

**Registrar Accreditation Agreement (RAA) DT
TRANSCRIPTION
Monday 17 August at 19:00 UTC**

Note: The following is the output of transcribing from an audio recording of Registrar Accreditation Agreement (RAA) drafting team meeting on Monday 17 August 2009, at 19:00 UTC. Although the transcription is largely accurate, in some cases it is incomplete or inaccurate due to inaudible passages or transcription errors. It is posted as an aid to understanding the proceedings at the meeting, but **should not be treated as an authoritative record. The audio is also available at:**

<http://audio.icann.org/gnso/gnso-raa-20090817.mp3>

On page:

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

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Present for the teleconference:

Avri Doria - GNSO Council chair
Tim Ruiz - Registrar c.
Mike Rodenbaugh - CBUC
Kristina Rosette - IPC
Steve Metalitz - IPC chair
Alan Greenberg - ALAC
Carlton Samuels - At Large
Phil Corwin – CBUC

ICANN Staff

Margie Milam
Marika Konings
Liz Gaster
Heidi Ullrich
Glen de Saint Géry
Gisella Gruber-White

Absent apologies:

Stéphane van Gelder - Registrar c.
Marc Trachtenberg – IPC
Cheryl Langdon-Orr - ALAC chair
Adrian Kinderis –RC
Rebecca Mackinnon - NCUC

Coordinator: Okay. Today's call is being recorded. If you have any objections you may disconnect at this time. You may begin.

Gisella Gruber-White: Thank you. Avri would you like me to do a quick roll call?

Avri Doria: Please do. Thank you.

Gisella Gruber-White: Good morning, good evening everyone. On today's call we have Avri Doria, Mike Rodenbaugh, Kristina Rosette, Steve Metalis, Alan Greenberg, Tim Ruiz, Philip Corwin. From staff we have Margie Milam, Marika Konings, Glen de Saint Ge'ry, Liz Gasster and myself, Gisella Gruber-White.

We will have Mark Trachtenberg joining us 20 minutes late and apologies we have Adrian Kinderis, Rebecca MacKinnon and Stefan van Gelder.

If I could please also just remind everyone to state their names when they speak as this will help for the transcriptions and for the recording purposes. Thank you. Back over to Avri.

Avri Doria: Okay thank you. Okay. This is Avri. So we have an agenda. We have four items on it. I do not know if we will get through all four. What we are starting on is the items that we would stopped on at the last meeting, which was basically to come to an agreement on whether we have got one group or two groups here.

And I think that in some sense I thought we were moving towards a consensus on it, but I do not think we had gotten there yet. The consensus seemed to be building that there certainly are two items of work that are proposed that are being worked on, but there also was not a strong consideration of the fact that at some intermediate point at least, the things need to come together.

But we hadn't quite gotten - and we were at a point of is this one group that has got two sub-efforts, is this two groups, and then there was the complicating factor perhaps although it does not need to be that one of these was being envisioned as a DNS Working Group to look into issues of the RAA specifically and of course that would be an open working group to anyone, but it would be a GNSO effort.

And then the other one was defined in the joint effort between ALAC and the GNSO to produce what has been called at various times a Registrant's Bill of Rights and it has had other different descriptions on it.

Now, what had - we had gotten to the point of realizing that even if there was a Registrant's Bill of Rights that went beyond the rights that have already been defined in the document that was presented last time, that those would then need to fill in or would need to get moved into the group trying to decide what to do about any changes, if any, to the RAA.

So that is sort of my hand wavy explanation of where I think we got to, but we still have not resolved the issues. So I would like to open up the floor to anyone that wants to sort of keep working on this issue. One group or two groups folks? Anyone?

Mike Rodenbaugh: It is Mike Rodenbaugh. I guess I will just reiterate what I said on the list or what I think I recall what I said on the list which is that we are going to have enough trouble finding volunteers to do all this work. There are two pieces of the work in my mind at least that are intertwined. I do not see how you do any charter of rights and responsibilities that does not somehow have that provision that are baked into the RAA document itself.

Indeed I think the entire charter ought to be appended to the RAA somehow as an exhibit or whatever. So, you know, scarcity of people, unity of topics, why do we need two different groups? I still have not understood why people are saying that we need them.

Avri Doria: Okay thank you. Anyone?

Alan Greenberg: (Avri Joan).

Avri Doria: Alan.

Alan Greenberg: I think we are back at using the term multiple different ways. As I understand it now, we made the charter group as it were whether it is the same group or not as the other one has two potential documents coming out of it. One is a reformation in clear simple understandable language of existing rights and responsibilities which is the one that is referenced in the revised RAA that all registrars are obliged to point to.

And the second is a more ethereal document of what we believe the future right should be which has implications on the RAA. It also has implications on just pure consensus policy, especially if we approve the changes which are being proposed by Steve and Tim in the charter of the other group that some things are not going to be eligible for discussion with the RAA because they are truly consensus policy that will have to follow the more traditional path for making changes.

So I think we need to be really clear when we are talking about the charter. Are we talking about the existing rights one or the future rights one because I think the decision of how the groups come up with them may be different depending on which one we are talking about.

Avri Doria: Alan I just want to - I think it is only when you bring up the issues that we end up with this particular conflict...

Alan Greenberg: Oh I do not think so.

Avri Doria: ...because we are referring to an independent effort to create a bill of rights is what I have been calling it, bill of registrant's rights not a charter of registrant's rights.

