks Becky, Fadi did that answer your question or do we need to clarify a little bit more?

Fadi Chehadé: To be frank no, I think Jeff was close to where I needed to go. Ignore the current agreement, I'm just asking in the current way it's done if ICANN change for Sunday and proposed a change it goes to the registry if it's a change to the Registry Agreement - my understanding is it goes to the registry community, stakeholder group.

You guys may review it, you may come back and say, yes, yes that's good we'll go with it and that ends the discussion then. Or you may say no we don't want to go with this, so to our only next step at that point in the current regime would be to essentially try to make it publicly happen that we go through the GNSO and then if approved it would change the Agreement if my understanding is correctly.

It's not like we go beyond the registries to ask the community what they think about that change because the registries (confused) is my understanding - I just want to clarify that.

Keith Drazek: Okay thank you Fadi, Jeff?

Jeff Neuman: Yes I mean I think as I was saying if it's within the picket fence then it can absolutely go to the community and it can absolutely be part of the consensus policy process. If it's outside the picket fence, thinks like the term of the Registry Agreement, pricing then yes that requires the agreement of the registries.

And when I say the registries I don't mean every single registry, but there's a mechanism in there for a super majority of registries to approve that agreement or I should say that amendment. So like I said Fadi, if it's part of the fundamental bargain, the whole cornerstone, the lynchpin of the way ICANN was formed and it's within the picket fence then it absolutely can go out to the community.

If it's outside that picket fence then it needs to have just like any private contract it needs to have the agreement of those parties that are subject to the contract.

John Nevett: Hey Keith it's John Nevett, can I weigh in as well?

Keith Drazek: Sorry, yes Jon one second - Fadi did you have anything you wanted to follow-up there?

Fadi Chehadé: Just saying this is exactly what I was looking for, thank you Jeff, thank you.

Keith Drazek: Excellent, thank you Fadi and thanks Jeff, Jon I've got Ron Andruff...

Jon Nevett: Can I just weigh in on this one point because I want to make one clarification and then with Ron's indulgence if that's okay.

Keith Drazek: Okay, go ahead Jon - thanks.

Jon Nevett: So when Fadi mentioned the current system I assume that he means the current proposal or the current contract that's in the Applicant Guidebook. Under the current system which is the current registry agreement structure, each registry has the ability to approve on its own whether they want that change or not.

So one of the big changes between the current system and the one that's actually in the Guidebook and that was approved through a community dialog and discussion is that there's a drag along right. So if a majority or a super majority of the registries approve, then all the registries would be down by that amendment and that's a big change from what's in the current system where each registry individually has the right to negotiate its own contract.

And underpinning all of that as Jeff mentioned is the PDP process, so all registries are bound by changes by a PDP but under the current Guidebook agreement every registry is bound by the will of all the registries or the majority of the registries based on an ICANN proposal. So that drag along right is a big change that occurred in 2010 compromise, thank you.

Keith Drazek: Okay thanks very much Jon, Ron finally to you - go ahead.

Ron Andruff: Thank you Keith, good afternoon everyone, good morning, good evening. I wanted to just comment earlier, your comments and your approach are very, very helpful insomuch as you're trying to bind the organization behind common ideals and a common focus and that's admirable and I think we can all move to that as we grow and mature.

One of the issues is of course is that the unique nature of ICANN is that our structure is such that all sides push against the middle, so every element is brought forward whether it is the non-commercial point-of-view or whether it's a contracted party's point-of-view, often these are diametrically opposed and they may be on the other side of the circle and staff and the Board are in the middle and feeling the pressures of these things.

But I think as you continue to lead us forward or reminding us continually that we need to work together to make an ICANN that is really the ideal that we're looking for I think we'll get there, so thank you for that. The comment I wanted to bring forth with regard to this specific topic is the idea that we're a consensus based organization and therefore when you ask who in the community will give the right to make a change it's really about all voices coming together and a ground swell going in one direction.

Unfortunately there are so many things going on within the ICANN universe that many of us are distracted by the thing, so sometimes that ground swell doesn't look like much but a blip, but that blip is in fact a pushback or a support or whatever it might be. So the issue here is that we want to have fair and equitable agreements in our transparent organization and that's the really difficult issue to achieve.

So many of us in the community may or may not agree with what's happened here with this idea of unilateral contract changes but at the end of the day it has to be a consensus based agreement. I hope this helps, thank you.

Keith Drazek: Okay thanks very much Ron, okay anybody else on the phone would like to weigh in at this point? I don't see any other hands in Adobe. Okay final thought or comments on the unilateral right to amend language? Going once, going twice, all right very good let's then move on to a conversation on Specification 11 as proposed in Sections 2.7 and Spec 11.

There're three sections, Section 1 requirement to use registrars that have accepted the 2013 registrar Accreditation Agreement that has yet to be finalized, lets start with that one and go to Jon Nevett.

Jeff Neuman: Thanks Keith, so yes we're going to talk about the PIC's Spec on Spec 11 of the proposed changes and as Keith mentioned divide them up into three subparts. As a whole the community has not reached a consensus on expect a good thing or not. There are certainly those - PIC Spec is a very artful way for ICANN to respond to the GAC advice and have application commitments made into contractual obligations without carrying around, you know, 300 page applications.

There are others who think there, you know, some parts of the PICs are problematic, but we do certainly have consensus in that PIC Spec 1, which requires the use of only registrars that have fine the 2013 RAA or any subsequent RAA approved by the Board is problematic. And it's problematic for a number of reasons and we'll divide that up into two parts.

First the 2013 RAA, so if the registrar community has not approved the 2013 RAA terms the new registries are very concerned that this will put them at a competitive disadvantage to the incumbent registries in that a registrar could opt not to sign the 2013 problematic RAA and stick with the 2009 one until the terms of those RAAs are up and then they would only be permitted to sell the incumbent TLDs and not the new TDLs which would put us at a competitive disadvantage and jeopardize the success of the new TL Deal - new TLD program.

So absent support of the 2013 RAA changes by the registrar community we are very concerned about this PIC Spec 1. We understand and support ICANN and the registrars in their negotiations in coming up with a new model RAA.

I personally helped negotiate the 2009 RAA and when we did that we had an incentive, so more of a carrot approach where because there were additional requirements in the RAA that were costly ICANN lowered the per transaction fee for registrars who signed at that time the new RAA and not stuck - didn't stick with the old RAA and gave a financial incentive. We think that approach probably is better than the stick approach that we have here.

We also encourage ICANN and the registrars to come up with and agree to a drag along process that I mentioned earlier in my response to Fadi, that way you don't have to have this system where there's, you know, some registrars operating on different agreements. If you have that drag along progress as we have in the - our Registry Agreement proposal in the Guidebook, you can have that in the RAA and we wouldn't have this problem.

So that's the first part, if the registrars sign on to the 2013 RAA as a group then, you know, I think there's a little more comfort. There's no comfort

whatsoever in the parenthetical which says, or any subsequent form of the RAA approved by the ICANN Board. There's no limitation on that, there's no requirement that the registrar support that, there's just - if the ICANN Board comes up with a new RAA then we can only sell through - in 2015, 2017 whatever, we can only sell through registrars that sign that new form.

