

**Registrar Accreditation Agreement (RAA) DT
Sub Team B
TRANSCRIPTION
Wednesday 13 January 2010 at 18:00 UTC**

Note: The following is the output of transcribing from an audio recording of Registrar Accreditation Agreement (RAA) drafting team Sub Team B meeting on Wednesday 13 January 2010 at 18:00 UTC. Although the transcription is largely accurate, in some cases it is incomplete or inaccurate due to inaudible passages or transcription errors. It is posted as an aid to understanding the proceedings at the meeting, but should not be treated as an authoritative record. The audio is also available at: <http://audio.icann.org/gnso/gnso-raa-b-20100113.mp3>

On page:

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

Present for the teleconference:

Steve Metalitz - IPC – Chair
Tatyana Khramtsova – Registrar Stakeholder Group
Michele Neylon – Registrar Stakeholder Group
Statton Hammock - Registrar Stakeholder Group
Kristina Rosette – IPC
Cheryl Langdon-Orr - ALAC chair
Holly Raiche – At-Large
Shiva Muthusamy – At-Large

ICANN Staff

Margie Milam
David Giza
Liz Gasster
Glen de Saint Géry
Heidi Ullrich
Gisella Gruber-White
Marika Konings
Dave Piscitello

Absent apologies:

Elisa Cooper - Registrar Stakeholder Group

Steve Metalitz: Gisella, do you want to do the roll call?

Gisella Gruber White: Absolutely. Good morning, good afternoon, good evening to everyone.

On today's call, we have Holly Raiche, Michele Neylon, Tatyana Khramtsova, Steve Metalitz, Shiva Muthusamy, Statton Hammock. From staff, we have Glen de Saint Géry, Margie Milam, Heidi Ullrich, David Giza, Marika Konings, and myself, Gisella Gruber White. We also have apologies from Elisa Cooper. And if I could please remind everyone to state their names before

speaking for transcript purposes. And Dave Piscitello has just joined the call as well. Have I forgotten anyone on the roll call? Over to you Steve.

Steve Metalitz: Okay, thank you. This is Steve Metalitz. Welcome to everyone. I hope people can hear me without too much okay, because I know we have some sound quality problems.

I've sent around an opposed agenda - actually a memo that kind of explains the first agenda item, which is our timetable. The second proposed agenda item is getting started on our third task, which is suggesting next steps to the Council of how to deal with all of these topics. The third agenda item is to go back into the chart either picking up where we left off on the last call or picking up after the last item for which there's been a proposal circulated, and see if we can move through that. And then any other business, which would include scheduling our next meeting, which presumably will not take place next week.

So are there any other agenda items that people wanted to propose?

Woman: Sorry to interrupt Steve. I believe the echo is coming from your line.

Steve Metalitz: It's coming from my line. So should I try dialing in?

Woman: (Would you be so kind) as to dial in again?

Steve Metalitz: I will do that. Okay.

Woman: Thank you.

Steve Metalitz: Okay, this is Steve Metalitz again. Am I still creating an echo here?

Man: It's better.

Man: Much better.

Steve Metalitz: All right, well let's hope it stays better.

So I think we've approved the agenda. I see Kristina has joined us and there may be others as well. But why don't we get started talking about our timetable?

And as I laid out in the memo, if we are going to complete a report to send to the Council in time for the Nairobi meeting, we have to have that done by February 15. So one course would be to try to make that deadline, which I think would require two things. First, much more active participation on the list, and second I think we would have to plan to have weekly calls starting the week after next.

There's nothing magical or mandatory about having a report to submit in Nairobi and I don't think it's at all a certainty that the Council would be - would have the time to take it up in Nairobi. But if - it's a good target to shoot at. And I think if we want to meet it, we will have to do those two things. Alternatively, we could continue on our pace and aim at submitting something for the April 1 meeting or the April 22 meeting of the Council. In both cases, I think we have to have our submission two weeks in advance.

So let me open the floor to comments on the timetable. What - I guess before I do that, it's probably useful to ask how many people on this call and on our broader list are planning to be in attendance in Nairobi. Leaving aside the staff, who else on the call is planning to attend?

Statton Hammock: Steve, this is Statton. Right now, I'm planning to attend.

Steve Metalitz: Okay.

Kristina Rosette: Steve, it's Kristina. As of right now, I'm hoping to attend, but I'm still working out - still negotiating that with my husband.

Steve Metalitz: Statton, Kristina, there was another person.

Tatyana Khramtsova: Tatyana Khramtsova. I will attend the meeting.

Steve Metalitz: You will attend. Okay, thank you Tatyana.

Tatyana Khramtsova: Yes.

