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Beau Brendler: It's 4:32 or 4:33 now so let's go ahead and get started. Thank you, everybody, who agreed to postpone the call for a week – I appreciate it. And why don't we start this one off with our couple of apologies, as noted on the agenda; but why don't we go ahead and start the roll call now, staff, please.

Gisella Gruber: (inaudible)

Beau Brendler: Gisella, we can't hear you.

Gisella Gruber: Can you hear me?

Beau Brendler: Now we can hear you. Yeah, that's fine.

Gisella Gruber: Sorry. Welcome to everyone on today's NARALO call on Monday the 18<sup>th</sup> of June. On today's call we have Beau Brendler, Darlene Thompson, Alan Greenberg, Allan Skuce, Eduardo Diaz, Garth Bruen, Glenn McKnight, Gordon Chillcott, Joly McFie. We have apologies noted today from Gareth Shearman, Cintra Sooknanan and Avri Doria.

From staff we have Heidi Ullrich, Silvia Vivanco and myself, Gisella Gruber. I hope I haven't left anyone off the roll call. If I have, please do say your name now... And if I could also please remind everyone to state their names for transcript purposes. Thank you, over to you, Beau.

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Beau Brendler: Thank you, Gisella. Okay, so there's a fair amount to get through here in the short week prior to the conference in Prague. The second item on our agenda is the update on the Toronto budget. Now, I would invite anybody on the call who has more up-to-date knowledge than me to jump in and correct me at any point because the information I have is not all that different from what's been on the lists already which is that there has been a tentative – "tentative" is kind of the wrong word – a conditional approval of the amount for Toronto. The request was \$25,000 and that's been approved pending an additional approval from what I understand. I guess the Board has to vote on it at some point or there's another level of approval to go through but it most likely will be approved is what I hear.

The entirety really of the budget is for as they say in-reach, meaning that it will be spent on travel. I see Darlene has a hand up; go ahead, Darlene.

Darlene Thompson: I have a question for staff: when we put in that proposal for \$25,000 we specifically requested that we be allowed to allocate it so it's not like six people coming or whatever but so we could try and make the money stretch and have a say in how it's allocated. Was that ever approved?

Heidi Ullrich: Hi Darlene, this is Heidi if I may?

Beau Brendler: Yeah, please go right ahead, Heidi.

Heidi Ullrich: Yeah, as Beau mentioned again, every request – not just the At-Large ones but they're all provisional until the Board approves the final budget which will be a little bit I believe after the Prague meeting; but I would think that the way that NARALO requested it with that lump sum would be the way, yeah. But again, I

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would need to confirm that; and what we can do is when we're speaking with Xavier in Prague maybe we can ask him that.

Darlene Thompson: Excellent, thank you very much – Darlene Thompson speaking, sorry.

Beau Brendler: Thanks, Heidi, this is Beau again. I have a question that probably has a relatively easy answer, but will we be able to take advantage of or will we be able to use the ICANN Travel Office to set up travel for people and lodging and so forth when it comes around? Is that how it's worked for other...

Heidi Ullrich: Yes, I believe actually that is the way it's going to work. I know that for example, EURALO wanted to do their own travel for their request and it was said that no, it would need to go through Constituency Travel.

Beau Brendler: Okay, alright. Okay, well that tends to make it easier I think, okay. So the bulk of the money is going to be spent, or the large lion's share of the money or all of it is going to be spent on travel and getting people [around Toronto] for something that... Hello, did it cut off? I'm getting a weird tone.

Heidi Ullrich: Yeah, sorry – we're trying to look into what that is.

Beau Brendler: Oh, okay. And I lost my train of thought, so... Moving on-

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Heidi Ullrich: You were talking about the funds and I think you were maybe saying if there's going to be anything extra for outreach?

Beau Brendler: Oh, right, right, right. There have been some requests to have some events and such, but we can't actually spend the money on that, so we have graciously asked Glenn McKnight to volunteer to kind of coordinate the efforts of what we do. And as you might notice there is an appendage to the agenda item where you can add comments; and Glenn has put a brief update in there which if he's on the line I'm just going to ask him to recap for the people on the phone. Glenn, did you just want to update us on the effort with the table and brochures? And apparently you've actually asked CIRA for some money for the wine and cheese reception, go ahead.

Glenn McKnight: Right, yeah – hi everyone, Glenn McKnight. I requested similar to what we did with NomCom which was just a simple table. We would ask people to see how they can spare some time during the conference to provide personnel for the table. We can be playing the video, the promotional video as well as if we can have copies of the brochure at the table itself, that'd be great. I don't think we have a banner but we did purchase, I believe Joly produced a NARALO logo so if we can have that on a banner that'd be great. But the second thing that I'll do is I'll create a Doodle for people to tell me A.) if they're going, and B.) what time slots they would like to volunteer for the table.