And remember we're all as new registries required to use registrars as our sales channel, we don't have a choice in that matter. So we strongly encourage ICANN to delete that parenthetical and delete the reference to the 2013 RAA unless and until at a minimum they have the registrar community support of the changes.

Keith Drazek: Okay thanks very much Jon for the concise and constructive comments there, very clear. So let's go ahead and open this up to discussion dialog questions and answers - I'm looking for hands in Adobe Chat or anybody on the phone that would like to speak up, ask a question.

Steve Metalitz: Keith this is Steve Metalitz, could I ask a question?

Keith Drazek: Absolutely Steve, thank you - go ahead.

Steve Metalitz: Yes I - it's really about the first part of what was said and I am characterizing what is proposed here as a stick approach, isn't it really a carrot approach that if a registrar wants to be involved in the new gTLD market they have to sign up to the 2013 Agreement. After all they don't have a God-given right to sell registrations in every new gTLD, it's always been up to ICANN to accredit them in a particular gTLD, so why is this any different?

I understand it could be done through - in the Registrar Agreement or it could be done through a registry agreement, there might be some differences there but why isn't this really a carrot to encourage registrars to sign up to the new agreement rather than a stick? Thank you.

Jeff Neuman: Yes Steve thanks for that question and you could phrase it as a carrot or a stick to the registrars, you know, I think it's a more punitive thing you can't have something unless you something and you're implying that the current agreement is so problematic that absent the change they can't do this.

But I don't think anyone would dispute that it will stick to the new applicants, the new registries. The stick is you're not going to get the sales channel that we're requiring you to use absent this - something that's out of your control and that's the really problematic stick that parts - that's part of this proposal and something that is patently unfair and could create a really anti-competitive landscape.

Steve Metalitz: Could I follow-up just for a second, isn't it the case under the current agreement that you can't use that channel unless ICANN improves the registrar to sell in a particular new gTLD? I mean it's certainly true in the existing gTLDs, right. There's an annex for each Registrar Agreement about what gTLDs they're accredited to serve, so I don't see this as a difference in quality from that.

Keith Drazek: Okay thanks Steve and thanks Jon, I see Amadeu has his hand up and Jeff has his hand up, Amadeu do you want to respond to this point, to this question from Steve or did you have another comment?

Amadeu Abril: No I was before that...

Keith Drazek: Okay so let me...

Amadeu Abril: ...comments from Steve, it's on this subject - can you hear me?

Keith Drazek: I can but one moment, let me just see if Jeff wanted to respond to Steve and then we'll come back to you if that's all right.

Amadeu Abril: Okay.

Keith Drazek: So Jeff did you have a response to Steve or were you going to talk about something else?

Jeff Neuman: Yes I mean I think just a quick response to Steve and more in line with what Jon was saying is that ICANN does as you say have the right to accredit registrars.

But there's also obligations not to treat - to single any TLDs or registries out for disparate treatment and what Jon is saying about competitive marketplace or an anti-competitive marketplace you're going to put registrars in the position of saying, you know what I'm okay under this existing agreement, I'm just going to continue to sell (Com) and (Ned) the two largest TLDs, you know, 120 million names under management, you know, 85% of the marketplace if not more - of the gTLD marketplace.

And so there will be registrars and registrars have said that they will do it that, you know, forget it I'm just going to continue to sell the old one until the very last chance I have and so that's unfair to the existing applicant. And so that's one of the points you need to consider - that's it's it, thanks.

Keith Drazek: All right thanks very much Jeff, Amadeu over to you - thanks for your patience.

Amadeu Abril: Sure, the two conversations (that we have) here is that first (I'm going to be brief) on the call we are observers only in the registries (unintelligible), the two conversations (unintelligible) systematics of this provision.

This isn't a PIC Specification that's finally (entirely), if this is so important for ICANN why is not - why don't they make that mandatory if they do all the things like, you know, unilateral right to amend, etc., etc. So if doing this is so important why, I mean why should be there as a mandatory, voluntary part of that specification?

It's a very strange solution systematically speaking. The other question that's surprising from a systematic point-of-view if indeed this is a carrot for the registrars, (but supposing the) Registry Agreement, so probably from I would say the ontology of carrots is misplaced because it's somehow asking the new registries to place ourselves (the current) the registrars.

Now on the (theme) itself I would say that core is not that contrary to the provision, I mean we really believe that it makes some sense that even the evolution of the registry and registrar markets and numbers in the future ICANN tries to place some work, some guarantees that, you know, registrars will have some incentive to recreate the latest version. But the way that we hear seems very poor from a legal point-of-view and from even an incentive point-of-view, thanks.

Keith Drazek: Thank you very much Amadeu, appreciate that - Matt over to you.

Matt Serlin: Yes thanks Keith, Matt Serlin I'm the Chair of the Registrar Stakeholder Group, I just wanted to pick up on the comment that Jeff made and again thank him for eloquently stating the point and Jon as well for summarizing it.

But the point that I'd like to make really is in concert with Jeff that the stakeholder group, never mind the rest of the ICANN accredited registrar community, you know, really runs the gamut in terms of size, sophistication. You know, everyone thinks of ICANN accredited registrars as, you know, the top ten or top dozen or whatever it is but there really are much smaller registrars out there in the world that to Jon's point will be perfectly fine continuing on under the 2009 RAA.

Whatever the final 2013 RAA ends up being it will dramatically raise the bar for registrar operations. The responsibility that a registrar will have will dramatically increase and I will absolutely echo Jeff's point and say that there are definitely members of the ICANN accredited registrar community that simply will wait until the last moment to sign that 2013 Agreement because the responsibilities that fall upon them will be so much dramatically increased from 2009. So thanks Jeff for making the point, I just wanted to reiterate that.

Keith Drazek: Thanks very much Matt, do we have any other comments or questions on the phone line.

Fadi Chehadé: This is Fadi, I'd like to say something if I could because I'll be leaving in a couple of minutes here if I could.

Keith Drazek: Of course Fadi, please go right ahead.

Fadi Chehadé: Okay I just wanted to give a heads up that our discussion is the registrars negotiating teams are continuing. We had a very good session on Friday and you'll have another I'm sure a good session tomorrow, we have agreed to them on Friday that we will be releasing the new RAA (consensus) tomorrow (unintelligible).

So if you get a chance everybody to take a look at the agreement and where we are with the (unintelligible) we are (unintelligible) other than (unintelligible) relative to now (unintelligible). And I also wanted to clarify that I understand - my understanding is I think the feeling is we get some (unintelligible) about these restrictions on the (unintelligible) couple of things. How do you make this work for the common people?

We're going to have (I mean) today in Dubai we're (unintelligible) and the community government (unintelligible). And we discussed how 400 names and people here have five registrars - five registrars...

Keith Drazek: Fadi, excuse me this is Keith, I apologize for jumping in but we're having a bit of a hard time hearing you so if you could either speak up or move closer to the microphone. Again I apologize for interrupting.