Holly Raiche: It's Holly Raiche. I won't attend, but I know Cheryl is attending. But I noticed from the Adobe link that she's not there, so I better put her hand up for her.

Steve Metalitz: Okay, thank you. She says she's having phone issues. All right, okay Statton, Kristina, Tatyana, and Holly are planning.

Holly Raiche: Not Holly, Cheryl.

Steve Metalitz: Oh, excuse me Cheryl. I'm sorry. Yes, you sad that but I obviously wrote it down wrong. At this point, I'm not planning to attend, although that could change.

Okay, well that's helpful. Again, I don't think it's - we don't have to be there in person in order to have our report submitted and even discussed by the Council. And I don't have a sense of the Council agenda as to whether if we got it in by the deadline they could - they would be in a position to discuss it in Nairobi. But all we can control is when we submit the report.

So let me then open up the floor to comments on our timetable. Do people think it is important that we get the report in in time for Nairobi? And if so, are people prepared to kind of step up the pace here or just how do you want to proceed?

I see that Statton has his hand up. Statton go ahead.

Statton Hammock: Yeah, I don't think there's any rush to get the report in before Nairobi. I think going through all of these items we've identified. We know it takes a little time. I think it's worth the time. And we haven't really addressed as you mentioned in your email you know all of the tasks that we have. And trying to crush everything in the next two weeks with multiple week meetings I think is - it would be very difficult for us.

Steve Metalitz: Okay, Holly I think you had your hand up. Did you want to...?

Holly Raiche: I do. In one sense, I disagree and really hope that we could get something going because the process after we start discussions takes so long. And if we don't get something, then the process becomes longer. On the other hand, I do agree that there are some very important issues here and they do need a bit of discussion. I guess I will (wear) whatever the result is. I don't mind actually having a weekly meeting if it means we will get something to Nairobi.

Steve Metalitz: Okay, Kristina I think had her hand up. Does anybody else want to be in the queue? Go ahead.

Kristina Rosette: I just wanted to say something speaking for myself as a councilor and not the whole Council. Given some of the timing deadlines that are now in place in terms of how soon Council has to - how far ahead council has to have not only things for discussion for purposes of an agenda, but also motions.

I just think that whatever decision is made about whether or not we push for Nairobi or not should take into account that as a practical matter, even if we meet the deadline for getting something to the Council for them to discuss in Nairobi, we would be able to - it simply wouldn't be possible to have any kind of motion or vote in place for the Council meeting in Nairobi.

So in other words, we could cover it during the working sessions on the weekend, but it seems unlikely we would be able to actually vote on anything in - the following Wednesday. So you're looking at almost kind of a two and a half, three-week gap there anyway. And I just want to ask that folks build that in.

Steve Metalitz: That's useful information. So just based on everything else that's happening at the Council, it's unlikely that they could take any action on a report in Nairobi. Although presumably, they could discuss it.

Holly I think you had your hand up if I'm not mistaken. I'm having a little trouble reading my screen here with - Holly go ahead.

Holly Raiche: A question for Kristina. In which case, what is the best way to make sure that we're on the next Council meeting, and then we can actually reschedule everything so we can make that.

Kristina Rosette: I would say that just look at the - and I have the (unintelligible) I will summarize. Look at the date for the first Council meeting after Nairobi and work backwards. I do think that as a practical matter, this is a topic that Council will probably want to discuss at a meeting, and we'll need to account for the opportunity for the various councilors to consult with their stakeholder groups and/or constituencies depending on who they are and who they are representing.

So I think you are as a practical matter talking about two meetings between when it's first presented for discussion and when Council can actually vote. So if for example you wanted the Council to be able to vote at its April 1 meeting, Council would have to have - well if you wanted it April 1, it would probably be too late. If you wanted it April 22, Council would have to have it for Nairobi.

Steve Metalitz: So you're talking about a three-meeting cycle then. There's a meeting April 1, there's a meeting April - there's a meeting in Nairobi. There's a meeting April 1. There's a meeting April 22.

Holly Raiche: Right. Exactly. Exactly. Exactly. Sorry.

Steve Metalitz: Okay, Michele I think you had your hand up. Did anybody else want to be in the queue? Go ahead Michele.

Michele Neylon: I just wanted to support what Statton was saying. I mean there's no point rushing things. I mean it's better to do something properly rather than try to rush it just for the sake of rushing it.

Steve Metalitz: Well let me recognize myself. Does anybody else want to be in the queue? Yeah, I don't think it's a choice between rushing and doing it improperly. I think we - if we - if we prioritize it, I think we can get the work done even by the February 15 deadline, but obviously everybody does have a lot of other demands on their time certainly.

