

**NCPH Intersessional meeting, January 29th 2013  
RAA negotiation Briefing, 17:00 Local time**

Margie Milam: It's Margie Milam. And in that changed role from the Policy Department to the Strategic Initiatives Department and we're going to be talking right now about the RAA, also have Samantha Eisner here from the legal team to help provide background and answer some of your questions on what's going on with respect to the RAA.

So essentially you've heard from Fadi this morning a little bit of his perspective of how he ceased to mature the industry and to try to bring the contracts and the contracted parties to a different level of performance.

And so part of the background since Toronto has been the focus on trying to set up these CEO roundtables to try to get the CEOs of registrars and registries together to hear his vision and really work in this collaborative effort to bring up the reputation of the industry.

And so that's been a significant part of the focus since Toronto. I don't know (Sam) if you want to add anything about that?

And so what we did in December is we published an announcement that basically said that in light of all the activities that happened since Toronto that the RAA negotiations were deferred or - and delayed until January. And we've - as Fadi announced this morning that negotiations are to take place next Wednesday.

So next Wednesday we have the registrar negotiated team coming in to Los Angeles right here. And we'll be spending an entire day together with them to try to address the issues that remain outstanding from the RAA and negotiations previously and to take a fresh look at the contracts to see whether there's additional things that might be appropriate to include in the negotiations.

And so that's the - as you - as seen if you've taken a look at the ICANN Web site and the wiki there hasn't been a lot of additional information beyond that because the focus up until this point has been really to bring everyone up to speed and - on Fadi's vision and to have these roundtables that have been set up one also taking place next week with the registry CEOs.

And so I guess with that I know you had a series of questions about the negotiations that you wanted to pose to us and we're certainly happy to discuss them.

(David): (Unintelligible) start a queue if we're read, specific questions?

Yes (Heather)? Please go ahead.

(Heather Forest): Hi there. (Heather Forest) from the IPC. We submitted a number of questions in advance of this meeting. So forgive me if I ask a number of them if no one else raises their hand.

One thing that we would appreciate an update on if there is any there was a discussion in Toronto in regards to a strawman for proxy privacy service provider accreditation. Has that progressed at all since Toronto?

Margie Milam: We'll have further discussions on the Whois in the next session. But essentially since Toronto what has happened is the - there was a board of resolution on Whois which we'll again elaborate in the next session.

And as a result of some of the activities related to the Whois resolution there hasn't been additional activity at the moment on the privacy proxy issue.

It's part of a - the larger picture of how the privacy proxy issues to be dealt with. It's certainly on the table for the negotiations. And we're continuing to address those issues. But there hasn't been additional work on that.

Man: (Unintelligible).

This is a test of my voice. Sorry. I drank a whole cup of coffee to do this.

One of the topics in the RAA negotiation is the uniform display of WHOIS information.

If you could just give me a little summary of where that's at?

Margie Milam: Okay. Within the RAA negotiations we have addressed that issue. One of the things that we did as we were entering into the RAA negotiations is we called in staff that was working on the registry agreement as well because in the new gTLD agreement there is a very detailed spec on the output requirements.

And one of the things that we've done is we have included a spec in the version that was posted for public comment. And there's actually no significant change I believe that we have seen as a request from the registrars to that output requirement.

So we're actually trying to match the register output requirements with the registry output requirement.

(David): Wolf and Wendy.

Wolfgang Kleinwachter: Yes thank you very much. It's Wolfgang Kleinwachter, NCUC.

In Toronto the letter from the Article 29 working group played - was a big role. And at the end I was a little bit confused you know, how this will indeed affect the RAAs.

What is happened since Toronto in dealing with the Article 29 working group letter and are there any moves or...

(Chris): So and (Margie) you might have something to add to this.

There is not been any change to ICANN's negotiating position and we're not aware of major changes to the registrar negotiating position based on the Article 29 letter particularly given the statements that were made within the GAC regarding the force of that letter.

Clearly it's - the issue of the ability to comply with national law is it's really an issue that we know that we'll need to continue to address.

However given the fact that we haven't had any other directive issued that we need to consider how we might need to stratify that among jurisdictions and that we've had signs actually that it seems to not be so inconsistent as a base model that we haven't had any significant changes to negotiating positions on either side.

Margie Milam: And it - some of the background him a letter, the letter was based on a prior version of the data retention specification that was subsequently negotiated.

So when - the letter was triggered after, you know, we published a certain set of documents. And then it changed.