Fadi Chehadé: Oh no problem, so I think I was just describing that we're expecting a significant growth in resource today the community here has agreed to form a working group so that every country in this region and there are tons of them, will be committed to work hard to accredit at least five to ten new registrars in the next year.

So I'm expecting this community of registrars to grow significantly as our engagement activities around the world and the new gTLDs and the IDN TLDs get released. So we need - please understand that it is important for all of us to have a registrar agreement that gets us to as close as possible a truly well market. Today we do not have that, we have an agreement that is not signed uniformly and I think it would help us all to prepare for the growth in the market with a standard agreement.

Now on Jon - I think it was Jon who mentioned the stick versus carrot, I must tell you I think if you try to put a carrot into this - as an incentive for people to sign it, how am I going to make any argument to regulators and governments that our industry is self governing? You know, I think we should think hard about that, if we are trying to project an image, if we have a self governing industry putting carrots does not help my case. It actually usurps completely the image of a structured self governing market.

And lastly I would like to say that I am also aware as someone who's run the business that there's going to be cost involved in implementing something.

There is going to be the time required in implementing something. And I am open to hear back from you on ways we can work around that and possibly maybe create a transition period of sorts so that people feel that they have time to get ready properly to live under this new agreement.

But please think of the bigger picture and why we're trying to get the market structured and organized before we see what I think will be significant global growth in areas many of us have not been to or worked at that we'll be trying to get accreditation and joining our community. So that's all I wanted to share, back to you Keith.

Keith Drazek: Thank you very much Fadi. I appreciate that and I know you may have to leave shortly before we move on to the next topic which is the PIC spec which I'm sure is a particular interest to you as you relate to governments during this process.

Amadeu I see your hand up still. Is that from before?

Amadeu Abril: Yes it's a forgotten hand.

Keith Drazek: All right thank you Amadeu. I'd just like to ask that I've been asked as moderator to request that everybody clarify who they're speaking on behalf of or as, you know, whether it's a company, a stakeholder group in their individual capacity just for the purposes of the transcript and so ICANN staff understands, you know, where we're all coming from when we speak so thank you on that logistical note.

Okay. Before we move on are there any other discussion points, questions Q&A input on the Section 1 of Spec 11 the use of registrars under the 2013 RAA?

Okay going once, going twice, let's move on to then Section 2 which is the description of the public interest commitment or pick. And I've got Statton Hammock. Statton over to you.

Statton Hammock: Thanks Keith. Hello everyone. Thanks for joining the call today. My name is Statton Hammock I'm with United TLD, a new applicant for top level domain names. We've applied for 26 top level domain names.

For this segment I'm going to briefly highlight some concerns that have been expressed by the community and some of the comments submitted recently with respect to this particular section Section 2, Specification 11.

It's the section that it asks registry operators to identify which sections of their application, which commitments, statements of intent and business plans that are found there they will commit to.

And it also introduces for the first time the dispute resolution proceedings associated with enforcement of the public interest commitments.

So from the reading of the comments there have been basically four challenges or concerns that have been raised with respect to this particular section.

The first is sort of an overarching question which asks have we overlooked the fact that the registry agreement in its final form in the guidebook published in June includes many requirements and specifications which are contractually binding of course which address many of the concerns raised.

Performance specifications, escrow agreements, service level requirements, data access requirements, equal access requirements, the code of conduct, registration policies and many other sections of the current registry agreement all are enforceable, all require registry operators to be bound by these provisions which, you know, some have wondered whether that has been sufficient enough - insufficient enough.

With respect to the challenges there's three challenges that the community has raised. The first is the timing of the requirement.

Even though we've had roughly 30 days to since the new changes have been released for comment many have expressed concern that's hardly enough time to look at every commitment, every business plan, every intention stated in the agreement to try to predict what would be reasonable for a registry operator to be to commit to that would be contractually binding and enforceable by ICANN and this agreement.

So what we're being asked, registry operators are being asked to, you know, make commitments when that takes some time and second there - there's no real clear reason for doing that because the GAC has not yet actually issued GAC advice.

So it's hard for registry operators to feel comfortable that what they put in the public interest commitment will in fact address all of the GAC concerns. That's the first challenge.

And the second is the breath of some of the language in Section 2, the language I referred to as specifically the requirements or the request to commit to all statements of intent, statements of business plans and commitments.

And again as I mentioned, you know, that requires registry operators to parse out each word of their of their application because the Section 2 unlike Section 3 of the specification requires you to list the sections in their entirety.

So business plans being what they are being subject to changes in market conditions and consumer behavior it's hard for a registry operator to

consider what business plans will be going forward them whether they can whether they should be subject to penalties potentially termination of their registry agreement if those business plans change and they have to make a change.

And finally the third challenge is with the introduction of the dispute resolution proceeding it's hard to really understand how that will work without more specifications around the dispute resolution proceeding.

It's mentioned here for the first time but as it's a new concept for the community it's uncertain or unclear how that's going to operate and how in addition to that how also changes to the public interest commitments may be made with the changing business plans or things of that nature.

So I'll stop there because there may be other concerns not yet expressed by the community that haven't made it to the comment section and people may want to raise them now. Thank you Keith.

Keith Drazek: Okay. Thanks very much Statton, I appreciate that. So let me go ahead and open this issue up, particularly section, we're talking about Section 2 of Spec 11, the public interest commitments.

You know, we've talked about timing. We've talked about sort of the definitions or lack thereof. So let me go ahead and open it up. I don't see any hands in Adobe. Is there anybody on the phone who'd like to speak up?

Antony Van Couvering: Yes this is Antony.

Keith Drazek: Antony go right ahead. Thank you.

Antony Van Couvering: I'd like to point out also that this is a point raised by John Berryhill on the registrar's side that the exclusions to this - to the ability of the board to unilaterally change the contract doesn't even apply to this it's the exact provisions so the board could vote to be able to do whatever they want by a majority and that would stick.

And I'm sorry if that's off topic. I realize it might be but there it is. Thank you.

Keith Drazek: Okay. Thanks Antony. Okay anybody anyone else on the phone bridge?

Come on folks, there's got to be more conversation around the PIC spec. This is a big deal.

I see some folks in Chat are typing in. We'll - I should just note that we will be capturing the Chat, the Adobe Chat and sharing the transcript of that following the call as well for openness and transparency purposes.

So if anybody who's active in Chat would like to speak up you are more than welcome to do so. In the meantime I see Statton's hand is up. Go ahead Statton.

Statton Hammock: I just Keith thank you. I just wondered to highlight something Kristina Rosette just mentioned in the Chat which is it's not - there hasn't been a public statement by the GAC that they've actually weighed in on the pick and had said whether it's - they are wholly in support other than the NTIA and the United States who encouraged registry operators to submit PIC, PICs. There hasn't been any other statements by GAC members saying that this is insufficient or unsupportive.

Keith Drazek: Okay thanks Statton. Jeff I see your hand.

Jeff Neuman: Yes I mean I would also just say there seems to be a lot of confusion around the PIC in that especially if you look at what ICANN and even Fadi talked about on this call and others about what they expect from the PIC and also what the US government for example expects out of the PIC specs.