And I think what I take from what Kristina is saying is that - well again, there's nothing magical about Nairobi. We really should - considering that it will take a while for the Council to process it as she explained. And as Holly pointed out, even after the Council does its thing, it's going to be an extensive process presumably before there's really decisions on - inclusion on any of this stuff in a revised agreement.

I think it is important for us to move ahead as quickly as we can, but I certainly don't sense any consensus that we should make it our goal to have everything wrapped up by February 15 in time for submission of a report in Nairobi. Is that a fair reading of the discussion?

Man: Yes, I think so.

Steve Metalitz: Shiva you had your hand up.

Shiva Muthusamy: Yeah, in Nairobi (unintelligible).

Steve Metalitz: Yeah, most - I'm sure the work sessions - Kristina correct me if I'm wrong. I think the work sessions of the Council will be open for remote participation and the actual formal meeting of the Council is Webcast.

Kristina Rosette: That is correct.

Steve Metalitz: Yeah okay. All right, well we can also make a decision if we want our group to meet in Nairobi. You know at this point, it doesn't look like a lot of us will be there, but a few will. And maybe as we get a little bit closer, we can try to decide whether we want this group to meet in Nairobi. But unless there's objection, we will proceed. I think we should proceed on our regular schedule.

And again, I would encourage people if we can to get as much of this done on the list as possible because we do have a lot of ground to cover. And I'm also going to suggest on the next agenda item that we do a little bit of parallel processing by having some people get started on a proposal for what we think the next steps ought to be procedurally without regard to the particular topics.

I see Holly has her hand up and also Kristina. I think Kristina was first actually and then Holly.

Kristina Rosette: Oh, Holly go ahead.

Holly Raiche: I just want to say as a way forward, first I'd note the comment on Cheryl supported by Kristina that comments about the discussion would be worthwhile in Nairobi surely. I'm not sure that not having something to put forward doesn't actually start the discussion, but I was just going to suggest as a way forward having a revised agenda so that in fact we do target exactly

what meeting we're aiming for and where we have to go so that we actually - the time doesn't keep slipping away.

Steve Metalitz: I think that's a good point. Kristina.

Kristina Rosette: I think that's an excellent suggestion.

The other thing I was going to suggest if it's possible - and I've been trying to come up in my head with ways to do it and I'm not sure I have. But if there's even a chunk of this that we could at least be able to report back to the Council in terms of this is what we've done so far and this is where we're at - this is where we're going.

Even if it - you know for example, I don't know whether it would be possible to say, "Here are the topics that at least initially we have identified as first priority or the highest priority." Just so that there's A, some information for Council because they will need some kind of update; and second, to really keep the process moving along at the Council level so that it doesn't really drop off of everybody's radar screen until right after the report is presented to them.

Steve Metalitz: Okay, so you're suggesting that of course even though we may not be in a position to submit a final report, we certainly should be submitting a status report.

Kristina Rosette: Yes.

Steve Metalitz: And yeah, I don't think there's any disagreement with that. Let's see. I have Michele and Holly. Michele did you want to be recognized?

Michele Neylon: Yeah, just very briefly. From what I recollect, staff should be able to confirm. Working groups have to provide some kind of basic status update to the Council every couple of months anyway, so it's kind of moot in some respects unless I'm missing something.

Steve Metalitz: I've been providing a very brief status report to the Council for every meeting. Glen sends me an email and I send her you know a two-sentence report back, but we certainly can and probably should plan to have something more detailed for the Nairobi meeting.

Michele Neylon: Okay.

Steve Metalitz: Holly I think you were next.

Holly Raiche: This is to support what Kristina said. And I think it would be nice if we could just have a little look at a more detailed report based on where we've got to before the next Nairobi. And it can be just a status report, but that would be very helpful.

Steve Metalitz: Okay. All right, then we will plan to prepare a detailed status report before the Nairobi meeting, and then the suggestion about setting a target date for trying to complete our work and have something submitted to the Council.

I think there are two - I mean two options. One would be - don't hold me to the exact date, but one would be about March 15, which would enable us to have something before the Council to start its process at the April 1 meeting. And the second choice would be April 8, which would allow the Council - have something before the Council so it could start its work at the April 22 meeting. Do people have thoughts between those options or other suggestions?

Holly I'm not sure if you have your hand up or if I just failed to put it - I'm not managing the screen very well. I didn't know if you wanted to be recognized.

Holly Raiche: I put it down actually.

Steve Metalitz: Okay, sorry about that. All right. Okay, well what I would suggest that we do is that we see if we can aim at getting our work done by March 15. I can - well I guess depending on how many people are traveling to Nairobi, that may slow things up a bit. If we aim at April 8, I could certainly send out a proposed timetable with you know what we would have to do at each of the meetings between now and then.