Now, the thing with CIRA – because they're a big sponsor of the event itself they are not that crazy over sponsoring something. But she did say to me "Yeah, submit a budget," so if we could have any other sponsors as well it would look good on any submission to CIRA if we did a small wine and cheese party.

Beau Brendler: And your idea was for a venue that is quite close to the conference [hotel]?

Glenn McKnight: Yeah, I was thinking of the Steam Whistle location which is a short distance. Even if he's on the call, he knows of the location as well. It's a relatively, reasonably cheap place to rent. It wouldn't be restricted to wine. It's a grape distillery so it's one of the locations. But again, if there is no budget coming from ICANN I'm fairly limited to what I can organize. The only person and group who has stepped forward and said it would consider a proposal is CIRA.

Beau Brendler: Okay. While we have the region on the phone here, obviously planning for Toronto is going to have to take place somewhat in earnest after Prague... Is everybody in the region okay if really our activities are limited in Toronto to in essence what we've discussed about providing a volunteer booth to just sort of do outreach as catch can? I had proposed a possible idea of getting John Levine to come up and perhaps do a little talk for people who may be in attendance at the ICANN conference who are not necessarily insiders. John is the author of many *Internet for Dummies*-type stuff and we know he's excellent laconic wit on the mailing list so that's one idea.

But ultimately I guess if anybody is going to be very dismayed by the relatively minor activities put on by NARALO in Toronto we need to know now. So if you don't want to voice your opinion if you have one on the phone here you can certainly email.

Heidi Ullrich: Beau, this is Heidi?

Beau Brendler: Yes, Heidi.

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Heidi Ullrich: Yes, just a quick suggestion. Perhaps would it be useful to get John Levine to speak as a keynote speaker at this informal outreach event in the distillery? Then perhaps you could get funding for that and it would also draw people who might be possible ALS members.

Beau Brendler: That's a good idea. Let me try talking to him about it. We could conceivably ask for a donation at the door or something like that although we would probably need a different funding source coming in. But yeah, let me talk to him about it. I have not had a chance to really speak to him so I will do that. In fact, you can make that an action item for the next meeting.

We just had a major explosion here in my neighborhood. I hope it wasn't anything too serious – I don't know if you heard that; I hope you didn't. So any other questions on or any issues that anybody wants to raise about Toronto before we move on?

Okay, the next item on the agenda then is new ICANN CEO announcements. That is really all it is in the sense that I don't know who it's going to be; I don't know if anybody else on the call has an idea. But the announcement is going to be on Friday, it's going to be made in Prague from what I understand.

Heidi Ullrich: Beau, this is Heidi again.

Beau Brendler: Yeah.

Heidi Ullrich: Yeah, if you look into your Skype chat I've just sent you the information about the timing of that announcement.

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Beau Brendler: Oh okay, alright. Okay.

Heidi Ullrich: I've turned my computer off so I don't have it in front of me anymore.

Beau Brendler: Yeah, that's fine – I will regroup on that when I have a chance here because I'm trying to talk-

Gisella Gruber: So the announcement is (inaudible) on Friday at 14:00 UTC.

Beau Brendler: 14:00 UTC, okay. So does anybody on the call have any inside track on who it is, do we know? I don't see any hands going up so I have no clue either, okay. So moving on to the next item then: reviewing of action items of the last call on the 14<sup>th</sup> of May. The action item was NARALO will send the call for volunteers for the organization of the Toronto events. It gives me great pleasure to say we have in fact responded to that action item with the gracious volunteering of Glenn McKnight.

A policy statement update, Item #5 on the agenda on the policy advice development calendar there, which you can click into. We have ALAC/At-Large Improvements Project implementation final report, it's been ratified. Membership of the New gTLD Working Group Review Group has been ratified. Statements currently being voted on or reviewed by the ALAC: the draft FY13 Operating Plan and Budget. Is that the same if I may ask.... ALAC is currently voting on the statement – I assume that's the same FY13 Operating Plan and Budget that would have bearing on Toronto, correct?

Heidi Ullrich: This is Heidi, Beau – correct.

Beau Brendler: Yeah, okay. Then the next item: WHOIS Policy Review Team final report draft out for comment. I think the wording of that is actually old but luckily we have a member of the Review Team on our call today, and this looks like as good a time as any for Mr. Seth Reis to give us any sort of update he wants to give. Seth, are you on the call? Are you able to give us a little update?

Seth Reis: Probably not. I don't think there is an update. The final report was issued. I saw that it was approved by the ALAC maybe yesterday in a vote, and basically we've been disbanded and we're done as much as I'd like to continue working. So I think the members are still interested and available to talk about the report and WHOIS in general but I don't think there's anything further that will be coming from the group.