The - it seems like the US government in their statement basically expects everything that a registry commits to to be put into the PIC spec whereas it seems from ICANN's initial statement of, you know, releasing why they were doing the PIC spec it's a much more limited view.

As Fadi said at the beginning of this call we don't expect everything that a registry, the entire proposal to be part of the PIC spec. But in actuality it looks like that's almost what's expected by the Department of Commerce.

So the whole fact that there seems to be different interpretation of what the PIC spec actually means between what one government believes and what ICANN believes and frankly what a lot of applicants are questioning and that PIC spec is due tomorrow there's a lot of confusion out there. And I think we need to set the record straight.

Fadi Chehadé: And Keith if I still a minute I'm kind of now in transit to my next meeting but I could help (Jeff) and others clarify this point if it's helpful.

Keith Drazek: Absolutely Fadi. Thank you so much. I appreciate your still with us. So go right ahead.

Fadi Chehadé: Okay so and again forgive the background noise. I'm in transit now. But you are all very smart people. I know you can read very clearly what happened here with the PIC.

We had to find in my opinion a reasonable compromise to address the two extremes. There is an extreme coming from government quarters and I have met with the US government as well as with the EU commission as well as with many governments during this trip.

There is a perception that we should take everything in this application lock stock and barrel and make it an enforceable contract. That's an extreme.

On the other extreme this frankly, you know, do nothing and let's hope for the best. I think what we did here is we tried to find a good compromise.

Governments -- and I talked to many of them Jeff as well as the government - - are watching it us closely on how we behave around the PICs.

They're watching and I think in my opinion they are not looking. Most reasonable governments are not looking for a lock stock and barrel.

I think if they see as acting responsibly around the PICs I think we may have a very subtle but clear way out of a lot of delay to the program.

So I assure you that there isn't an expectation that we - well some governments do have that expectation but there is no need in my opinion for us right now to be thinking that we must take everything in these agreements lock stock and barrel and put it.

But I also do think that we should not flirt with this. We should not say, you know, we'll pass and see what happens.

I urge you you've had now a period of time to think through this and I'm sure most of you have thought clearly through this.

It is very important that you err on the side of putting what's necessary so that we can navigate through this.

So I suggest we move as quickly as possible in that regard so that we can solve this thing quickly. And I want to assure you, all of you that I will do my absolute best with the governance with the EU with the US government and with the GAC to secure what I would call reasonable message around all of this.

I know that many of us still like to behave or to act simply because governments are raising a (unintelligible).

But I think on this one I'm urging all of us to be wise and to do what's necessary so that we can navigate through this particular canyon right now.

That's all I'm going to say and I hope you'll appreciate that I'm doing this in the best (phase) for all of us here to get this program off the ground.

Antony Van Couvering: Fadi this is Antony. Can - this just seems to be a new concern by government. Can you explain where this came from because we hadn't heard of these before?

Fadi Chehadé: I will check to my team to correct me but I attended actually a couple of GAC meetings and calls where governments were voicing especially in Toronto a very clear requirement to ICANN to take the entire (detailed) modification believe it or not and make it a contractual enforceable device.
(Unintelligible).

Antony Van Couvering: Thank you. But Toronto and is somewhat after that guidebook is published. They've learned about this for a long time. So it seems there must be some new impetus.

Fadi Chehadé: And I mean if someone on my team is better at me at explaining this and then all I know is that some of them are under either the impression or the assumption that the commitments that people wrote in their applications lock stock and barrel should be enforceable commitments. Either they didn't understand that before, they've given (unintelligible) -- I don't know.

So if someone knows better please speak up. Chris Disspain may know better or others on the call. But I was clearly there went many of them voiced without any (loss) that they expect everything to be enforceable.

(Chris Disspain): Fadi, it's (Chris Disspain) and just a couple of things if you'd like me to.

Fadi Chehadé: Please, please Chris.

Keith Drazek: Yes thank you Fadi. Thank you, Antony. Go ahead Chris. Thank you.

(Chris Disspain): Well I agree that the African guidebook has been finished for some time and I agree that this shape of the public interest commitment is new.

But I think that a number of GAC members including - and I - maybe I'm sensitive to it, the Australian GAC member have been, have raised for some time and certainly some time before Toronto the question of how will applicants be kept to their commitments.

And as is often the case with these things they take shape over time. So whilst that knowledge that, you know, referring specifically to the public interest commitments you can say that it's, you know, I don't think you can fairly say that the clay - that the discussion on how keep applicants to their commitments and the flag having been raised as it being an issue is new. But I mean I'm happy to go into more detail if that helps but in a nutshell that's how I see it.

Keith Drazek: Okay thanks very much Chris. So we've got a couple of folks in queue. First Amadeo. Then Alan Greenberg.

Amadeu Abril: Okay it's Amadeu Abril from corp (unintelligible) Council of Registrars. I'm an observer in this Registry Stakeholder Group.

Regarding the big Fadi and stuff I mean we are in the position of (score) that we support it yet everybody should be held, you know, to their (providers).

At least to their policy providers to registration requirement providers which are not saying that are, you know, restrictions but you know how we describe it, how will TLD should work which does not mean that, you know, they should keep to the (unintelligible) how many marketing guys they will hire in the next three years. I think it is irrelevant for anybody.

Now if that's true and now if that was these things the instrument you have proposed is very bad for all these.

Recognizing that my application (unintelligible). But Antony, Jeff or some other people submit these it doesn't do any good to the problems that I will raise in the future.

So you're asking the good guys to come, you know, in front. You know, make believe the (guide) that everybody will behave. This is to start with nonsense right?

You know, good people would behave. Normal people would behave. Most people would behave but some will not. It's probably the ones that will also make the big mistakes.

Second if that's so important then do that (unintelligible) monetary for everybody. And third if the problem is, you know, people should be held responsible to their commitments they made they then don't make that a unilateral declaration of anything even outside duplication. This where the peak is today.

It's simply confusing what you want to say now. It's not reflected here would you say in your application.

So you're allowing - you're going to change the duplication which in itself is troubling.

So first I don't think you're solving the problem and secondly you're creating a new problem by allowing late unilateral change of duplications.

Even if that's not the intent there is similar things, you know, ill-advised and very, very, dangerous.

And I repeat I completely share the concern that many GAC members have and they share the idea that in general people should do what they said they will be doing in their applications. Thanks.

Keith Drazek: Okay thank you very much Amadeo. Alan Greenberg, over to you.

Alan if you're speaking we can't hear you. Give you a moment to un-mute.

Alan Greenberg: Can you hear me now?

Keith Drazek: Yes. Go right ahead. Thank you.

Alan Greenberg: Okay sorry, I had unmuted myself three minutes ago but I guess it didn't take. I - regarding timing I find it unfortunate that the GAC waited until now to make a statement like this.

But it's not a new concept. I've been involved in the new gTLD process since very early 2007 not as early as some people. And it was raised at that point.

It was understood by many people that there was an expectation that whatever people asked for that's what they would do.

And, you know, that never made it into the agreement. I find it rather sad that today I kind of had to do it in the voluntary way. But let's be honest, it's

not a new concept. It is a new formal statement from the GAC but it's not a new concept. Thank you.