And maybe that's the best way to proceed with the goal of having the report submitted by April 8 so that the Council could have it for its April 22 meeting. And of course as we said, there would be - would prepare a detailed status report for the Nairobi meeting. Are people comfortable with that approach?

Okay in that case with hearing no objections, I will proceed on that basis. Okay, is there anything else on our timetable that people want to bring up? If not, let's turn to the next agenda item, which is sub task or Task Number 3 of our Sub Team, which is recommending the next steps. And I wonder if a couple of people would be interested in preparing something that we could look at either our next meeting or the following meeting as a starting point to give our recommendations of how - assuming we've got our list and we've got our - you know all of the items have been identified at high or low priority, what should happen next.

Do people have thoughts on that that they'd like to share at this point? Or are there people who would be willing to volunteer to try to come up with a proposal on that?

Margie Milam: Steve, this is Margie. I just wanted to go back to the schedule. I just realized that the GNSO on the 22nd of April is going to be changed because there was a conflict. And so we may have to revise your schedule when we know exactly what the date is going to be for that GNSO meeting.

Steve Metalitz: Okay, do we know if it will be moved up or presumably moved back? We don't know.

Margie Milam: Well you've got a (doodle) open. It looks like April 15 is likely to be the date. So if that's the case, then April 8 is probably too late.

Steve Metalitz: Okay, so we would move up our deadline in that case. When will that be decided? Do you know?

Glen De Saint Géry: Steve, this is Glen. Not until all of the councilors have filled in the (doodle), and I am checking them (out) at the moment. That should be within the next couple of days.

Steve Metalitz: Okay, well that's great. Then obviously, we'll have to modify our timetable accordingly. But thank you very much for pointing that out.

Okay, let's see. Holly I think you wanted to be recognized. I don't think...

Holly Raiche: Yeah, I wanted...

Steve Metalitz: Go ahead.

Holly Raiche: I would be prepared with probably one other person at least just to summarize where we got up to, and obviously the notes on the matrix are really, really helpful. I'm not sure what else we would need to do other than say - to rejig the matrix into some kind of a report saying, "These are the things we've identified." And you could almost do it just from the notes that have happened, so I'd (unintelligible). But if you look at the matrix with the notes there, they are very helpful and they are a very good summary of where we're up to.

Steve Metalitz: Okay, yeah. Thank you. Maybe I - I don't think I've been very clear. I totally agree with you that for our status report we can do that.

Holly Raiche: Yeah.

Steve Metalitz: And that's how I would plan to prepare it and I would be glad to circulate something and let people have a look at it, but it would basically be based on that.

What I'm talking about is we have a separate task, which is to recommend to the Council -- assuming our list is all completed and we've done all of our prioritization -- what should be the next steps toward discussing these as RAA amendments. Do we think the Council should initiate any process? Do we think this recommendation should be sent to the staff and ask them to convene a group? Would that start the process? Do we think that staff should draft a set of amendments based on these? Do we think that there might need to be parallel discussions? Since there are a lot of topics, do we think they should be discussed in parallel?

I mean I'm just throwing out ideas about some of the next steps that could happen. Because remember, all that our group is charged with doing is really compiling this list and then it's up to the Council about what steps it takes next or you know the staff and others that have participated. So what I'm talking about in terms of our Task Number 3 and the recommendation that we make there. It's not where we are in the grid; it's what happens after the grid is completed. So I hope that helps clarify.

Holly Raiche: Thank you.

Steve Metalitz: So do we have any volunteers to start working on that?

Cheryl Langdon-Orr: Steve, Cheryl here.

Steve Metalitz: Yes.

Cheryl Langdon-Orr: My (problem) is because of the huge workload that I have and many of the leaders within the at-large and (ILEAC) world have between now and Nairobi. I think the deafly silence you are hearing is - I mean Gisella runs my

diary. She knows what it looks like. I'd be hard pushed to squeeze in more meetings other than in the (strata)'s that are running now. And I'm also unsure whether or not that type of next steps discussion isn't actually going to be rehashed in the work team as a whole. And so why not once we've got the draft of the report, the interim report to the GNSO Council in our hands, we not focus even if it is an additional meeting to do it on just that discussion.

Steve Metalitz: Okay, so in other words, you are - I think you are saying that - if I can restate it. The parallel process isn't going to work on this.

Cheryl Langdon-Orr: Rather than do it as a sub team, yes.

Steve Metalitz: Okay.

Cheryl Langdon-Orr: Not not do it, but do it as a committee as a whole rather than a sub team.