Beau Brendler: Okay. Well, from what I've heard from a whole variety of different corners I think the work of your group and the final report was very well received, so congratulations on that and let's hope that it takes on a good life after you've let go of it. So thank you.

The draft, this is Item III there on the agenda under what we've been talking about: the draft statement of ICANN's role and remit in security, stability and resiliency of the internet's unique identifier system. ALAC voted on this and I believe they voted to approve it, correct? Or voted to agree with the statement is my understanding of what I saw on the mailing list. If there's anybody who's been involved in that who wants to update us any further on that you're welcome to do so. I see no show of hands so we'll keep moving.

Item IV: draft ICANN Language Services Policies and Procedures. The draft is out for comment so I urge you to keep an eye open for that if you have anything you wish to contribute to that. Item V: proposed revised process for handling

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requests for removal of cross-ownership restrictions on operators of existing gTLDs.

Current open policy forums, now Item C, include WHOIS Technical Requirements Survey and the open public comment period is closing quite rapidly on that one, in the next two days or so. Public comment solicitation for Travel Support guidelines – this is always a hot topic: the public comment period closes on the 22<sup>nd</sup> of June so that's coming up right before the start of the Prague meeting. Inter-RALO consulting groups, WHOIS proxy/privacy reveal and relay feasibility survey – the public comment period closing on the 25<sup>th</sup> of June and that could be quite interesting.

FY12 Security, Stability and Resiliency Framework – public comment period closes on the 2<sup>nd</sup> of July. As you can see Inter-Registrar Transfer Policy Part C Policy Development Process initial report – 4<sup>th</sup> of July. Community input and formulation of the Strategic Plan, that's also coming up on the 4<sup>th</sup> of July so there's a lot of public comment periods that are closing on a wide range of things within the next two or three weeks or so. ICANN Board Conflicts of Interest Review, and issue that's near and dear to a number of our hearts; the independent expert report public comment period closes on the 6<sup>th</sup> of July.

Okay, so New gTLD Program Update – Item #6 on the agenda. I think we all have a pretty good idea of what's been going on with the New gTLD Program at this point. Does anybody in the group have any questions or anything they don't understand about the process? I mean I'm not necessarily an expert on it but I might be able to answer some questions or... You know, there's been a lot of discussion on the various boards about the number of generic applications made by folks like Google and Amazon, which is kind of interesting – it certainly could change the whole nature of how ICANN is made up or how registration occurs in the future.

New gTLD Review Group next steps... Now let's see, we have Eduardo here. We have Garth, both of whom are on the gTLD Review Group. May I ask you gentlemen have you guys had a meeting yet, have you had a discussion? Is there

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anything that you'd like to update the group here with? Oh, and Seth as well – a reminder that Seth is on it as well. Any update yet from you guys, anything to say?

Eduardo Diaz: This is Eduardo.

Beau Brendler: Eduardo, yes, go ahead. And Cintra Sooknanan is on it as well.

Eduardo Diaz: I'm not at the computer so I think (inaudible). Basically there was an update from (inaudible) talking about how we will go about (inaudible). Also knowing what they are basing their objections, you know, they will be objections about (inaudible) so that's [why the group was created]. (Inaudible) it is either. It seems to me that this [panel] we're talking about, it seems to me it was a lot of work to do but [I don't know what it's going to be. And depending on the difference that comes out] I don't think we're going to be able to (inaudible). Possibly we will be [able to make exceptions to some of them but (inaudible) to do that. It's not (inaudible).

Beau Brendler: Okay, I see Darlene with a hand up. Go ahead, Darlene.

Darlene Thompson: Eduardo, this is Darlene. I'm having a hard time hearing you. I was wondering if you wouldn't mind emailing me your comments for inclusion in the minutes?

Eduardo Diaz: Will do. Let me make a note so I can make a note in the comments with my email, and I will (inaudible) line.

Darlene Thompson: Thank you, Eduardo.

Beau Brendler: Okay, it's Beau again. Anyone else on the New gTLD Review Group have anything to add to what Eduardo said? Going once, going twice...

Okay, so then let's skip on. I think in the agenda here it's been a little bit truncated but underneath the gTLD Review Group Item #6 we have something unrelated, which is RALO Rules of Procedure Working Group. Darlene has been working on that. Darlene, did you want to update us at all on that or have anything that you want folks to know about that at this meeting?