Keith Drazek: Okay. Thanks very much Alan. Jeff Neuman, your hand.

Jeff Neuman: Yes. I mean I do want to point that it's basically making it sound like registries or applicants don't, you know, can say anything they want in the application and do something completely different.

I just didn't want to point everyone out to the rep and warranty that's already in the registry agreement which says that all material information provided and statements made in the registry TLD application and statements made in writing during the negotiation of the agreement were true and correct in all material respects at the time made and such information or statements continue to be true and correct in all material respects as of the effective date except as otherwise previously disclose in writing by registry operated to ICANN.

Now is that the perfect rep that all the governments are looking for? No not by any means. But, you know, the issue here is that you have to at some point balance the need to have flexibility with what you said in order to build to adapt to market conditions and to other conditions that exist.

And right now any changes to the registry agreement need to go through this R step process, the registry services evaluation panel which I have to tell you as - having gone through it many times for .biz is one of the most arduous processes and lengthy processes that ICANN has.

Now I think it's gotten a lot better but it's still very lengthy and the amount of change requests that ICANN is going to get because of people forcing everyone to file PIC statements if that's what's intended is just going to be astronomical.

And I don't think ICANN has thought through the ramifications of what it's going to be like in year one when you get a couple hundred changes that need to go through the R step process because of this PIC process.

I know how difficult it's been for ICANN to just process these small trivial change requests with applications.

Think about all the change requests you're going to get in day one or in year one after the PIC specs become part of the contract.

So I'm not speaking out against the PIC specs at all. In fact I think there's a lot of merit to them and to voluntarily making disclosures but I just want to bring that up as something that ICANN needs to think about.

Keith Drazek: Thanks Jeff. Alan I see your hand is still up. Is that from before?

Alan Greenberg: I'm sorry I forgot to lower it.

Keith Drazek: Okay no problem. All right so we've got next up is Bret Fausett and then Chris Disspain. And we're going to need to start wrapping up on this particular topic so we can move forward with our agenda.

So if there's - any anyone has any final thoughts or comments on this get them ready and then we'll move on after Brett and Chris and any final comments.

Bret Fausett: Thanks Keith. I missed a little bit of what Fadi said. And the last time he spoke it broke up a little bit. But I wanted to ask if ICANN could very shortly provide a new timeline for PIC submission?

All of the applicants have received a notice asking us to submit a PIC by tomorrow March 5. That was problematic for a number of reasons. It came out of the blue. We didn't know it was - we haven't had a chance to discuss it much as a community.

And the public comment period was still open at a time when we were asked to comply. So I - and another point I don't see why you couldn't submit a PIC at any time, why it has to be by tomorrow?

So I'm very much hoping that ICANN can shortly issue a clarification, change the timeline on that so people don't feel like they are doing something that is still subject to change in public comment or missing a deadline.

Keith Drazek: Okay. Thanks very much Brett. Chris over to you.

Chris Disspain: Thanks and I'll try and be brief. I'm speaking - I'm going to speak personally to - I want to address a couple of things that have been said.

Amadeo and just specifically the warrant, the current warranty clause is fine but it only warrants up until the day that you sign the agreement and there is the challenge.

If you have made an application for a string that - and you said in that application that you intend to only to issue names to a particular class of people in terms of regulated environment.

The advice from the GAC is we want some mechanism to ensure that you stick to that so we know that that's okay and we then won't object.

And that - the current warranty doesn't do that. It takes you to only till you've signed.

And on the timing point I'm not sure that you - that (Fred) is - I think (Fred) may be correct. You may well be able to put in a PIC at any time.

But part of the issue for this is to get the timing dovetailed so that the GAC is aware of the PICs and can therefore withdraw any - withdraw is not the right word because there is no formal mechanism for it.

But not pursued with any early warnings and/or not to make an objection which they would in the event that no commitment had been made.

So I'm not talking as to whether it is possible to extend the timing but simply putting in place the connection that needs to be made between the GAC's decision and the decisions (stated) put in what PIC.

Keith Drazek: Great. Thanks very much Chris. This is Keith Drazek acting as moderator today but I'm going to put myself in the queue here just briefly.

On the question of the PIC spec I mean clearly as has been discussed here today the PIC spec is designed to in part at least help with to alleviate government concerns, whether it's government concerns expressed through the early warnings, the government objection presumably GAC advice.

I think that, you know, in my opinion the current timeline is completely unreasonable and that the fact is is that if we are trying to use the PICs spec to alleviate government concerns or to address government concerns then that PIC spec ought to be available following early warning, government objections individually or GAC advice.

There is a response period as I understand it following a GAC advice to the board or an applicant to respond. Why shouldn't the applicant be able to submit a PIC spec at that time?

I think these are things that we need to talk about as a community and that we need to really work through. And I don't believe that's done been done yet.

So I'll stop there. Does anybody have any final questions or comments on the PIC spec concept and the proposal before we move to a discussion of PIC enforcement and the PIC DRP?

Anyone on the phone? Okay very good let's now moved to the discussion of the PIC DRP and enforcement of PIC specs. And I think we've got Jon Nevett talking about that one. John?

Jon Nevett: Thanks Keith this is Jon Nevett speaking on behalf of (Jonathan). Keith asked me to touch on this topic so I guess on behalf of the Registry Stakeholder Group.

NTAG didn't really talk too much about PIC DRP's so and not on behalf of NTAG.

So the PIC DRP process is undefined if it's not in the agreement, it's not in the proposed agreement. So it's hard to rely on what's in there especially as applicants many of us are as Fadi suggested looking at providing PICs and issuing the PICs but it's hard to give a commitment when we don't know what the rules are around enforcement.

People might remember that there are other dispute resolution processes. It went through a great deal of community discussion.

Certainly the PDDRP the Post Delegation Dispute Resolution Process went through a lot of give and take. And the RRDRP is also in the current applicant guidebook or the Registration Restrictions Dispute Resolution Policy.

And those went through a lot of community discussion. It would have been better had ICANN put in this PIC DRP process and the rules around it.

I do note that ICANN proposed changes to 32 different sections of the applicant agreement or the registry agreement here and were really boiling it down to the two or three that they needed to do based on GAC advice or GAC interventions.

These other ones, you know, unilateral right to amend the use of registrars -- things like that weren't in response to the GAC advice on contractual commitment.

So it would have been far better had they spent the time instead of on the other 29 proposed changes to finalize the PIC DRP proposal so that applicants would be in a position to know what they're signing up to when they provide public interest commitments.

And I think Statton touched on most of what I was going to say anyway so in light of the hour I'll leave it at that. Thank you.

Keith Drazek: Okay thanks very much John. So let's open it up now any questions, comments, follow-up discussion or dialogue on the PIC enforcement and/or the PIC sorry, PIC DRP?

Antony Van Couvering: Hi. This is Antony since no one else seems to be in the queue, I know that we know that one of the possible remedies in the PIC DRP is termination of the registry.

Is anyone on the call who can give us some color on what some of the other remedies are and exactly how these are seem to be brought up and what are the standards approved for evidence or whatever?