Steve Metalitz: I understand. Okay, thank you. Holly had her hand up. Does anybody else want to be heard on this? Okay, go ahead Holly.

Holly Raiche: I was just going to say I think that's a good suggestion from Cheryl.

Steve Metalitz: Okay. All right, is there anybody in support of having the parallel processing where we will have a team helping you know putting together a (straw man) on next steps while we continue to work through the chart?

Okay, if not, then we will dispose of that agenda item by saying that we will not work on that right now and we will plan to work on Task 3 after we've completed Tasks 1 and 2.

Okay, so now we're back to Tasks 1 and 2. And the question - I think we had this question last time. Do we want to pick up with Item 5, which would be after the last one we finished - the last one we discussed at the last meeting.

Or do we want to pick up on Item 9 I think, which would be the one - after the last one that's been circulated on the list?

So Item 5 for those who haven't committed this to memory is Privacy and Proxy services. And Item 9 is...

Cheryl Langdon-Orr: Registrar Information.

Steve Metalitz: Registrar Information. Thank you. So how do people want to proceed? Well since we have 5 circulating on the list and 6, 7, and 8, although they were under different numbers. Because as I explained in the memo, our numbering has changed. I guess my suggestion is do we start on Item 9 so we can keep making some progress on this?

I think Holly wanted to be recognized and was anybody else. Holly go ahead.

Holly Raiche: Yeah, I think let's start on 9 since we've sort of started other discussions and see what progress we can make on this one.

Steve Metalitz: Okay, great. Without objection, then why don't we do that? So if you will turn to Item 9 on the chart, Registrar Information, the first few proposals all have to do with getting additional information on registrars and their affiliates. Some of these are broader than others, but let me ask for any comments on those as to whether - first, do people understand what seems to be proposed there? And second, do we - do people have thoughts about what level of priority should be accorded to that?

I don't know if anyone from the - you know I think the most detailed description of this is under 9.1 from the staff proposal, but I think there are others. Did someone want to be recognized on this?

Gisella Gruber White: Holly has her hand up doesn't she?

Steve Metalitz: Holly, thank you. Please feel free to speak up folks, because I'm obviously not catching all of this. Go ahead Holly.

Holly Raiche: Actually, I didn't have my hand up, but my thoughts (are sometimes unseen). We - there are already new requirements on resellers from the amendments that have to be in - I think it's Mexico or Sidney. I think Mexico. We don't know how those have panned out. I would be interested to know how those panned out. And I'd really like to hear from a registrar on how much of this is actually easy, how much of it is doable.

And I wouldn't mind also hearing from I suppose (Dave) who is on the link but not on the phone as to the other side because some of these informational requirements do come from both security and law enforcement agencies. So I really would like to know how much of this information is actually necessary and how hard it's going to be to produce.

And I think my third point I made the last time is is there a significant difference between proxy and privacy services that is implemented and used consistently by registrants.

Steve Metalitz: Okay, thank you. Let me see. Is there anyone on the staff who would like to respond to Holly's second question about how useful this information would be?

Margie Milam: Is David Giza on the call? I believe he is. David.

David Giza: Hang on Margie. I was on hold for a second. Okay.

Steve Metalitz: David, we're talking about Item 9.1 on the chart about the staff proposal about requiring the registrars to provide further information about themselves and their affiliates and significant resellers.

David Giza: I think on that particular point a good portion of that information or at least a significant portion I should say will come to us through the updated processes and procedures that the registrar liaison team is currently, you know, considering as part of the registrar application process, but I also believe that there's a backend component to this that's going to require you know more work. And so in that respect, particularly around resellers, I do think that we should have you know this provision or elements of this provision identified as a higher priority for purposes of a future amendment.

Steve Metalitz: Okay, thank you. And then Holly also asked that if there's any reaction from a registrar about some of these points. And I see that Michele had his hand up, so I'm assuming you are responding to that. Michele go ahead.

Michele Neylon: Well, I'm responding to that and to what David was saying.

With respect to what David was saying, the (tool that David was mentioning) I presume is the (radar tool). Would that be correct David?

David Giza: That's the tool that the registrar liaison team currently uses to collect all of this information. That's correct.

Michele Neylon: Yeah, I mean the (radar tool) for those of you who aren't familiar - I'm actually - I opened another tab because I was talking to one of my fellow registrars.

At the moment, it allows each registrar to list various contact points for a variety of different things. So for example, the abuse contact, the billing contact, the complaint contact, (scroll) contact, a public contact, a primary contact, transfer contact, EDRP (unintelligible) contact, (unintelligible) contact. And then various other things like IPs for Who Is Port 43, Who Is URLs

And most of those contacts I can update myself. I don't need to get ICANN to do it for me. So if I wish to for example - if I decided that in the morning Who

is or (like my dot com) was no longer going to be our Who Is server, I should be able to change it there I think and it should automatically get picked up and sent out into the world as it were.