So I do not think that what we are calling the document or the overloading of the term charter is really where the problem lies. I think you are right in that the problem lies in there is a working group being chartered that has certain activities.

And then there is an activity - two other activities that we have not decided whether they fit into that working group as Mike is suggesting or whether they should be separate activities.

But I do not think the name of the thing is really the...

((Crosstalk))

Alan Greenberg: I do not think the name is either. I just want to make sure that both Tim and Mike are talking about the same thing. And when I hear them talk I hear different things.

Tim Ruiz: This is Tim. I have to apologize. I went to put myself off mute to get in the queue and I hung myself up. So I just rejoined.

Avri Doria: Okay so go ahead.

Tim Ruiz: I - so I am not quite sure where the discussion was at. Maybe it is premature for me to interject.

((Crosstalk))

Avri Doria: Basically where we are at...

Tim Ruiz: I guess I was just wanting to try to get caught up on...

((Crosstalk))

Avri Doria: Right. Okay. Where we are at is basically Mike has reiterated the position that sort of says there is not enough people. There is a lot of work. And he basically - and correct me Mike if I get this wrong - basically the work of both

groups is sort of intertwined so why - no one has explained to him why it should be two separate activities, why the activities do not go together.

Alan brought up the point that there are really three separate work items. And, but I do not think made an argument for one group or two groups, just basically was indicating and at sometime in the conversations we get hung up over words like charter used in multiple ways that may be confusing the discussion.

Tim Ruiz: Right. Well my opinion is, you know, it all depends on how long we want to take to actually have a postable registrant rights document. You know, registrant rights exist. I mean it is not something that would take a lot of debate or discussion. If there is certain interpretation, they need to be clarified. We can certainly get that done in I believe in fairly short order.

If we tie these together too tightly then what is going to happen is we are going to have this ongoing months and months discussion and we are not going to have anything to post in that regard.

So it just seems to me to (view) an unfortunate situation where there is something we can produce fairly quickly if we could put a smaller group on it to get it done. That does not mean the work is over. That would continue perhaps with further discussions that might be involved in the RAA discussions about other things that would actually require amendments to the RAA.

I do not, you know, I understand that fact that it happened. But this specific task of creating an existing registrant's rights so that that could be posted in a link to as we agreed to and as we are required to do if one ever exists in our RAA to get it linked to, and it just seems like, you know, why do we want to confuse things and just get that so skewed off that it is going to be months and months before we see something like that get posted.

I see that it as a very different separate, much more of a just, you know, fact finding or fact collection type of effort that we could do in pretty short order.

Avri Doria: Okay. Well there were really were three work items. And you singled out one of them as I understand it which is the defining the current rights as they exist in an easy to understand, easily readable one that can be posted everywhere.

The other two work items were the ones that have been defined by Steve in his proposed charter, but then there is the third work element which is the call it (awsomal) rights and responsibilities document that goes beyond what may or may not exist at the moment.

((Crosstalk))

Tim Ruiz: Now I do not know where that comes from. I mean, that to me is where do we - where is the resolution that proposed that? I do not...

Avri Doria: I guess people interpret the resolution that was made as not only defining the rights as they currently exist but the right as a normative thing. And that is...

((Crosstalk))

Tim Ruiz: And here is - I guess this is where - I just want to make clear where registrars are on this. That from our view, what we agreed to was one, to have further discussions about potential RAA amendments people would like to see. Those may include things pertaining to registrant rights that would require changes in the RAA to garner. That could be included. That is fine.

The second thing that we agreed to was to do the registrant rights charter that - and get that posted and linked to as required in the new RAA. And that we see as a fact finding sort of mission where, you know, this is the existing

rights and responsibilities of registrants that we can pull together in what I consider to be a reasonable amount of time.

Avri Doria: Right.

Tim Ruiz: So where the third work item of...

Avri Doria: Well the third work item...

Tim Ruiz: ...the wish list whatever that can be rolled into the RAA discussion.

Avri Doria: Well...

Tim Ruiz: Those three could be identified. That is where the - that is the discussion where those need to be brought up.

Avri Doria: Right. If I understand from what Alan said, and Alan I will ask you to jump in, by excluding any issue that might be open to consensus policy, I guess he believes or has stated that that would make it impossible to talk about some of those possible rights.

Steve Metalitz: Avri this is Steve. Could I get in the queue?

Avri Doria: Please.

Tim Ruiz: And I do not know where we agreed to discuss those, or what would be - what would the value be.

Avri Doria: Okay. Steve.

Steve Metalitz: Yes I think Avri, I think on your last comment you are getting a little bit ahead of the agenda here because we have not discussed Tim's proposed edit to the charter. But I would basically agree with Tim that I think if there are issues

relating to registrant's rights that people think should be included in the RAA, then that fits pretty comfortably into the group - into the work of the group whose charter I have drafted which is one part of the resolution.

And just maybe for efficiency, it may make more sense to have those discussions there and confine the registrant's rights discussion as Tim suggests to kind of a descriptive summary and, you know, plain, you know, a plain language summary of what is in the existing RAA so that the normative part that you are talking about would come up in the discussion of possible amendments to the RAA.

I would also say in response to Mike, I think he has overstated the degree of overlap here. There obviously is some overlap, but there may be many amendments to the RAA that do not have anything directly to do with registrant rights, but it address other issues. And so I do not think it is fair to say as he did that this is basically the same task or that the tasks are unified.