Darlene Thompson: Sure, it's really, really brief though. I'm putting together this Working Group, plus I'm on the Rules of Procedure Working Group and I'm on the Metrics Working Group. And it was decided on one of the Rules of Procedure Working Groups that we wouldn't put together the RALO Rules of Procedure Working Group together until the Rules of Procedure and Metrics Working Groups have gone through the metrics and the Rules of Procedure pertaining to Rule 21. And then once we have the metrics down and the remedial actions down as well then we will form this RALO Rules of Procedure Working Group and go from there.

I mean it's hard for us to start up now when we don't have firm ground to stand on because the rules may change. So once that is set then we'll get going with this Working Group, so right now it's in a holding pattern until well after Prague.

Beau Brendler: Thank you. Can I just ask Alan Greenberg who is on the call here, Alan, how does the update or the rewrite – “rewrite” is probably the wrong term but the

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update of the current Rules of Procedure for our own RALO, does that fit into this or where are we on that? We're completed with that at this point or...

Alan Greenberg:

Well, there were some changes that I was supposed to be proposing and to be honest I haven't. I could certainly still do it if we feel there's a need or we can fold it into the overall review that is going to be done. The Rules were really only... They were with relation to who could be Chair and if you remember, we have a rule that says you cannot do certain things if you're a registrar or a registry and being Chair was not one of those. So a registrar could be the Chair of NARALO and some people thought that was not proper and that we should fix that.

And there was oh, a "gotcha" in terms of the participation of the unaffiliated members in certain elections if I remember correctly that we needed to fix. Neither of them were particularly onerous and to be honest they slipped to the bottom of my list. If the group wants me to push those to the top I can probably do that sometime in the next few weeks or we can fold it into the overall group, into the overall review. The overall review I'm afraid probably will take a year or so; it's inevitable I think no matter what the best of intentions are. So it's probably worth fixing these problems first and if the group wants to I can do that. I think that addresses your question.

Beau Brendler:

Yeah, this is Beau. I would think that'd it probably be best to finish that up for our own region [then the overall]-

Alan Greenberg:

Okay, then I'll put it back to the top and I'll try to get it done soon.

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Beau Brendler: Okay. Darlene, I saw you had a hand up but it's down again, is that correct? Yeah.

Darlene Thompson: Yep, Alan answered me. Thank you.

Beau Brendler: Okay, do we have any other questions or input or concerns with the issues related to the Rules of Procedure Working Group or the current RALO Rules of Procedure, any RALO Rules of Procedure I should say correcting myself? No?

Okay, so then moving on to Agenda Item #8, meeting with Compliance with input from the Registrant Rights and Responsibilities Working Group. There are a number of us on the call I think who are involved with that. I'm one of them. I'm wondering if perhaps Olivier would like to give the NARALO something of an update about if there has been some discussion that I don't think has been open to everybody on the list about the nature of a meeting that we might have with Compliance? I think there have been some concerns in the past about turnover in the Compliance Department and concerns about how it structurally reports up to ICANN Legal, and not getting sort of public interest questions raised by a number of us answered.

I guess I would call on either Garth or Olivier who might like to jump in on this topic.

Garth Bruen: This is Garth Bruen. Is Olivier actually on the call?

Olivier Crépin-Leblond: Yes, I am indeed.

Beau Brendler: Yeah, he is.

Olivier Crépin-Leblond: Hi, it's Olivier here. I'll defer to Garth on this and then I'll just add anything afterwards. Thank you.

Garth Bruen: This is Garth Bruen again. I have sent out a lot of information over email and over Skype. I think pretty much everybody here has been privy to the details and if not just please let me know and I'll be happy to send all the details to you. But there are at least, I've flushed out nine case studies and very, very detailed case studies which show that ICANN Compliance apparently just didn't follow through, never issued a breach notice to registrars who violated their contract. And we're just kind of at the end of our rope I suppose in terms of response from Compliance, and I think that we've kind of gotten to the limit of possibly what they're able to answer for us.

So we've put some conditions on the meeting and I don't see where those conditions are. I did see a response from the General Counsel that they're going to be at the meeting but I don't know any other details. Maybe Olivier does.

Olivier Crépin-Leblond: Yes, Garth, thank you – it's Olivier for the transcript. I can add a little bit more on this. We have had plenty, well I guess Garth has had plenty of discussions with Maguy Serad from the Compliance Department, and the questions that we're going to ask have been forwarded to her. I understand Heidi is forwarding many of the questions in advance so that we can have some answers. That said, last week I was in Stockholm for the EuroDIG conference and I also met up with a number of GAC members, and I understand that the GAC also has serious concerns about the ability for ICANN to make its contracted parties actually abide by the rules that it has set.