So I think you know a lot of the stuff that people are asking about - there's no reason why that can't be extended here. And the Registrar Liaison Team can probably push the registrars to make sure that their various contact points are updated.

I would have concerns about lumping contacts for resellers and registrars into the same clause. Because until such time that somebody can provide a very clear definition of what exactly constitutes a reseller and what isn't -- you know where you actually draw the line -- then I see that as being problematic.

I mean the (spirit) of what somebody might be trying to achieve and what you will actually end up achieving could get (perverted). So I think it would make a lot more sense to split those out.

The 2009 RAA makes explicit what was already implicit in that the registrars are responsible for all domains under their accreditation be they be directly registered or done by a third party or some from of reseller. And while I can understand the frustrations and the various other things people have, you know this - getting the registrars to provide the information is one thing. But until such time as you can you know clearly identify what you're talking about in terms of resellers, I see that as being problematic

I think Holly was asking about the Who Is privacy and the proxy thing. My understanding of it is that proxy is when you do something on behalf of somebody else. So there are quite a few people who do that. One company that we deal with on a regular basis does company formations and would also handle domain registrations for their clients. So they act as a proxy for their clients. I mean that's just to give you one simple, silly, concrete example. Beyond that, I can't really say much more on the matter.

Steve Metalitz: Okay, other comments. I will recognize myself. This is Steve Metalitz.

Michele I'm not sure I quite understand what you are saying about the problem of defining what a reseller is or understanding what a reseller is. Maybe you could give an example, but it seems to me as you said, the current RAA says the registrar is responsible for all registrations that it sponsors. And either those are - it seems to me either sold by the registrar or they are sold by somebody else. And if it's somebody else, that seems to be a functional definition of the reseller. But maybe I'm missing something.

Michele Neylon: Okay, the thing is Steve that if I - at what point do you delineate somebody as being a reseller? That is the thing. I mean if I go to a registrar's Web site and I register a domain name for myself to myself, then obviously I'm not reselling. That's pretty clear-cut.

But if I go along and I register a domain name for a friend of mine, am I (I reselling this) or not? At what point...?

Steve Metalitz: I think we maybe have two separate concepts on the table here. One is - let's not give you as an example because you work for a registrar. I don't. If I - so it doesn't - if I go to your Web site - the Blacklight Web site and register a domain name there and presumably there's no reseller involved.

But if I go to some other Web site, register a domain name, and that entity is basically acquiring domain names through you -- in other words, they are domain names that you've sponsored and Blacklight is listed as the registrar in the agreement that I sign -- doesn't that make the other party a reseller? That's sort of what I understood a reseller to be.

Michele Neylon: Yeah, but that's a very clear-cut example. But the case that I would have a lot of -- and look, I'm sure (somebody else) could possibly chime in on this -- is that if you have - if say for example they don't go through a kind of specific reseller channel, they can still end up registering a lot of domains for third

parties. They could be a Web development company and they only have 50 clients. They've registered 200 or 300 domains for those 50 clients, but they are not going through a reseller channel. How do you identify that? And in some cases, how could you identify that?

Do you understand the problem? I mean it's one thing when you're looking at - I mean registrars have different business models. There are several registrars whose sole business is dealing with the reseller channel both in GTLDs and ccTLDs, and that is a very fair - they don't deal with end users directly. They only deal with channel partners, resellers, call it what you like.

Steve Metalitz: Right.

Michele Neylon: But then you have a lot of registrars that would have you know various variations (on a theme). But the thing is that it hasn't been clearly categorized at what - I mean there is something in the staff note there about what a significant reseller would you know be responsible for X thousand or X (unintelligible) of names on your registrar acknowledgement.

But the point I was going to get at is that by lumping stuff related - the collection of data (for these registrars) is something tangible, which everybody can see, in with collecting data for a group that hasn't been really identified clearly - I see those being problematic. I'm seeing this happening in multiple GNSO working groups where people throw out this reseller term, but nobody seems to have clearly defined it.

Steve Metalitz: Okay, so I think - what I hear you saying is that that needs to be defined. As you said, it should be treated separately in your view and there needs to be a clear definition of reseller. Once that occurs, then...

Michele Neylon: It's much easier. The thing is this. You know if you just keep throwing around a term like reseller without clearly saying you know what you're actually talking about - because you're understanding of it...

Steve Metalitz: It's fine.