I think there is a - I think it ought to be possible whether it is through two separate groups or two sub-groups of one group to have one group working on the draft that Margie did of what is in the existing agreement, and another group working on possible amendments, some of which will have to do - many of which may have to do with registrant rights, but some of which will not have directly to do with registrant rights.

Avri Doria: Okay.

Mike Rodenbaugh: Mike. Can I (supply) that, I mean.

Woman: Mark yes. I was going to ask both Mike and Alan to, you know, comment. Mike from the perspective it being two efforts and one of them cut off specifically to do the descriptive. And then Alan do you accept that notion also of the normative going in with the rest of the work? Mike.

Mike Rodenbaugh: Yes. I mean my concern is that well they are not exactly the same tasks. And I never - I did not mean to suggest that they were. I think they are interrelated as I said and, you know, more - most importantly if we go off in one direction and create this charter of rights and responsibilities then we agree to further amend the (CRA) that would change that charter rights and responsibilities. Was that - you will have already posted it and then you are going to amend it? That is going to be very confusing to people.

I think it is more important to just get it done right the way we all agree it should look and then publish it. There should not be any hurry to codify what is in the RAA now when we all understand that it might well change.

Woman: I have a question.

Tim Ruiz: This is Tim. Can I get back in the queue too.

Philip Corwin: Yes. And this is Phil. I just wanted to queue up.

Avri Doria: Okay. So I have got Tim and then I had Alan already in the queue, but Tim you wanted to respond to that. And then who else wanted into the queue?

Philip Corwin: Phil.

Avri Doria: Phil. Okay. Thank you. Okay so...

Tim Ruiz: So is it Tim or Alan?

Avri Doria: ...Tim so you are responding directly to what...

Tim Ruiz: Yes. The difference is Mike that the - this ongoing discussion of the RAA (amendages) if somehow we are under some impression this is, you know, we are going to come to agreement on amendments in a new RAA in like a month or two, I mean I think that is just like totally optimistic and unrealistic.

We may identify things that we are mutually agreed upon or whatever that you might want to look at for amending the RAA. Coming to the actual language and negotiating all of that, we have not even decided what those steps are going to look like.

This is just an identification process. So actually having a change modified RAA, and then the timing as we have seen before, you know, is an issue on when this gets adopted blah, blah, blah. I mean we are talking, and if we are going to hold up this rights charter until then, you know, you are talking months and months out.

And yet, until we can get this thing done and get it posted, it is not going to get changed in any short order. It will be - it will always be changeable and editable, but I think any changes are sometime out to be realistic here. That is the way things move.

So it seems to me to be - it would be too bad if we decide to hold up publishing an existing rights and responsibilities charter until that - all that work is done.

Avri Doria: Okay thank you. Alan.

Alan Greenberg: Yes. When I raised the point I was not trying - I was not advocating any issue. I was just looking for clarity to make sure when we were talking, and we use the term charter or whatever term we use that we differentiate it between the exist - the one that Tim is calling existing rights and the one that you are calling the normative rights or the, you know, what people refer to as the wish list.

I just wanted to make sure that we were not talking at odds with using the same word or words for two different things because otherwise we are never going to come to closure.

In terms of the overall opinion of where do I think we are going, I agree with Tim. The - I think it is important to get something posted. We are already working with two versions depending on whether a registrar is under the new terms or the old terms of the RAA.

If it changes again sometime in the future, then we change it. And it is going to change either because of our A, amendments or consensus policy that goes along the traditional PDP path.

There is a lot of reasons why this is going to evolve over time hopefully, but I do not see that as a reason not to post something as quickly as we can to clarify the water. And it is rather murky water we have right now of what the rules and rights are associated with registrations.

Avri Doria: Okay thank you. Philip.

Philip Corwin: Yes. I would just like to - I think the first task which is just a list of the existing rights is not going to take a long time. We have this draft summary dated July 21st. I do not think it is going to take very long to review that and then see if there is consensus if that is a correct listing.

I think it would be very useful for all registrants to have that available. And it should not weight on the task of drafting new provisions of the RAA including possibly new registrant's rights and responsibilities which could take as people pointed out, you know, many months. And given the ICANN process, the best bet is it will take more time rather than less.

And I think it would also be useful to get a consensus version of the existing rights and responsibilities posted because any new proposals are going to have to be based on our informed knowledge of what the existing rights are. So it is best we establish that as the starting point for any further efforts.

Avri Doria: Okay. If I can try and understand what you said, first when I was listening I thought you were saying yes have a separate group of people go off and get that done. But then I - the - having it as a starting place made me start to think that perhaps you thought it should be the initial activity before we went on to do other stuff. So could you clarify...

Philip Corwin: Well, yes I do not have that strong opinion on one group or two groups or how you divvy up those groups if there is two groups. I just do not see the task of agreeing on what the existing rights are as that big a challenge. We had this draft summary from staff and I think with the people in the group we can agree rather quick on whether that is accurate.

And then - so it seems to me that has got to be out there because any discussion of other rights - new rights and responsibilities for registrant task to be based on a common understanding and knowledge of what the existing right are.

And then I do not have a firm opinion as to whether we should have one group drafting - approaching new rights and responsibilities of registrants and another one addressing other RAA potential amendments or whether it is one combined group.