So the topic will be quite a hot topic and I gather that our session with Compliance in Prague is right on the mark and will be very welcome by all parties. In fact, I think that we will also be touching on the matter of

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Compliance with the GAC when we meet with them over the week. It is a matter which is not only of concern to the ALAC but I think of concern to everyone outside of ICANN. If 20 gTLDs or 22 current gTLDs are hard to regulate how is ICANN going to be able to regulate all of the new ones that are going to be created?

So I really thank Garth for the substantial amount of work that he's done on this. I think it's great to have someone who's been as thorough and as immersed in the subject as he is; and I think we will be having some good points to present to Compliance and certainly put on the record that at the moment something is broken and it has to be fixed and it has to be fixed fast. Thank you.

Beau Brendler:

Thank you, Olivier. Yeah, this is Beau again – I am also somewhat involved in the sense that there is some crossover between I think what is going to be happening with Compliance and also some aspects of the Registrar Accreditation Agreement that kind of play into the Registrants Rights and Responsibilities issue. It kind of came to our attention really that it didn't really seem to be an effective procedure to make pronouncements about registrant rights and responsibilities without sort of looking at the structure within those rights and responsibilities and seeing where the disconnects were.

And the disconnects certainly, as Garth has pointed out several times in his research which we are very grateful for, that there's some specific language issues related to a particular provision in the RAA and WHOIS that needs some serious revision, along with some advisory language that was written a long time ago that gives even further wiggle room to issues related to registrar effectiveness, enforcing the contracts. So it should be a good session and I echo what Olivier said in terms of thanking Garth for his work. He is now posting in the chat as you can see in the Adobe chat room links to the case studies that he mentioned; and I believe those have also just gone out in email as well – I saw them a little bit earlier in the day.

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So certainly we would like to open the floor to any discussion or questions about Compliance or things that you folks in the community might want to contribute to the discussion. I see Alan Greenberg with a hand up so why don't we start with Alan first? Go ahead, Alan.

Alan Greenberg:

Okay, thank you Beau. I think in my mind, and not everyone agrees with me – Olivier hit the nail on the head at the end of his remarks. This is an opportunity that we can't miss to put things on the record. Given that we have a new CEO coming in after the meeting, given that the Board is going to have to deal with a review report which is unambiguously clear that the current reporting of Compliance is a significant problem that they must address; given the history of the Board's acceptance and implementation even if faulted in one or two cases of the previous AOC report I think there is absolutely no question in my mind that it doesn't serve us an awful lot of good to hit the current structure on the head especially the reporting through Legal, and trying to get them to explain to us why they have done or not done something.

I think we're looking at a new regime. I think we're looking at a new regime pretty quickly and I think we need to do what we need to do to make sure that gets implemented, to make sure that when it gets implemented they have material that they can start focusing on of what needs to be done. So I think this is very much an effort of making it clear that we support a new reporting structure, that we support one that will address the real issues. And in parallel of course, as Beau points out, if there are provisions in the RAA which are faulted those have to be fixed because Compliance's arms are tied – they can't address an issue where they have no tools at all. But I don't think we should really focus on the reporting issue and the fact of what they haven't done in the past, perhaps for reasons that we might understand due to the reporting structure that they have and due to the staffing issues that they have.

So we're going into a new world. I think the issue of the 2000 new gTLDs which is going to be problematic if they don't have good tools is well

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understood. And I think we have to make sure that once a new structure is in place, which I hope will happen quickly – and if it doesn't ALAC wants to be in a position to comment on that – that they have the ability to get on the ground and run once the shackles have been taken off, so to speak. Thank you.

Beau Brendler:

Thank you, Alan, this is Beau again. I did also want to mention that Jean-Jacques Subrenat and Carlton Samuels and some others have also been doing a fair amount of heavy lifting in this arena so if you have more questions and any of those folks are in your social circles you can also ask them about this if you'd like. We had hands up from Olivier and from Evan, I think I saw Evan's hand up first. Evan, go ahead please.

Evan Leibovitch:

Hi, Beau. Thanks and I apologize for coming into the call late, it couldn't be helped. On this specific issue, Alan, I wanted to ask you on something that you said. You had mentioned that you said we shouldn't [blow] on the current and we should try and focus our attention on where they're going from here, and believe me I'm usually a fan of that as much as anyone. But don't you get a feeling, and isn't there a sort of feeling that ICANN doesn't necessarily even feel there's much wrong in what they're doing? When we had our meeting with Maguy at the last meeting in Costa Rica there was a sense that they thought they had a handle on things despite everything that Garth is putting in front of us, despite everything.

It seems like it's not until we actually call them on things that they realize there's something fundamentally wrong in the way they're doing things? Is the problem... I do not see that we have to point out problems in the current process because it's just been my observation that ICANN doesn't think it's got anything going wrong; that they think that based on what they're doing right now that they have the capability of scaling and that's just dangerous.

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Alan Greenberg:

Beau, can I respond?