Michele Neylon: I mean it's a perfectly valid concept. Let's say for example - okay I'll have to pick on Go Daddy because they are big target. Go Daddy - you go to their Web site, you register a domain name. But if you want to be an official Go Daddy reseller, you'd probably be dealing with (Wild West) domains.

That's the thing. Like two (kinds) for example to the open (SOS). They don't have direct registrants, but they would have - and the (unintelligible) is direct registrants.

Steve Metalitz: Okay.

Michele Neylon: But the thing is you're still going to have companies and entities who might be registering domain names for third parties. And now whether you're considering those to be resellers or not, it's just - you know I don't know if I'm making myself clear or not. Because you know it's just a case of - it's something that needs to be defined. And just by lumping it in with the registrars, it causes more problems than it solves.

Steve Metalitz: Right. Okay, certainly clearly you think it should be dealt with separately and then a definition is needed. But if those things were done, then presumably we could look at the merits of this proposal from your perspective.

Michele Neylon: You know define it and then I'll find a way to shoot it down. Don't you worry?

Steve Metalitz: Okay, I think Cheryl had her hand up. And I don't see anybody else with their hand up at the moment, but please speak up if you want to be recognized and we'll start the queue with Cheryl.

Cheryl Langdon-Orr: Thank you, Steve. Michele I'm actually - it was very clear on what you were trying to make clear to us all here. And I was putting up my hand pretty

much to say it's an issue we've grappled within our (cc) environment here in Australia, and some of the examples you used are very close to what we've had to deal with. And we've left it at this stage, but this is why it does need defining and then dealing with. Hopefully not just for you to shoot it down.

It is - and I will use myself as an example. I go directly with a registrar for all of my company domain names. I also register on behalf of other people in their own name if they ask me to because I'm doing other business with them, and I am not a reseller under that definition. The minute that I then take an agreement, a discount, enter into some sort of contractual relationship, or become a channel partner, I am. So yes, we need to define it.

Steve Metalitz: Okay, any other comments on this 9.1?

Margie Milam: Steve it's Margie. I have my hand raised.

Steve Metalitz: Margie, please go ahead. And I see Holly has her hand up also. So Margie then Holly.

Holly Milam: A couple of points. On the first point related to what Michele said about the radar system. The only thing I wanted to point out about that is that I believe the use of radar is voluntary, so all of the information that's there is solicited on a voluntary basis. I don't believe the contracts actually require the registrars to provide all of that information. Maybe David Giza can comment on that.

But - and so one of the reasons why it's suggested as an amendment is because you know we're looking at the situation in the event a registrar perhaps is not cooperative and not you know voluntarily providing the information and it's something that we feel is important to be provided. You know that's one of the reasons why it's suggested as an amendment topic.

And then on the other point, I think I was going to say simply the same thing that Cheryl Langdon-Orr said regarding you know the ability to define what a reseller is. I think you know you can do some of the things that they've done and look to see whether you know this is a program offered or made available through a registrar, whether there's discounts, all that kind of stuff. I think it's a task that can be accomplished. So I just wanted to you know highlight those two points.

In our amendments, when we talked about -- this is a staff proposal -- the significant resellers, we were trying to be sensitive to the issue that we've heard from registrars that there are you know hundreds of thousands of resellers. And you know we don't want to make this to be an overly burdensome responsibility. So we were trying to really hit the high - you know the ones that really reach a certain threshold, and that's why we put it as a numerical number in our proposed amendment.

Steve Metalitz: Thank you Margie. Holly I think you were next.

Holly Raiche: Yeah, I one of the points that I wanted to make, which is it voluntary or mandatory to provide that information. And I think part of the recommendation we have would be to identify amongst the list that Michele read out. What are the actual mandatory requirements (for this information)? And I actually do support a better definition of reseller. I'm just surprised it wasn't done when the (amendment for resellers) were done, if in fact there is the confusion (in these).

Steve Metalitz: Okay, other comments here. One thing that I'd point out is I'm not familiar with the radar tool, but I think the list that Michele read out of those contact points and so forth is not necessarily the same thing as what is being sought in these proposed amendments. These go to you know the registrar's Office of Directors, and affiliated entities that engage in domain related services, the registrar's parent corporation, and similarly parent, subsidiary, affiliate, or entity under common control, which is also an accredited registrar.

So I'm not sure that those are picked up by radar as it stands now. But as Margie pointed out, that's voluntary anyway. It certainly might be appropriate to make it mandatory or make the collection of some of this information mandatory.

Michele Neylon: Steve with what David said previously and what I was going to add is that you know that is information that is possible to collect using the tools at the moment.

Steve Metalitz: Right.

Michele Neylon: (Unintelligible) said that that was it and that there would be no addition to it.