Is anyone on ICANN who's here can speak to that because that is obviously with even without the whole PIC DRP step forward these basic points should be communicated. Thanks.

Keith Drazek: Thanks Antony. So open up for anybody who would like to respond to Antony from ICANN or anyone else?

Okay Jeff go right ahead.

Jeff Neuman: Yes I mean I think I can't answer Antony's good questions. I think we're going to need to submit that in a - in our FAQ to ICANN to get a better answer.

But I mean I will say that this is what the registry has recommended is that we start a policy process on this very point as to develop these policies and procedures.

I think going back to the post delegation dispute resolution policy, that took years of the multi-stakeholder process to finally work its way out and produce what was an acceptable dispute resolution policy.

And, you know, same thing with the URS and all the other dispute policies out there, I think we should follow that example, not just assume that what worked with dispute resolution mechanism worked for one is going to work for the other. And so let's get that started.

Let's get, you know, if this is in fact going to be solidifying the agreement then let's start it up. Let's send a letter to the GNSO, let's get a PDP or at least a policy process started right away.

Keith Drazek: Thanks Jeff. Anyone else?

In light of the time I'll just take this moment to note that we have just over 20 minutes left on today's call.

We have several items to yet get to and we wanted to carve out some time for next steps forward towards the end of the call so I think we need to move on.

And so unless there's any final comment now...

Jordyn Buchanan: Hi Keith it's Jordyn Buchanan. Can I make a just a very brief comment here?

Keith Drazek: Yes please Jordan. Go ahead.

Jordyn Buchanan: Yes so this somewhat relates to - this overlaps a little bit between the last discussion and enforcement.

But one thing that's not very clear is if in response to government advice our government concerns an applicant wishes to essentially commit to something that wasn't in the original application or in some cases may be even that's (unintelligible) to their original application it's not at all clear how you would do that.

In fact it seems like if you were to check Box 2 and Specification 11 and Box 3 and tried to do something new you would create an impossibility in that scenario when you're trying to alter the, you know, essentially alter the application through the PIC spec.

And there seems to be some indication you should use the change process for this but the change process seems to imply that it's only for errors that were made in the original application.

So I do think somehow we need to - ICANN needs to outlet - outline a process if this is really about government concerns of potential changes to applications from government concerns I think ICANN needs to be a little bit more thoughtful about how applicants might actually go through that process.

Keith Drazek: Great and thanks very much Jordan. And that's Jordyn Buchanan from Google for the transcript.

Fadi Chehadé: Keith this is Fadi.

Keith Drazek: Yes please Fadi?

Fadi Chehadé: I'm going to have to sign off. May I just say something on this?

Keith Drazek: Yes please.

Fadi Chehadé: I am going to ask my team to address these questions that were posed by Antony Vancouvering and the last speaker from Google urgently.

You know, I think these are valid very reasonable questions. If there is either lack of clarity on how people can add potentially new commitments in the form or if there's, you know, please let's quickly get a memo out, do something.

But I certainly wish to support clarity here. So I'm going to ask (Sam) and (JJ) and (Cyrus) to please address this request.

I also - Antony voiced some clear questions as it relates to the resolution processes and issues. I solely suggest that we issue some clarity on this as well so people are clear as to at least what is our vision or view of how this would work even at high level.

I also finally would like to add, and I know we're running out of time here and I will sign off right after this comment.

I don't think we can delay the submittal of the PICs. I think Chris Disspain made it very clear and I agree with him.

If we do then we will definitely not have GAC come back to us with their committed advice (innovation). So I'm just being clear.

If we don't - if we delay they are even arguing with me in Europe when I was there how are we going to get everything on March 5 and publish it on March 6 as we committed to them?

Because they said if it's March 7 or 9 or 9 and it starts slipping it's getting too close for us as governments to really get our device together by Beijing.

So at this stage unless we want to basically get them to do this advice beyond Beijing we should stick with the 30 days or so that we have been asking that people focus on this and get it done and make it happen.

I really would encourage us all to focus on that and make it happen so that we can keep the schedule that we committed to the folks on the GAC.

So I will stop. If there are further things Keith that you think I could be helpful with do - please send me an email after the call. I'm very, very happy to help anyway I can to clarify things and to continue in this excellent spirit.

I must thank you and thank everybody I've heard so far for the positive committed open set on this call. I mean that. I frankly I didn't know what to expect. But I'm delighted that we're talking and discussing and hopefully we can come out of this with the right agreement and an agreement that we can all look at and say we rose to the opportunity.

Please remember that at the end of the day these PIC commitments are about showing how we self-govern, how we are responsible for what we do.

It's a lot more than just frankly checking the box with the GAC. It gives us the presence and the position that as an industry we did at the end of the day commit to some public things and for the public interest.

So I urge us to please keep this in mind. And again thank you, thank you Keith -- much appreciated. Sorry that I have to go. I wish I could stay but I can't.

Keith Drazek: No problem. Thank you very much Fadi. I appreciate your participation and the participation of ICANN staff on this.

I - you know, our goal here was to be constructive and were not finished yet. But our goal is to be constructive. And I think that we've accomplished some of that.

But just on the point of the PICs I mean my fear is that the rush to the March 5 date is - it really risks undermining in my opinion whatever benefit or whatever good might come of them.

I'm very, very concerned. And I think the stakeholder group as a whole is very concerned about the timeline that exists today. And we just consider it really problematic and quite unreasonable. But let's go ahead and move on from here.

Mike Palage: (Unintelligible).

Keith Drazek: Yes?

Mike Palage: Keith this is Mike Palage. I have - I can just raise one point on that before moving on.

Keith Drazek: Yes. Please go ahead Mike. Thank you.

Mike Palage: Hi. Mike Palage speaking in an individual capacity here and not on behalf of any of the registry clients I work with.

My concern Keith though with - if you begin while I share your concerns about the abruptness of the March 5 deadline, the other thing I'm concerned with is I am working with a number of entities that are considering legal challenges using the ICANN objection procedures.

And a lot of those objections are based upon the lack of certain commitments to safeguard certain communities. So if you move - (mark), the deadline for filing is the 13th.

People need to know if they're going to be hitting the moving target or not what an applicant is committing to or not.

So well on one hand I appreciate giving an applicant the ability to decide what they're going to commit to, you also need to consider those people that are filing legal objectives under the applicant guidebook to know what their (shooting) at.

So when you move goalposts you have to consider a, multiple parties. That's just the point I wanted to raise.

Keith Drazek: Thanks Mike, appreciate your comments. I have to admit I'm having a hard time reconciling the requirements with the timeline.

So let's go ahead and move on. Thanks to everybody for the discussion and dialogue around the PICs. We probably need to as a community spend more time on that but let's move on.

So the next item on our list is to discuss the Expert Working Group, the CEOs Expert Working Group on directory services and the requirement that applicants basically accept whatever comes out of the recommendations from Expert Working Group.

And we've got Amadeo speaking to this issue. Amadeo briefly please.