I have a feeling that they are going to wind up going forward together whether they divide it up at the beginning or not. So...

Avri Doria: Okay. I guess that...

Philip Corwin: I hope that is helpful. But I do think - I do not see any reason for a consensus agreement and public posting with the existing rights are has to wait on other work which can take many, many months, whether it is one group or two groups.

Avri Doria: Thank you. So, the logic I hear in that is that perhaps it should be an end - and I ask people to comment especially Tim who thought it should be two groups, that it could be one group with two deliverables. One deliverable being a quick deliverable, a 30 to 60 days deliverable that is take what has been put together and come up with a clear statement and send that forward and then to continue on the rest of the work as one possible way to sort of resolve the one or two and then it is basically two activities sequentially in one group.

Is that a way to go forward and Tim, you know, does that work for you or - and also (unintelligible) proposed a charter. Does that work for you and others?

Tim Ruiz: Yes. I mean that would work for me. I - the main issue is that I would like to see the, you know, some charter sooner than later. And if that is the best process to do it, then that is fine.

You know, being sensitive to the fact that (roughly) we have got a lot going on and, you know, some of us may be playing double duty on. If we had two groups I can understand that.

And the only - my main reasoning for the two groups was to see whether both activities could or both processes could get started (during all there is) some, you know, there is - obviously we are all anxious for both to get going.

And but if the resources just are not there, we are just not capable, then I would - then I think that yes if we can do the charter first and then move from there into the other RAA issues, you know, that would be fine with me.

Steve Metalitz: This is Steve. I guess - I think I am going to - I think I would agree with Tim, but I am concerned about holding up the even beginning work on the RAA amendment. I guess one question I have is when - (whether) the draft charter

I had tea which was I guess the date on which the council approves the charter...

Avri Doria: Yes.

Steve Metalitz: ...or something.

Avri Doria: Yes.

Steve Metalitz: So what is the earliest date the tea could be because...

Avri Doria: If we complete a charter and can get it posted within I guess a week at this point, then our next meeting is what the 13th of September or something like that?

Man: The third I think actually.

Avri Doria: The third of September. So the third of September we need to have the charter ready at least a week if not more in advance. Then it could come up for a vote in council. There is always a chance that the vote will get pushed off by three weeks because we have accepted a general practice that if any constituency says well I am not ready yet we need one more cycle to review it, in the constituency they can, so then it would be the end of September.

Now we could while doing that, have people working on this first task. And as this group could immediately expand itself and start working on the first task even though the charter for the work hadn't been developed, that would - I would not think that would be problematic.

Steve Metalitz: (Would) we do that on the second task as well? I mean I guess that...

Avri Doria: Well not if we are doing them sequentially.

Steve Metalitz: Well my concern about the sequential is I think we should put, I mean I think if - people are right that this is a very simple job to do to just review Margie's document and mark that up basically, then that is fine. If we can do that in ten days, then I do not think it is a big problem to delay starting work on discussion of RAA amendments.

But if that is going to drag on for 20 or 30 days before we even get started on the RAA work, and perhaps even longer if we cannot start on the RAA work until after the council approves the charter, then I just think - I would hate to see that type of delay.

So I guess my feeling is I am okay with the sequential activity as long as we can wrap up step one let's say by the end of this month.

((Crosstalk))

Avri Doria: Well we could certainly - I do not see any reason why we couldn't put the charter in, get the charter finished and get it proposed. We will address this as deliverable one, and immediately start working on that first activity.

I would be - because that was an activity that was specifically mentioned in the previous resolution, I would be uncomfortable I guess starting on the second activity until such time as we had gotten a charter approved.

Steve Metalitz: Well I am not sure I understand the distinction because both activities were specifically mentioned in the resolution. And in fact I think that we have had a lot of uncertainty about what the first one was, but I think everyone is pretty clear on what the second one was.

So, I just hope we could move ahead as quickly as possible. But I would not - if the consensus is that we should have a charter that has the registrant's rights document first and then turn to the RAA, I would not object to that consensus as long as there is a clear time limit on the steps.

Alan Greenberg: Avri can I get in? It is Alan.

Avri Doria: Sure Alan.

Alan Greenberg: I guess I am maybe being a little bit pessimistic but I do not think that taking Margie's document and transferring - transforming it into something that we are ready to post is going to go quite as quickly as we are talking about.

Being someone who is likely to - like Tim who is likely to be participating in both activities, I think doing them serially is marvelous. And, you know, it does - don't end up with double meetings.

On the other hand, I worry about losing the interest to people who are not particularly interested in the wordsmithing part of posting a charter and want to talk about the substantive issues.

And like Steve said, the RAA discussion is going to take a long time. And to delay starting it by potentially several months, I am not sure there is a strong argument for that. So I would like to see two groups despite the extra workload for those enrolled in both.

Avri Doria: Okay. I don't know whether I am optimistic or pessimistic but seeing how long it is taking us to agree on a charter, I do have my questions on how quickly we will get anything else done.

So while I thought we were moving towards a possible way forward, I think we are back to still having the question open of one or two.

Man: Hello?

Avri Doria: Hello. Someone wish to speak?

Carleton Samuels: Hello.

Avri Doria: Hello yes.

Carleton Samuels: (Frank)?

Avri Doria: Yes.

Carleton Samuels: I just got logged off. I was wondering. Hello?