What I think that David is maybe hinting at was that it would be possible to add and expand on what was being collected there. Now whether or not that requires an RAA amendment or not - the danger with making a very specific clause in a contract is that you end up in a situation where it's black and white, which is great and wonderful in some respects, but it doesn't leave you with much leeway to add (fields) to something at a later point.

So for example, with the RAA at present, a lot of us have signed on in the last few months and it's valid for five years or whatever it is. So even if you make an amendment, it might be better to make it slightly less specific and slightly more vague in terms of - and this is just a silly little suggestion here.

But you know that's - the registrar may need to provide information to the Registrar Liaison Team as they see fit or something along those lines. Because if you make it too specific, you are going to end up excluding something that might be needed you know a year after a new version of a contract comes into being.

And you know if the - David and the team have tools at their disposal. And there's nothing - you know in some cases, they probably can use what they

have more effectively rather than actually adding more text into document, which won't affect a lot of people unless they opt into it.

David Giza: Steve, this is Dave Giza. I'll confirm with the Registrar Liaison Team the data elements that are considered voluntary you know versus mandatory so that we have clarity on that you know going forward here in the Working Group.

Steve Metalitz: Okay, that would be great. Okay, I see Cheryl and Holly. Are you still seeking recognition or did I just fail to...

Holly Raiche: No, my hand is down.

Cheryl Langdon-Orr: It's actually showing - your still hand up on my screen to Holly, so there's a little bit of lag.

Steve Metalitz: Yeah.

Cheryl Langdon-Orr: But I however did want recognition. Thank you, Steve.

Steve Metalitz: Go ahead.

Cheryl Langdon-Orr: Thanks. Cheryl here. And I must stop disagreeing with things Michele says. It will ruin my reputation.

But I think that what he (proposed) as a silly example wasn't silly at all. I think proper wording to establish a mandatory element of the provision of identified pieces of information is a useful thing as an amendment, but that it should refer to in language -- and I'm sure the wordsmiths can do this -- perhaps be general enough to refer to insert tool, or a list, or an appendix that the Compliance Team has control of and are more easily updated. So you're not going back and changing RAAs with future amendments so often as you are with community and consensus built agreement changing a subset document that it refers to. That's all.

Steve Metalitz: Thank you. Anybody else want to comment on this 9.1? And I think 9.2 really overlaps with this in terms of multiple accreditations. Any further comments on this?

It strikes me that from what I heard here, there's no disagreement with the staff indication that this is a high priority. There are some I think very good suggestions about the need for definitions, the need to - not to consider the reseller issue separately, the need to build in some flexibility here such as through use of an appendix or something as Cheryl just suggested. These are all very good suggestions, but - and we can include those. But basically, I think disagreement about the high priority status of these issues.

Is there objection to that? Okay, we're almost at the end of our time here. On 9.3, there are two different formulations of requiring the registrars to provide their operational and physical office locations and other contact information. I guess do people have comments on either of those. Does that fall in the same category as what we just talked about? Or are there points to raise about 9.3?

Michele did you have your hand up for this?

Michele Neylon: Yeah, I did. It's just - it kind of amuses me in some respects. Because the registry operators collect a lot of this information and actually VeriSign goes through an entire validation process for each registrar who wants to get accredited with VeriSign after they've signed the RAA. I mean they actually - they do all of these kind of crazy extra validation of asking for extra documents and what have you. I mean the registry operators do collect a lot of this information already as to (ICANN staff).

Steve Metalitz: But this is for ICANN to collect it and in some cases to publicly disclose it such as you see on the - yeah, post that information on their Web site. But your point is well taken. Any other comments on this.

Okay, well we are at the end of our hour here. I think we've gotten through 9.3 and I hope people will continue to - will respond to 50 through 8 that have been proposed. Priority ranking was on the list since December 30. So I would encourage people to respond to those.

We will plan to pick up at 9.4 when we convene again, and I will circulate a proposed timetable. I may wait until we actually have the date of that meeting - the Council meeting that's now scheduled for April 22. So that when we have that precise date, we can - which we will in a few days I think Glen said. Then we will circulate a proposed timetable for how to get from this point to the point two weeks prior to that meeting.

And I would like to suggest that we try to meet early in the week of the 25th. The staff has a retreat next week, so it's not very practical to meet next week. And this is a - we're on a bi-weekly schedule anyway, but let's - we'll have a (doodle) poll circulated for early in the week of January 25 for our next meeting.

Are there any further comments or points that people wish to raise? If not, thanks everyone and we will be talking the week after next.

Woman: Thanks everyone.

Woman: Thanks everyone. Bye.

Steve Metalitz: Bye.

Tatyana Khramtsova: Thanks everyone. Bye.

END