And so part of the changes that were made were to have a two-tiered retention system, one being a two year for the less sensitive data and the other one being a six month retention period for the types of data that the

letter happens to be addressing, you know, the very specific personal information.

And so the registrar negotiating teams as well as on the ICANN side looked at that as being, you know, a good answer for the issues in the EU.

(David): Thank you. We have Wendy and then Steve and then Steve Metalitz. Thank you.

((Crosstalk))

Wendy Seltzer: Thanks, Wendy Seltzer. First just to follow-up on Wolfgang's question. I think what we heard from the Article 29 working party and what I've heard subsequently in further discussions with various European data protection authorities and regulators is that there are a variety of different data protection regimes and concerns outside of the United States and that I - it would - I'm surprised if the registrars haven't been picking up on more of those.

And what is the diversity of the jurisdictions among the registrar negotiating group that we're talking to is one question.

My other question is a much more administrative question.

I've left various comments on the wiki and questions I've tried to raise. And does anything actually happen with those?

Margie Milam: So the negotiating team's exactly the same I think as we've you've seen in Toronto so if you've attended any of the sessions in Toronto or prior to that.

And we do have Voelker Greimann from the registrar group who's from Germany. And we're certainly, you know, also dealing with, you know, the

possibility that should there be an exception that there's the process that can be brought up. The issues can be brought up. What's it called, the...

(Chris): Is currently that the conflict that or the process for when Whois obligations conflicts with national law.

But we've initiated conversations within the GAC to start trying to move that to a broader not just focused on Whois but also on data retention obligations so that we can combine that because it's a very similar concern that comes up with each of them.

In terms of the negotiating team it's also our understanding that though we have representatives who are at the table that they actually go back and they talk to their registrar stakeholder group.

And we know that at times we've had - we've waited, you know, not in terms of delay but we waited for them to come back to us after they've discussed items with their negotiating or with their stakeholder group.

So even though there are the same faces at the table every time we know that they come to the table with input from the broader stakeholder group itself.

So while in terms of the diversity of the group from jurisdictions doesn't look that diversify who's at the table we know that they're getting directives from the larger stakeholder group.

(David): Steve Delbianco.

Steve Delbianco: You know, but one question that it raises it's on the wiki is this notion of requiring or incentivizing universal adoption of the RAA when it's done.

And the Business Constituency just assumes we made a mistake in the guidebook when we said that the registries had to use the new registry contract to offer names in the new gTLDs.

We all thought it was just simply an omission but we didn't say that registrars, the other contract parties would have to use the new RAA to sell names in new gTLDs.

But be that as it may while we're waiting for that clarification to the guidebook what are you looking at in terms of requirements or incentives for adoption when this comes out?

Because everyone's expectation will be that these new RAA requirements are going to stem a lot of concerns and abuses we've seen in the registrar space. And yet that expectation will meet with complete disappointment if all the parties watching ICANN so closely -- and just ask Fadi if you need to be reminded how closely their watching -- they'll be incredibly disappointed if we say well I know we've got new requirements but we don't require any registrars to adopt the new requirement.

(Chris): Thanks Steve. So that's an issue that we've put a lot of thought to. We do have - we've discussed with the registrar group that they'll probably have to be of mixture of carrots and sticks that we need to give incentives as well as some forceful action both to get to a more universal place.

And there were - we are, you know, trying to figure that out. That will be a big part of our negotiation to see because we understand the concern. We think that it's a very important concern.

And we are considering how we can do more to make sure that we have a high number of registrations within the new gTLDs under what we're hoping to be the 2013 RAA. And so that is one of the things that we are working towards.

You know, I think we need - we're at a point where we're preparing our negotiating positions for our discussions next week.

But there are - that is one of the things that's primary in our minds as we walk to the table. Because we see this partly as a matter of the maturation of the marketplace right, the maturation should of the DNS industry and we can we do to move our agreements to a better standard.

And so to the extent that we're able to put these into the RAA we're going to be - we're going to fight very hard to do that.

Margie Milam: And the good thing is the registrars are also on the same page on that because they see it as with the tightened agreement it might actually increase their cost. So they don't want to be at a competitive disadvantage to others who aren't on the same level playing field with respect to obligations.

So they're very much on board with the idea of trying to make sure everyone gets out it on the same time.

And we're just trying to find the best way to implement that whether it's, you know, incentives or something, you know, something contractual. But that's what we're all striving to achieve.

(David): Steve Metalitz?