Beau Brendler:

Yeah, I want to also. Yeah, go ahead.

Alan Greenberg:

I'm not disagreeing with you at all. I think we must be putting on the table the kinds of case studies that we're talking about here and the examples of things. There has been a mindset that certain things are not their problem, thing that some of us have believed damn well are their problem – and there's still some of that going on. It's not nearly as bad as it was but it's still there.

What I was saying we don't want to do is sort of demand at the meeting that they explain how they're going to fix the problems and why haven't they addressed them in the past. That I don't think is productive because I believe to the extent that these problems will be addressed, and in my imaginary theory world I'd like to think they will be, they're going to be fixed under another regime. And you can't say in an open meeting "My boss who is sitting beside me is the problem" and a variety of things like that – I don't think we can expect them to.

The Board is not going to have an awful lot of wiggle room but to seriously look at the Review Group's recommendations which are very explicit. They may not implement them exactly but they can't say "Oh no, we disagree – we think the current structure is perfect." They just don't have the ability to do that under the AOC I don't believe. So I said let's focus our attentions, there's plenty of work to be done and Garth has given us plenty of ammunition, but let's focus it on identifying the problems and not trying to fix them in the room in Prague because I think the timing is just all wrong for that.

Beau Brendler:

Thank you, Alan. And also, I don't know if you sent it to the group or sent it to open lists but Garth did come up with a very compelling document that actually

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we could put up on the screen at that meeting that would kind of take the onus away from anybody who didn't want to speak about their boss in the same room, which is the lovely [Rube Goldberg] ICANN flowchart about how Compliance actually works or how Compliance functions, which doesn't seem to actually include any Compliance functions. It is quite delightful to look at.

Alan Greenberg: I don't think I've seen that; I may have missed it in the email and I don't think I'd call it "delightful."

Beau Brendler: Yeah, well it's delightful in the sense of delightfully illustrative of a problem, how about that?

Alan Greenberg: Okay.

Beau Brendler: I see Olivier's hand up; please go ahead, Olivier.

Olivier Crépin-Leblond: Thank you very much, Beau – it's Olivier for the transcript. I think that we are all in agreement, and the examples which Garth has very kindly provided and has researched have really served as ammo to provide examples of how things are wrong and are not currently working. Certainly getting an answer from Compliance at the meeting I think (inaudible) in itself. We are dealing with issues here which cannot actually be resolved by Compliance itself. Maguy is running her department as best as she can given the constraints of what her mandate is and what the Compliance Department's mandate is.

Now, it's quite right to see the RAA as being a source of the problem – certainly parts of the RAA that are unenforceable – and certainly therefore it seems that

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the problem itself is a structural problem rather than an internal procedural problem. I think the (inaudible) is the structural problem that we should start looking at addressing, and definitely what Alan says with a new CEO coming in is something which we need to prepare ourselves for. And having a record of what is wrong at the moment and how this can be improved is really our starting point on that.

I have had several discussions in Stockholm, in fact one public discussion that took place with regards to the RAA discussions, and one of the problems that occurs is that ICANN is approaching the agreement as being a negotiation with registrars on a par basis; when really the times that ICANN steps up – and [I'm quoting several people in the room] – that it is as a regulator, not as a party which has equal rights with the party that it is negotiating with. It should be able to dictate its conditions-

[audio drops]

Beau Brendler: Hello?

Alan Greenberg: Yeah, you're still here. We have some noise but you're here.

Beau Brendler: Okay.

Alan Greenberg: I have a small follow-on to Olivier if I may?

Evan Leibovitch: I guess he just dropped out.

Beau Brendler: He's lost. Yes, just one second, Alan – this is Beau. For those of you who heard the reference to the interesting organizational flowchart, Garth has very graciously put a link to it in the chat. So we'll let Olivier chip back in when he gets back online I guess, so go ahead, Alan.

Alan Greenberg: Yeah. Olivier said we have to stop treating it as a negotiation and treat ourselves as a regulator. Whether the term “regulator” – and that's sort of a technical, legal term – applies or not I'm not going to get into. I will point out, however, that the RAA today, as it stands for all its faults, if you read it carefully it is amended not by negotiation but by ICANN making changes. Those changes only kick in at the end of five years or whenever the registrar re-ups but it is not a negotiation in the RAA. We treat it as a negotiation in a communal, collegial method; and if the registrars don't object, yes, it might result in court cases or something like that and again, that comes back to the legal issue.

But the RAA for all its faults, as written is not a negotiated contract. That's not what it says. Thank you.

Beau Brendler: Yeah, this is Beau again. I think to that point, Alan, I think one of the things that we really have to press for is some sort of public interest presence, even if it's...