Amadeu Abril: Okay thanks. Let me share a comment before starting on the PIC. And for the style that still here is that (unintelligible) when you (unintelligible) PICs take account that many of them - I mean there are some dozen of community

applications are not supposed to file a PIC because they have a special PIC. They have the PIC from the very beginning as a mandatory thing.

And second there are many exclusive use TLDs but even if they wish it to they don't know what sort of commitment they have to do.

If they have applied for the TLD that will only be used by themselves and they don't even see how to commit to that because it's, you know, they could not do otherwise if that's the name of the company for instance and they have no intention and no interest in doing that. But it doesn't mean that they don't want to, you know, fulfill public interest obligations.

Okay now on the Expert Working Group thing we finally Specification 11 and we fall into Specification 4 which is Whois specification, Whois output specification.

And here the amendment has brought us a new obligation in which all new applicants will comply. It is not voluntary like Specification 11. It is mandatory, will comply with whatever results come out from this expert group on public directories public directories services (sorry), provided that they are commercially reasonable, that is that they don't prove that they are commercially unreasonable.

And here there are three - well two things that we need to discuss which in fact are three. The first one is regarding the (operation). The second one is natural, the commitment that has (differential) part.

On the operations that we as Registry Stakeholder Group I think that we all support the work of these expert group.

We all (unintelligible) knowing how to input there as registry participatory, as new TLD applicants or a specific group of applicants (with rules) here at the very end may have some specific needs to be considered by the expert group.

But the most important part is that these operational (partner) what's in the contract now. And quite frankly I'm not completely sure I personally understand the nature of the commitment.

But from the personal point of view what's this? I mean we have PDPs, we have temporary policies, we have now the new unilateral right to amend on the side of ICANN. And this is something on top of all that.

So it's a specific commitment that it's here that we will abide to something that we don't know that we have not seen that has not yet been produced and we don't know when it will come and which form it will take.

So what's this? Why don't we follow any of existing procedures with a PDP temporary procedures and specification one plus, plus two or even unilateral (right) of an amendment?

Why ICANN has put that as still a fourth sort of new kind of procedure here. And if this is not a PDP indeed for many of us I think it will raise serious question of how to handle that even from a personal point of view.

Some of the few registries will find themselves just starting with the (unintelligible) one month later or three months later changing to the expert

group result and four or five months later changing to the result of a PDP that clearly (says) will be supersede the results.

So it's like a sort of urgent thing. But we don't know anything about - we know the urgency but we don't know anything that this group that has been working for less than one month will produce. So the process, no PDP, no commitment to a PDP, it's very troubling.

It's even more - it's also very troubling the language that's used here because it's a mix of very legalistic contractual terms and PR both, yes?

Next generation model, well doesn't mean an A generation model, well something that's not all generation model but we don't know anything about that.

But for instance why does it says that the limit is commercially reasonable. What does it mean? It's commercial reasonable as in cheap, it means it doesn't cost much money.

And why commercial reasonable is the only limit? Let me give you other types of limit that could be there.

For some people let's imagine this (unintelligible) if they only use the TLD to release their names on the name of the registry itself or affiliates it might happen but some of the things that are real very cheap make no operational or functional sense at all.

And even worse let's imagine for instance IDNs. Some of the solutions that could be approved and we know that from the trouble we had in the past

with 4423 might not be IDN enabled or handicapped within some of the scripts.

In that case, you know, commercial reasonable or not why should they apply a solution that doesn't serve any purpose?

Or from a legal point of view what happens with all these registries that are located in places where widespread unrestricted publication would have consensus of the party, of personal data, of individuals? It's not legal or it's not permitted by all (unintelligible) for instance but (unintelligible).

So the questions that we have, so all these questions here that means that while we support I think the model I - we think that the language in this (close) is very troubling in different respects. Thanks.

Keith Drazek: Excellent. Thank you very much Amadeo for that. Jeff I see your hand up.

Jeff Neuman: Yes I'll try to make this really quick. Just to add to what Amadeo said, when that expert group was created the announcement of the creation of the group said and even follow-ups have said the purpose of the Expert Working Group is to feed information in to PDPs that the board would initiate right, the board as got a power to initiate PDPs on its own.

This contract actually takes a completely different approach. This contract says it doesn't matter about PDPs anymore as long as the expert group, working group passes it and there's some public comment period then it's enforceable against the registries.

What we're asking for, what was brought up on the council call when it was discussed as well is that I can go back to its initial language when it created the group, that the purpose of the group is to feed into the policy development process period.

So ICANN actually doesn't need to put anything into the agreement because already there's a consensus policy process built in.

So ICANN we need to be clear, ICANN stick to what you said when you initially proposed the group. That's why we were all for the group. That's why we support the group going forward. But to give it this increased significance is not really appropriate and it's the same comments we have with a unilateral right to amend. Thanks.

((Crosstalk))

Amadeu Abril: People will just have (said) - this is Amadeo. How is the (unintelligible) is Expert Working Group results, public comments (both) decision and later on maybe superseded by your PDP which I agree is a completely strange bizarre and quite unacceptable procedure.

Keith Drazek: Okay thanks very much Jeff and Amadeo, I think very well said.

Let's now move on unless there's any other comments or questions on that particular topic about the Expert Working Group?

Let's move on now to the final substantive topic before we had next step scheduled which I'm - I fear we may not get to. We may have to take that to a list.

But the next item was the dialogue on rights protection mechanism enforcement by registries basically shifting the burden of enforcement from ICANN to registries. And Jeff we've got you for that one.

Jeff Neuman: Yes I'll try to do this quick as well. So there was some new language out in specification Section 1 where it used to just say that ICANN required that registries include in its contract that each - that all ICANN mandated independently developed RPMs are put into the registry registrar agreement but now it added a specific sentence.

It says and also now it requires each registrar that is a party to such agreements to comply with the obligations assigned to registrars under all such RPMs.

Now while this sounds like a pretty simple change and, you know, what's the big deal, what it does now is say that not only is our registries required to pass through the requirements to registrars but the registries are on the hook and ultimately liable for the actions of the registrars if those registrars don't comply with the enforcement mechanism.

And so that to the registries is very disconcerting. We'd like to hear from ICANN as to why there is a sudden shift and also point out that, you know, requiring this compliance function of each of the registries will greatly increase the cost of operating a TLD registry.

When those costs can easily be borne by ICANN on a centralized basis and subsumed into its existing compliance function more of a reliance on each individual registry operator will be sure to lead to uneven enforcement which

will ultimately have an adverse effect on competition within the new registry namespace.

So only those registries with the actual resources to have a large compliance function will actually be able to enforce these. And even those, you know, those registries that don't have the resources to enforce it or have less of an incentive to enforce that are going to choose the much more less confrontational path since you're asking these registries to go after their sales channels.

And we think again that this is going to make it very difficult for the registries. It's going to make it very difficult for us to have even enforcement.

And this is the whole reason why ICANN accredits registrars on a centralized level in the first place so that it's not up to registries to pick and choose who they enforce things against. And it's up to ICANN on a nondiscriminatory basis to go after the registrars.

So that's the basic point is that, you know, give us the context about why these were in there. Let us know why these can't be added to a register a specific agreement between ICANN or - and/or why ICANN is not taking on the compliance function itself.