Avri Doria: Hello. You got logged off of what?

Carleton Samuels: Is this the Operator?

Avri Doria: No. This is a conference call.

Carleton Samuels: Oh. I am on the conference call. This is Carleton Samuels.

Avri Doria: Oh okay. Welcome (Carleton). Yes. You got put into the call.

((Crosstalk))

Carleton Samuels: Okay.

Avri Doria: ...the Operator did not log you off, she just stuck you on the call.

Carleton Samuels: Okay.

Avri Doria: Or he just stuck you in the call, so...

Carleton Samuels: All right. Thanks.

Steve Metalitz: Well Avri I would just emphasize - I would prepare to go either way. I think if there are two groups that is fine. And if there is one group that has this as its first job, that is okay with me if there is a time limit on the first step.

But I think Alan was suggesting that that may not be realistic to have a time - a time limit, so if that is the case I would support having two groups.

Alan Greenberg: I do not claim to have any (precedence) on this, I am just suggesting it might take a while.

((Crosstalk))

Avri Doria: Anyone else that hasn't...

Alan Greenberg: Right.

Avri Doria: Anyone else that hasn't spoken yet, Kristina you have been very quiet.

Kristina Rosette: It is because I am still so relaxed from vacation that I am having a hard time focusing.

((Crosstalk))

Avri Doria: Oh okay.

Kristina Rosette: No. I agree with Steve. I do have some concerns about doing this serially particularly if we do not build in some timeframes. I understand Alan's concern on that point but I have to think that there may be some language that we can come up with that would work for everybody that would indicate that work with regard to the discussion on possible further amendments would begin not later than or something like that.

That would give us some flexibility to allow the registrant rights aspect of it to kind of move ahead to the greatest extent possible. And I also agree with Alan, I think there - I think it is going to take quite a bit of time to get the language in Margie's document transformed into something that is going to be acceptable to everyone.

Alan Greenberg: Yes.

Avri Doria: Okay.

Alan Greenberg: It is Alan one more thought.

Avri Doria: Yes Alan.

Alan Greenberg: Yes. I am not even sure it is going to be possible to take what Margie has and transform it into language. We may end up having to decide that the best we can do is formulate a general statement and then have, you know, each registrar tailor the document with a link pointing to the specific contractual term or something like that that applies.

So, I just think it is going to be a more complex process than we are envisioning right now having looked at some of these issues before.

Avri Doria: Okay fine.

Alan Greenberg: I prefer if it wasn't, but I am not sure where it is going.

Avri Doria: Well basically that one opinion now which is seeing how much trouble we are having coming up with one charter. I am afraid to come up with two charters will make it go even longer.

I think it is quite possible if I take what Kristina said is to put this a sentence or the production of this list bill of descriptive list, bill of existing rights as a

first work item and not make it an end to beginning dependency for the next one.

So just have it as the first activity, start that activity as soon as we agree on a charter, get some people that are actually willing to start, you know, wordsmithing and working on that while we are getting the rest of the charter approved, but then get things going in a normal process of time.

Because even once the charter is approved, then we have got to get, you know, people going, got to get the first meeting scheduled, and we will have had a month to six weeks of possible work on the first item before we even get the group up and running.

So I would suggest that we try to put it within one charter even if we end up once we have that group breaking it up into a sub-group that does one bit of work while the other one continues on the other.

I just do not see us doing two charters at the moment. We are having enough trouble with one charter. So is there any objections to going forward on the one charter including the separate work items where they are done largely serially but we are not actually waiting to finish the first before beginning the second? No objection?

Steve Metalitz: Well, the only thing I would say is if you go back and look at the resolution, it is clear that the council thought these could be done simultaneously because they gave the same end date for both. And it was a short time and now...

((Crosstalk))

Avri Doria: Well they gave the end date...

Steve Metalitz: Now you are - now wait. Avri now you are referring - you are talking about not even starting on the RAA work for six weeks from today? That is - that would mean that we have, you know, we do not get started until October?

I just - I do not think that is what the - I really - it is hard to see that that is what the council intended. And I, again, I do not want to see that work held up.

I think if we had the two groups, you know, those interested in the charter working on that and those interested in the RAA topics working on that. There is some overlap but I think we can do both.

Alan Greenberg: Yes. It is Alan. I will point out that someone made a comment a little while ago saying that negotiating the RAA and things like that is going to take a long time. But we are not talking about fixing the RAA, we are talking about a (drafting) team to decide on the methodology for fixing the RAA I think.

Steve Metalitz: Yes. I think it is an excellent point.

((Crosstalk))

Alan Greenberg: ...again we are confused - on that side we seem to have two different discussions going on - a parallel.

Avri Doria: Okay. I really do not know what to suggest at the moment.

Kristina Rosette: I - this is Kristina. I actually have a question for those who would prefer two groups. And I guess I will be more specific than that. I am thinking - or maybe let me just rephrase it, not necessarily two groups. But for Tim and Alan just to get a sense from you both, I mean what is your estimate realistic best estimate if we were to say okay we are going to do registrant rights and we are going to focus on that given the perspectives that you are coming at from this?

You know, what are, I mean are you thinking that this is going to - we are going to need three months? You thinking we are going to need six months? I mean...

Alan Greenberg: I do not think there is a chance we are going to have something finished before the end of Seoul.

((Crosstalk))

Tim Ruiz: This is Tim.