Alan Greenberg: Regardless, Beau, right now we are treating it as a negotiation and the registrars have said “If there are other people present we will not show up”; and my answer to that has always been “Okay, don't.” There are no mandated negotiations if you read the RAA.

Beau Brendler: And the other thing to think about, too, although it's sometime in the future – this is Beau again. Think about how the last few changes, when companies like Amazon and Google take a look at the RAA... Anyway, I mean it's not really worth spending too much time talking about that. But I see Olivier has come back – would you like to-

Alan Greenberg: Evan also has his hand up.

Evan Leibovitch: It was just going to be a clarification on something you said, Alan, but I'd prefer to hear Olivier rather than talk myself.

Olivier Crépin-Leblond: Thank you very much, Evan, it's Olivier. I'm not quite sure where I dropped off because I went into a long monologue and later found out I was speaking to no one.

Beau Brendler: Well, I think you were kind of around about making the point – this is Beau – that the RAA is not necessarily a negotiation, or there are concerns with other...

Olivier Crépin-Leblond: Yeah, you potentially got I think all of what I had to say. The discussion was whether the RAA should be a negotiation where ICANN was on a par basis with the registrars or whether it was time that ICANN actually behaved like the regulator that it should be and actually dictated the terms that we need to have in the contract without the registrars having to basically have a say – the danger being that if ICANN does not behave as a regulator and does not assume the role of a regulator, that function will be taken over by either another organization or

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by the governments themselves imposing licensing on a country-by-country basis. And that is something which is [frowned] on by a lot of people and I gather should probably be frowned on by the registrars themselves. Thank you.

Beau Brendler:

Okay, thank you Olivier. I'm wondering if perhaps we have exhausted this topic at this point. We have thirteen minutes left. Does anybody have any additional comments or questions about the Compliance meeting or RAA, registrars, etc.?

Okay. So then the next item on the agenda is the preview of the Prague meeting. I will just preface that by saying that obviously this time around we will not be doing a remote, any RALO meeting from a location as we have done before primarily because we are sensitive to the pressures put on staff and it can be, with all the different meetings going on, somewhat burdensome to try to do that. So this will be our chance for anybody who wants to raise any issues or questions, or make any assertions or requests for us to represent a point of view or a topic – this will be the region's chance to do that. So I invite you to keep that in mind as I put Evan on the spot as our NARALO ALAC rep if he would like to discuss anything in regards to what we might expect from the Prague meeting.

Evan Leibovitch:

Thanks, Beau, this is Evan. I'm only one person from the group but I can do my best. I think what you're going to see at the meeting, at least from my perspective, is I hope to see some better activity between the ALAC and the Government Advisory Committee on a growing number of things that are of joint concern to both of us of what I'd consider ALAC and the GAC to be sort of the public interest constituencies in ICANN that in some ways are getting even more alienated from the process than ever.

I can see some friction happening; I can see some common purpose between ourselves and the GAC. There's some other communities that we need to link

up with. There's some serious concerns, most of which you've been hearing on the call already about the gTLD Program, ICANN's ability to do compliance for it. There's also going to be a lot of hemming and hawing about the way that ICANN's going to be able to do the batching of it. I believe the Board has decided very recently that it would go ahead with the digital archery system but might not implement it, might choose another way of doing the batching. There's been all sorts of complaints that GAC has recently sent a letter to the Board complaining about the process of doing the batching. You all probably know about some of the general concerns about ICANN's ability to handle the applications so far between security links, botching the batching system and so on.

There's a big minefield ahead, I think. You had the good news of all these great applications coming in and then the dust settles and people have a look and see how much of this is just conventional domaining by conventional domaining players just taken to a higher staked level. So there's going to be I think a lot of having a look at the gTLD Program now that we know about the applications and ALAC I think has a role to play in trying to figure out how the public interest is being served by all of this. That story I think is still playing out. I think people are still digesting what happened in the recent launch announcement.

I mean most of the other things that we're dealing with specifically, Beau, I think you've already covered pretty well. You've talked about the RAA, you've talked about Compliance – those I think are the two big things on our plate. Conflict of interest is also going to be a significant interest – I don't know if that was mentioned earlier on the call. Those I think are going to be three key issues that are going to be dealt with, at least from what I can see at the meeting.

Beau Brendler:

Thank you, Evan, this is Beau. A quick question: when you mentioned digital archery it was something I sort of intended to put on the agenda under “any other business” but didn't do it because I was curious about where that kind of

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stood. Has anybody raised a red flag or an eyebrow informally about the issue of pool.com being one of the players in digital archery at the same time as its President is head of the NomCom?

Evan Leibovitch: Alan's got his hand up.