Steve Metalitz: Thank you. Steve Metalitz with the IPC, just picking up on what Steve Delbianco asked, I would hope that your goal is to have 100% of the registrations in the new gTLDs covered by the 2013 RAA. You said a high percentage. Is this - shouldn't it have been really 100?

(Chris): That's the goal were working towards Steve, 100%.



Steve Metalitz: Now my questions - and I apologize if I missed this in the first 60 or 90 seconds of your presentation.

The last public announcement on this from the CEO said negotiations will resume in January 2013. And the anticipated date for publication of the draft RAA for community comment will be announced in January as well.

So that first doesn't happen is the second - second's not going to happen either right?

(Chris): So we're not in a position today to announce the date of when the publication would happen.

When we made that announcement we really were - we were working with the registrars to try to find dates in January.

And we had put various stakes on the table from both sides. And we were not able to switch everything happening. The days that they were available we weren't available. The days that they were available we weren't and so we tried to get as close to January as possible.

We thought at that point we were actually going to be able to find a time to get to the table in January. That - it just wasn't physically possible.

But we are coming to the table in February. You know, we know that one of the very important things that we'll have to do in the first meeting is try to set if we find that additional sessions are necessary before we can publish it's just been a very aggressive schedule and, you know, we - to get a draft out as soon as possible.

And then also it's incumbent on us to work to announce the requested date of the draft for the community as soon as we think we have a good date in mind.

(David): Thank you. Wendy Seltzer?

Wendy Seltzer: Thanks. I do want - I did want to (Chris) ask you again about the - how can we more effectively participate in the process?

I hear and know that it is a bilateral negotiation. But I think that one of the roles of the ICANN staff side of the negotiation is to hear the concerns from the whole ICANN community.

And noncommercial users think that this is a critical piece to protect the rights and interests of noncommercial users because as registrants of domain names we're bound by these agreements. As users of the Internet we have a lot at stake in the way these agreements are set up and enforced.

We've been trying to put in comments through various ways. Is there something else we should be doing to help you understand the viewpoints we'd like to help...

(Chris): Sure.

Wendy Seltzer: ...be represented?

(Chris): Sure. And the only things we have available the wiki it's - you know, if you provide comments before when we meet Wednesday I will certainly share them on Wednesday.

But the process will be the public comments. You know, once we get to point of publishing what we've come up with then that is the floor for the, you know, the community to really voice their interest in the changes and then, you know, and really take a hard look at the amendments that are proposed there.

Wendy Seltzer: Should we expect to see any response or acknowledgment to the wiki or is just throwing comments in there the best we've got?

(Chris): I figure - I mean I'm not sure what else to say other than they're received. But we'll, you know, given we're meeting next week we'll certainly take a fresh look at the wiki image make sure we haven't missed anything.

(David): Kathy Kleinman and then Marilyn Cade.

Kathy Kleinman: Okay (Chris) thank you so much for being here and thank you for the presentation. That's really in exchange which is what we've been really hoping for. So than you very much.

Two different types of questions, so first one about making sure that we can find all the updates on the RAA.

I'm reading the updates at least the last one I could find, RAA negotiations in December in 2012. In it talks about 11 of the 12 law enforcement issues being addressed.

Fadi talked about 11.2 or 11.5 this morning. What happened? And, you know, is there an update and then how do we find that? You know, what's going forward? And then I have another question.

(Chris): So that the 11.5 or if you said 11.2 we were actually citing in Toronto we were talking about 11.5. So there hasn't really been a change to that.

But the .5 is that we're close on the validation issue but they're still a- there's a word that's different that we haven't yet reached agreement on.

And, you know, for those of you who are lawyers in the room you'll appreciate them. And is really a bit different than or and so we're at an and or or decision.

And so there hasn't been a change. So it's not that we've had further discussions that we failed to update you it's just we've simplified it in the update.

Kathy Kleinman: All right sometimes you've also given (unintelligible).

Other questions, the proxies and all just read it. The Proxy Privacy Service Provider Accreditation Program, I was wondering where that is and you - if it's changed and again where it is and how to echo Wendy's voice how we provide input on this?

Because to me on the Whois Review Team it's a bit of a change, we talked about best practices, now we're talking about something much more concrete. How do we - where is it and how do we help?

(Chris): So the thoughts that we've discussed already about or in passing right (unintelligible) here today about the Proxy Privacy Accreditation Program, one of the things that we've been doing though we haven't made really good strides on it since October since we were in Toronto is creating a strawman proposal that would serve basically as a basis for policy work on a proxy privacy accreditation program.