Keith Drazek: Okay. Thanks very much Jeff, well said. Let's open it up now. We just get a few minutes left on the call but let's make sure that if there is anybody in Chat or on the phone would like to speak up on this issue?

All right I don't see anybody. Going once, going twice. All right hey Jordan you got about three minutes to talk about next steps forward. Do you have any suggestions?

Jordyn Buchanan: Thanks Keith. I do think that based on the discussion today and as Fadi highlighted that there is a real sort of opportunity here for constructive dialogue between various members of the community and ICANN staff.

And I think we need to just look and, you know, I'm certainly committed and I know others in the applicant community are, I'm sure others in other portions of the multi-stakeholder community are equally committed as well to making this work.

But we need to have a more effective model over the next few months then ICANN publishing a list of changes and us in the community having 30 days to respond then sort of seeing what emerges from that black box.

So I'd love to talk with staff and figure out how we can make that happen. Obviously we don't have time to sort of work through ideas here.

There are some of these topics that are primarily of concern to applicants. And there's even concerns that were not violated in the February 5 guidebook changes that already existed in the initial guidebook that I think there's still some worthy discussion around specific contract terms and so on that are perhaps meaningful to applicants but not to the rest of the community.

But there's a variety of topics, the PIC specs, the rights protection mechanisms and so on that are of concern not just to applicants but to others in the community as well.

And so we need to look for ways to engage ICANN that can include not high bandwidth conversation and substantive interactive negotiations around the agreements but make sure that we're getting the voices of all the relative parties in the community.

We'll probably have to take this online but I'd certainly, you know, if people have specific ideas I'd love to hear them here otherwise we can start to hopefully find, you know, someone at ICANN can start to work with us to figure out a way forward in order to address many of the concerns that have been raised today.

Keith Drazek: Thanks very much Jordan, excellent comments. Krista I see your hand up and then I will after Krista goes I'm going to offer the floor the microphone to anybody from ICANN staff who would like to make any sort of, you know, closing comments. Don't feel compelled to but I want to give you that opportunity and then I'll make just a very brief final statement. Krista go ahead.

Antony Van Couvering: Keith this is Antony. I'd like a very brief comment as well. Thank you.

Keith Drazek: Sure. Okay so Krista then Antony.

Krista Papac: Thanks Keith. This is Krista Papac from Clear Policy and Consulting Services. I just wanted to first of all echo what Jordan just said as far as just having - it would be really helpful to have a dialogue with ICANN on these topics.

I think a lot of these changes came as a big surprise and were unexpected. And, you know, the normal process we follow is that a public comment period, and then there's some back and forth, and there's an ICANN meeting where we discuss these topics.

And because we're working on such a compressed timeline I just - that's not really possible. And I think it would be - we'd be able to get a lot further to where we're - to where we all have a common understanding if there was just a little bit more dialogue.

And just by way of example I mean, you know, Fadi explanation of the March 15 for PIC specs was really helpful.

And it's little things like that I think that will make the difference.

And just to add one final point here which is, you know, with respect to the unilateral right to amend I personally am still not clear as to why that was added back in.

And so again from the dialogue perspective to understand why some of these things are there might help us to get to something more - to get to a more constructive outcome. So thank you.

Keith Drazek: Okay thanks Krista. Antony over to you.

Antony Van Couvering: Yes just one thing to think about when we're talking about self-governance the way that this whole thing has been set up is that they're all the sort of individual applications and rules for each of them.

It might be useful to explore and may help alleviate concerns on the GAC and other places if there is some sort of minimum community standards that say the Registry Stakeholder Group as a whole sets up so that we can also subscribe to those standards.

And that I think would benefit consumers a lot more than trying to pick through different registries with different, you know, commitments.

So there might be a subset of commitments that everyone wants to sign onto. And I would suggest that could be explored and make life easier. Thank you.

Keith Drazek: Thanks very much Antony for the very constructive comments. Okay so let me just take this...

John Jeffrey: Keith this is John Jeffrey.

Keith Drazek: So John go right ahead. I was going to at that point off of the floor to ICANN. Go ahead.

John Jeffrey: I was just going to say that Fadi's off the call now I believe but we wanted to say on behalf of staff that we thank you for all the inputs. We've been very carefully listening and noting the questions. We'll also look at the record and will try to provide responses as soon as possible.

Keith Drazek: Great. Thanks very much John. I appreciate that.

So my closing comments, two really. First is I would like to again call for anybody who's on the call or in Chat who has a comment or a question or anything that they're looking seeking clarification on is you can send me personally an email with the question or comments.

Because we are collecting and consolidating the various questions that we plan to submit to ICANN as an FAQ request.

So please feel free to send that to me. My email address is kdrazek@verisign.com K-D-R-A-Z-E-K@verisign.com.

And finally I would offer on behalf of the Registry Stakeholder Group and the members of the NTAG if the community would value or benefit from another one of these calls in short order to help move this forward we would happy to host another one and, you know, would certainly look for input on agenda topics and all of that from anyone in the community.

If ICANN chooses to host their own on these issues we would be more than happy to participate.

Cyrus Namazi: Hey Keith this Cyrus Namazi from ICANN. I just wanted to add a little bit to what John was saying in terms of given the eminent deadlines that we're all facing if there are questions for clarifications you can either send them to me or send them to Keith to forward to me and we'll do our best to respond to them right away.

John Jeffrey: And we're going to pull off a few that we heard...

Cyrus Namazi: That's right.

John Jeffrey: ...that relate to the timeline in the next couple days and try to respond to those very quickly today or early tomorrow.

Keith Drazek: All right. Thanks very much Cyrus and John, very much appreciated. I appreciate your all's participation on today's call.

So any final comments or questions before we wrap here?

Cherie Stubbs: Keith this is Cherie Stubbs. I - there has been a question if we can send out the full Adobe Connect Chat dialogue along with the MP3?

Keith Drazek: Yes. I think that was our plan all along.

Cherie Stubbs: Okay.

Keith Drazek: So yes Cherie will do that. And just for everybody's - just so everybody knows the Registry Stakeholder Group, we'll be posting the link to the MP3 the Adobe Connect Chat, and ultimately any transcripts to the stakeholder group Web page gTLD registries.org so let's , you know, just go ahead and we'll be happy to share that around.

I got the Web site right didn't I?

Cherie Stubbs: Yes you did.

Keith Drazek: All right. Thank you.

Cherie Stubbs: And I...

Keith Drazek: All right.

Cherie Stubbs: ...believe as well it may be the same information may go up on the GNSO...

Keith Drazek: All right.

Cherie Stubbs: ...Web page.

Keith Drazek: Perfect. Thanks very much Cherie.

Cherie Stubbs: You're welcome.

Keith Drazek: All right thanks everybody for joining. We're just five minutes over. I really appreciate everybody's participation and input and please look for more developments around this.

The reply period is still open until March 20 so there's an opportunity for further comment on these issues. Thanks all.

Cherie Stubbs: And I'd like to thank everybody, all the staff for their support too. And (Tim) we can end the recording now.

END