Beau Brendler: Is there any value in producing a statement in sort of the tentative way we said something about it before? Alan, go ahead.

Alan Greenberg: Yeah, I don't think digital archery comes into this at all. I mean the company has been very astute over the years of finding revenue streams associate with domain names and they found one here. The very thing that makes digital archery acceptable to the California Lottery Commission is that it is a game of skill and they're claiming they have [skill at it]. So you can't fault them-

Beau Brendler: But is that in the public interest?

Alan Greenberg: Well, that's a different issue. But I don't think it's related to that. You can critique whether one of the largest registrars should be head of the NomCom selecting Board members that will then pass rules for registrars. That's a valid statement. But I don't think the digital archery changes the landscape any. It's just another thing that they ended up doing first and there are other companies who have since said that they're in that business also. So if we're going to have an argument keep it clean; don't introduce red herrings into it.

Beau Brendler: I don't even remotely see how that's a red herring. Evan, go ahead.

Evan Leibovitch:

Okay, I think that it's important that you've got two different issues that you've raised, and they're both I think significant but they're separate. One is a conflict of interest issue that I think you raised about having the head of the NomCom involved with something that exploits ICANN's own processes. That I think is a significant, a very, very bad public optics issue. I'm not sure there's anything we can do about it without cleaning out things going forward. This is just a remnant of how ICANN has its standard operating procedure. The Chairman of its Board is allowed to go off into a domaining company; the head of its NomCom is involved in something that helps game ICANN's own processes.

Outside of touting on that, unless we come up with some specific reforms on how to deal with that this is going to go unchanged. And like I said, I think conflict of interest is going to be a very hot topic. The GAC has requested, it talked to us about it. At least to the public interest constituencies of ICANN, public interest as opposed to people just stating their conflicts upfront and then being proceeded and allowed to continue – I think that's going to be a hot issue from our point of view.

The other thing, though, has to do with the whole offering from pool.com, and is it sort of a fortune teller-type scam where they're promising something they might not be able to deliver? Or is it something that they've genuinely been able to game? I'm not sure, and I think in that case I would agree with Alan. I think I'm agreeing with Alan in saying this is something in which At-Large doesn't have a stake. In competitive issues between different applicants we have, I believe At-Large has an interest in seeing more IDNs and we have an interest in seeing the community-defined applications going to the front of the queue. But beyond that I don't think that there's an At-Large interest in who gets first in the batching process – that's a business issue between the applicants and I don't know if there's a public interest thing that we need to comment on. Thanks.



Evan Leibovitch: Sorry, one last question: does anyone know if there is an interest in actually trying to get the community and the IDNs to the front of the queue regardless of what Alan just said, notwithstanding?

Beau Brendler: This is Beau. I certainly don't think it would be a bad position for ALAC to take.

Alan Greenberg: Maybe a bit late now that the rules... To introduce that kind of rule at this point, there may be more lawsuits than people are willing to contemplate by doing that because it does push other people farther back. I think the best deal at this point is for the Board to decide that because of the small number of overall players, that the application evaluation process will be a lot easier than they thought and will eliminate the concept of batching; or some minor perturbation of that. Whether that will happen or not I don't know. That also admits that the price of \$185,000 was set way too high so it may be a somewhat embarrassing statement to make.

Beau Brendler: Yeah. Well self-perception of irony and embarrassment do not seem to be in great supply in this area. So okay, we've got one minute now, really? – until the appointed time. I think we have probably run the gamut of things that needed to be talked about, which brings us to #10, any other business. I don't have anything additional for any other business. If anyone does please comment?

Evan Leibovitch: Sorry, Beau, this is Evan. Like I said, I'm sorry that I came late to the call – was there mention of plans for Toronto?

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Beau Brendler: Yeah, actually that was the first or second item on the agenda but I'm not sure that there was much discussed that you don't already know. Basically we talked about the provisional nature of the funding, how the funds are earmarked and Glenn spoke briefly about some of the arrangements he's volunteered to make and about whether-

Evan Leibovitch: Okay, sorry – I'll catch up later.

Beau Brendler: Okay. Alright, then.

Darlene Thompson: Evan, I would suggest that you look at the summary minutes and action items on the Adobe Connect screen and also I will be posting the minutes and then you'll get fully caught up.

Evan Leibovitch: Got it, okay. Thank you.

Beau Brendler: Okay. Anything else before we wrap this up and some of us go to the Prague meeting? Going once, going twice... Okay, well thanks. The next At-Large meeting will be in July I believe on the appointed day, and actually I like this hour better for the meetings so I'll probably send a [note] to the list to see what you all think about keeping it at this time going forward. Alrighty then.

Thanks very much and safe travels to those of you who are traveling, and thanks to all of our participants today.

[End of Transcript]