Alan Greenberg: I think with a face to face meeting we would probably have a good draft though coming out of Seoul, but I find it hard to believe we would move faster than that.

Avri Doria: I guess - I do not understand why...

Tim Ruiz: Yes and this is Tim. I do not quite understand that Alan. I mean I think that the document Margie came up with is pretty comprehensive. And if we do not like the format we can also talk about a format that makes sense.

But, you know, we are not going to create or invent rights and responsibilities but base it on what currently exists, the only issue that I can see is where there might be some disagreement about how a particular requirement and out in the RAA or whatever is - where a consensus policy is interpreted.

And I think we can resolve those fairly quickly actually. I just do not understand why we are talking sometime after the Seoul meeting before we could have something that...

Alan Greenberg: I was asked for an opinion. I said that is what I think it is going to take till we have something which is close to being ready to post. If I am wrong I am delighted, but that was my opinion. So, clearly not the only one.

Tim Ruiz: You know, my personal feeling Avri, you know, let's just ask for volunteers to work on that. I don't know how much of a charter we actually need.

((Crosstalk))

Avri Doria: I don't think we need the charter at all.

Tim Ruiz: Let's just get the work started and then, you know, put a date say by, you know, September 3rd, you know, we are going to have - we need to have this charter done and approved for the RAA Working Group and that kind of taking off by September 3rd or whatever. I do not, you know, I do not want to see that get put off but I - anyone wants to work on this charter, why can't it just get started and proceed. I mean it...

Avri Doria: Yes.

Tim Ruiz: I could have gotten a big chunk of this done. You know...

((Crosstalk))

Avri Doria: Yes. No I...

Tim Ruiz: ...the question of the information.

Avri Doria: Yes. I guess I have a similar reaction to you in that the work has pretty much been done. It may just be, as you say, a formatting issue to make it, you know, easier for people to look down a list and see bullet items. And then there may be one or two questions of interpretations along the way. So I tend to agree. I do not understand where the problem is in that one.

Certainly there would be a problem if we were talking about a normative list, but a descriptive list should be fairly cut and dry.

Tim Ruiz: Is there - Alan are there other individuals on the call or NCUC on this call that have thoughts on that and why we couldn't, you know, what I would like to do and this may not make sense to you but is to just ask, you know, the - those in the ALAC or in the NCUC to perhaps to just suggest a format, you know, take what Margie has come up with and suggest how it could be better formatted or how you would like to see it, suggest that back.

But let's take a look and see and then maybe we can come up with something in pretty short order that - at least as a framework that we can present to the larger group.

((Crosstalk))

Alan Greenberg: I have no problem with trying that. Again I was asked for an opinion and I gave it.

Avri Doria: Okay so...

Tim Ruiz: Yes. Yes.

Alan Greenberg: But I think it is going to take longer but I am happy if it doesn't.

Carleton Samuels: Can I say something? This is Carleton.

Avri Doria: Okay Carelton yes. What would you like to add.

Carelton Samuels: Yes. I - on the list I email list I gave an example of a geographic (regioness) working group and what we did to develop a charter. It seems to me that the work that is already done, it might just be a formatting

requirement. And I was pointing to that charter to see if we could look at it and see how we got it developed, if it was very quickly.

To me it follows a certain format. You have the recital that tells you what the basis of the requirements are. You have the recital that tells you where the charter gets - where the group gets its powers from and you tell what it is that you hope to do and what expectations you have for results.

Avri Doria: Yes. No we have got a charter. Thank you Carleton. We do have a charter. We have some disagreements or discussions to have yet on a couple items in that charter. But certainly the writing of a charter is not the question. The question at the moment was what work items were included within that charter.

There was a people...

((Crosstalk))

Carleton Samuels: I saw it and I did not think anything - there was anything that was so great that was missing.

Avri Doria: Okay thank you. Tim and Alan, are you willing to - and does anyone object to the two of them going off and pulling some people to work with them to see whether we can arrive at a format for the descriptive list of rights. I think that is what I am going to call it from now, the descriptive list of rights.

As an initial activity, to include that that activity, that ongoing activity is part of this charter but not make anything dependent on its completion and then move on with the charter and discuss item two on the charter. Is there any objection to that?

Alan Greenberg: If you were talking about me as one of those participants doing it in the next few weeks I am not available.

Avri Doria: Okay. So we would need to find another volunteer from ALAC to work with Tim assuming Tim is not pulling his name out of being volunteered.

Alan Greenberg: I have a meeting in Viet Nam the week after next and I am up to my...

((Crosstalk))

Avri Doria: Yes. I am not questioning you.

Alan Greenberg: No. No. No. I am just saying until the beginning of September I am completely booked.

Avri Doria: Is there someone else from ALAC that is both up to speed enough and you think would be willing to do that with Tim.

Alan Greenberg: Whether they are willing to be up to speed is not hard for the existing charter of rights. The availability is a different issue.

Avri Doria: Right, for the descriptive list of rights.

Alan Greenberg: Yes.

Avri Doria: To honor your request that we not overload the work charter.

Alan Greenberg: Why not use the word in six different ways.

Tim Ruiz: Well Alan is it something you could exude off, explain to maybe to (Cheryl) and then...

Alan Greenberg: I will certainly do that. I am just not in a position to commit a body right now.

Tim Ruiz: Sure. Sure. But then - and then just let them know I am available. I have - I have got to go to this Toronto meeting North American meeting. It is like Wednesday through Friday. But I will be on email and watching things. So I will be available and see what we can do with that.

Alan Greenberg: Well let's keep in touch and see what we can do.

Tim Ruiz: Okay.

Avri Doria: Okay. So in the meantime that would mean adding a line to the beginning of this charter that sort of indicates this is an ongoing activity between ALAC and GNSO to basically take the list that Margie has produced and put it into publishable form, and then continuing with the charter as currently written and then we come up to point two.

So, Steve would you be able to craft a couple words to that first item?

Steve Metalitz: Sure. Sure. It would be like - we would make that A and then B would be one, two and three, you know...

((Crosstalk))

Avri Doria: Okay great.

Steve Metalitz: ...or something like that.

Avri Doria: And then...

Steve Metalitz: Descriptive list of rights, that is helpful.

Avri Doria: Right. The descriptive list of rights, descriptive list of existing rights or whatever.

Alan Greenberg: There is some terminology in the amended RAA which...

((Crosstalk))

Steve Metalitz: Okay (that is a problem).

Alan Greenberg: ...you can probably use.

Avri Doria: Yes.

Alan Greenberg: Yes, okay.

Tim Ruiz: And Alan just to be sure it came across right. I am not saying, you know, other things cannot be discussed. It is just that the place for those then would probably be in this other discussion, right.

Alan Greenberg: I was not arguing against that.

Tim Ruiz: Okay. Okay. I just wanted to make sure I am not coming off the wrong way here.

Avri Doria: Okay. Then the next thing is - I guess it is now B, we had point number two where Tim - I mean we had point number one which I guess was acceptable to everyone which was identify topics and what further action the form of amendment to the RAA might be desirable.

And that is the same as what Tim offered. Then Tim offered a number two, topics identified will not include any subject matter open to consensus policy. Now I understood from Alan's discussion that that exclusion might be problematic and I do not know if that was an issue for anyone else.

Steve Metalitz: This is Steve. Could I get in the queue?

Avri Doria: Yes Steve.

Steve Metalitz: Yes. My only concern there - first of all I am not 100% sure what - that I understand what Tim is driving at here but if - my only concern is again in terms of speed and trying to come up with a product fairly quickly.

I understand that there may be issues in certain amendments that, you know, it may better be dealt with through consensus policy and so forth. And - but I just do not want this group to bog down into a lawyer's argument about whether something is or is not within the scope of consensus policy.

I mean ultimately it is up to the council. If they want an opinion from the general council they can ask for that or whatever. But I just would - I think we have enough to do in terms of identifying some of these topics. And again, I think it was well pointed out by Alan I think that we are not trying to draft new provisions here. We are really just trying to identify topics hopefully with some particularity, but maybe at some level of generality.

And I do not think it is going to be fruitful to spend the time measuring all those against whether conceivably something within that topic might get into the area of consensus policy.

So I would suggest that we might want to have something in there that, you know, maybe we could flag, you know, the report could flag issues that might have an impact on consensus policy or something like that.

But I would not want us to spend a lot of time saying you cannot list this topic because it is "a subject matter open to consensus policy."

Avri Doria: Was it - can I ask a question? Would it be possible to have number two phrased as identify any topics which would be subject to consensus policy because if there are topics - there may be topics that require amendments. There may be topics that require consensus policy.

Woman: Um-hmm.

Avri Doria: So identify them and - or you can even put in the first one identify topics from which further action, a form of amendment or consensus policy may be desirable or something.

Steve Metalitz: I would strongly support something like that. We may even end up with issues that have to be addressed by an RAA amendment and consensus policy. And I do not think the group...

Tim Ruiz: Well again the problem is getting registrars to agree to that and then participate. I ask - that is what I am trying to keep focused here because, you know, I mean rightfully, you know, or understandably (unintelligible) whatever, you know, registrars are concerned about this whole discussion.

And so if we say - if all of a sudden we open this up to say well now it is going to be a discussion of things we would like to see amended in the RAA or things we would like to see consensus policies about, I think the registrar's constituency is going to clam up say well...

((Crosstalk))

Steve Metalitz: But remember we are talking about...

Avri Doria: One at a time please.

Steve Metalitz: We are talk...

Tim Ruiz: Let me just finish Steve. Let me suggest something here - that we leave one as it is and that I think that we could come to some agreement with addressing their concern that, you know, we do not get into debate about whether something is consensus policy or not but we include in number two

that step where at some point, once these topics have been identified then maybe, you know, staff, council or whatever offers back some comment about well these are consensus policy issues so that we end up with here are the things then that are amendments that would go into step three of the next steps with a furthering discussion on now, okay these are amendments, we have identified, now how do we get these things amended.

And those things are identified as consensus policies. And whoever has concerns about those, they have a process for dealing with it. They can, you know, ask for an issues report or do whatever it is they want to do.

But if - but I can understand the difficulty of not getting bogged down in debate about that. So if you flag something as well, you know, there are some concern about this might be actually consensus policy issue then those things at the end that are flagged could be reviewed by staff, some opinion could be given, and then that way we have a list of topics to move forward in the next steps.

Avri Doria: So in other words, you would see two changing to topics will then be analyzed by staff to determine which are subject to amendment and which are subject to consensus policy?

Tim Ruiz: Right. Something like that, exactly.

Steve Metalitz: Well...

Avri Doria: And then three could be proposed next steps?

Tim Ruiz: Right. Right. On that...

Avri Doria: A period.

Steve Metalitz: Well...

Tim Ruiz: Right.

Steve Metalitz: Yes. What I heard - what I would suggest we might want to do on two is to say one for - one of the identified topics in which further action may be desirable, second identify topics that may require further analysis as to whether - as to their impact on consensus policy or something like that.

Yes because I am comfortable with that. If we come out and say here are topics one through six but any people on the committee or on the drafting team think that five and six or four, five and six really need some - need the staff to look at those and see whether we can do anything without, you know, you know, without having problems with consensus policy, I am comfortable with that. I just do not want to have this group spend a lot of time conducting that analysis.

Tim Ruiz: And I think that is reasonable expectation. I do not have a problem with that as long as - I just do not want it to appear is if we are changing what we have agreed to to now, you know, have a discussion of consensus policies so to speak so.

Steve Metalitz: Okay. Well I would be happy to change two to topics that may require further analysis as to their impact on consensus policy or something like that. I can circulate some language.

And then you also had a change on three which is really just kind of shrinking what I - I remember on the last call somebody suggested that we include their having a proposed charter for a working group. So I do not know why you took that out, but I am comfortable with your three...

((Crosstalk))

Tim Ruiz: Well because I think - because I am not sure. I do not know if we want to get into the debate right now about, well we can about what is the next steps. I mean is it, you know, are registrars going to be okay with a working group then to try to negotiate these amendments or what would the process look like?

And I think that is a big question that this group obviously will need to deal with. But to presuppose what that is going to be I think will be problematic or to get into a debate over what that next step or process is going to be I think will get us - in fact if that is necessary to get done, we can go down there. But I think that is going to be, you know, a considerable discussion. So I do not think it is necessarily...

((Crosstalk))

Steve Metalitz: Here. This is Steve. I am...

Tim Ruiz: ...say yes let's just form a working group and we will hand route them in this.

Steve Metalitz:: Can I get in?

((Crosstalk))

Alan Greenberg: And it is Alan.

Steve Metalitz: ...Steve if I can get in the queue.

Avri Doria: Who asked to get in please?

Alan Greenberg: Alan.

Avri Doria: Yes please although it is almost time, but yes go ahead Alan.

Alan Greenberg: I was the one who suggested adding the words charter to that. And that presupposed that if the group is recommending a working group, then they might as well come up with a charter at the same time instead of having a discrete set in other group which we then have to charge to doing it.

Certainly, you know, having wording of including a proposed charter of any planned working group (was) I think would address the chance that maybe there is not a working group.

Avri Doria: Right. So it could be proposed next steps and charters if any.

Alan Greenberg: If applicable.

Avri Doria: If applicable. Would that be okay and just leave it open and let the group decide what things - some of them may be asking for issues reports, some of them may be asking for working groups and proposing charters, some of them may be who knows what. Does that make sense to people just leave it open proposed next steps and charters if applicable or some such proper wording? Any objection to that?

Man: I do not have any objection. I would be fine with three as Tim proposed it but I would not mind...

Tim Ruiz: I can live with any of it.

Avri Doria: Well with Tim, right, okay. If everyone is fine with that wording we can leave that wording too. Okay. We are at the hour mark. We did do a couple things that were on the charter. I think we agreed on one group. And Steve said that he would make the changes to the charter for an A and a B and that those things were not - they - one would start immediately, so if we have another meeting we actually start on that, but we do not actually need a meeting for it.

Tim and someone from ALAC and any others who are interested in participating in that and I say use this list to do that work now. I think we are close to finalizing the charter with Steve's new - with the new wording that Steve will do. And if we can come to an agreement on the charter in the next few days on the list, I can put it on the agenda and propose it for a vote at the next meeting to get that done.

We got at least the first volunteers to launch a group to convert the document and agree on a time period for deliverables on the charter. I think we have got that in the charter, but I ask people to take a look at it and propose anything different if they think it is necessary.

Alan Greenberg: Okay. Avri it is Alan. The issue of the two groups having different management as it were, we need to formally address. I have no problem. I am not foreseeing that ALAC is going to say we cannot do it in one group, but I will...

((Crosstalk))

Avri Doria: I think we just - my proposal is that we make the whole thing a joint effort.

Alan Greenberg: Yes. No. No. I understand. But I will report that...

Avri Doria: Right.

Alan Greenberg: ...and go ahead with it.

((Crosstalk))

Avri Doria: Anybody object to the whole thing being a joint effort?

Alan Greenberg: But I do not foresee any problem.

Avri Doria: Any objection to that - that this is a joint effort between GNSO and ALAC on all of this? And then the next step, some of those will be GNSO working groups and some of those may be who knows what. But this effort remains a joint effort. Is that okay.

Alan Greenberg: Sounds good to me.

Avri Doria: Okay. In which case, that was an hour, close to an hour three.

((Crosstalk))

Alan Greenberg: Thank you.

Avri Doria: We started...

Alan Greenberg: Well we started late.

Avri Doria: ...late. So I appreciate it and thank you all.

Alan Greenberg: Thank you Avri.

Steve Metalitz: Thank you Avri, bye.

((Crosstalk))

Avri Doria: Bye-bye....Steve especially thank you.

Man: Bye.

Coordinator: Thank you for calling the digital replay service.

END