Those - that effort with the registrars is not gone. But we do have some concerns about how we manage that in light of the WHOIS Review Team recommendations.

And, you know, we're - we want to make sure that we don't have two trains passing in the night in the same issue.

And so we're trying to figure out how we can keep the aligned but keep this issue at the forefront of making sure that we have at least a plan for how to

get this put together in a short frame of time so that those who are under the 2013 RAA can benefit from the existence of such a program.

So there hasn't been a lot of - there has not been a lot of outward facing work on it.

Kathy Kleinman: Just going to go through a PDP?

Margie Milam: I mean we certainly can if the GNSO Council chooses to do a PDP on it. I, you know, that's obviously in their prerogative.

And if you all may remember there is a - there was an issue report written on the RAA which, you know, eventually once this process is concluded can lead to a PDP.

So that's certainly something that, you know, can be done or it can be done sooner if you all feel that it's something you want to look at right now.

(Chris): But the one thing that we know is that it will not be satisfactory for the community if the registrars in ICANN design a program and then say this is what we're implementing right?

We know that there has to be a breakpoint in there for community participation a comment. And I don't know that we have the exact idea of what that would be.

But we are committed to not just dropping a program on the community without having opportunities for input into the ultimate design to make sure that it's achieving the objectives that all the various interests have in the room.

(David): I have in the queue Marilyn Cade, Steve Delbianco and Steve Metalitz. Anyone else? Marilyn please.

Marilyn Cade: Thank you. I think you were getting close to answering the question I was going to ask but I'm going to ask it anyway.

But I'm going to also say that I think it's really important for us to all understand whether there is GAC advice that is relevant to the RAA or to elements of the RAA.

I saw a response from ICANN to the GAC communique which listed the number of requests and said that answers would be forthcoming.

So there is obviously going to be a number of responses coming from ICANN to the government some of which I think may have general implications.

The public comment period I think is, you know, something that it would be helpful to understand. We're at the end of January and one of the things that's constantly been a problem broadly for the community is the flooding of really robust materials to the community, sort of the ten days or eight days or two days before we get on planes to go to meetings and then not having a chance to really effectively consult before we come in and go into further work and discussions.

A public comment process on this normally would have an initial round and a reply round right?

Perhaps we could not today but perhaps you could kind of think about the timing of this and the ability to provide information including a summary of initial and what stage we're going to be in whenever we do to Beijing which is going to have a huge number of other issues on the agenda as well.

(Chris): And so on the GAC advice issue the most relevant piece of GAC advice as it relates to the RAA is the GAC support of the law enforcement recommendations clearly.

And so we've been trying to make sure they were at a place where the GAC can actually see that what we have is in line with the advice before we get to a place of board approval.

To the extent that any new issues come up we're always looking to see how a piece of advice from the GAC might have an implication within the RAA.

But really it's that initial advice supporting law enforcement recommendations that we've been working under so the piece of GAC advice.

In terms of timing of release of information I know particularly before the Costa Rican meeting I believe we had we were at fault. We did drop information on the community as leaders and the agreed upon deadline for the providing papers.

And I hope you know that we would have liked to have it out earlier. We've apologized before. We'll apologize again but also it's a lesson learned for us. And, you know, we're working very hard throughout the organization to make sure that we don't have those sorts of issues again.

But I think that also once we come to a point where we're able to in line with Steve's question to give some sort of anticipated deadline for when we're going to post the public comment or post the agreement for public comment if it is close to the Beijing meeting at least there will be the placeholder that you know to look for it.

And we do - we are working very hard to adhere throughout the organization to the document operational publication procedure or whatever that long thing is called out of the PPC that really is a 15 working day advance publication.

(David): Thank you. Steve Delbianco and then Steve Metalitz.

Steve Delbianco: Just a follow-up to the earlier point about ensuring an option and perhaps needed to make to make the point a little bit clearer. It's not as if you need leverage over the registrars to do this.

The registry agreement in 2.9 says they must use ICANN accredited registrars. It's in the registry agreement, base agreement.

And that is the place to change where you say that they must use ICANN accredited registrars using the latest registrar accreditation agreement.

So it becomes an requirement on registries who are already required to sign an agreement but then that is merely an incentive for registrars. If they want to participate in the new gTLD distribution well they need to adopt the latest RAA in order to be used by the new gTLDs.

So that's a way to make it an incentive as you say a carrot, not a stick but use the stick you already have which is the registry agreement.

(Chris): Yes thank you. We'll take that into consideration.

(David): Steve Metalitz?

Steve Metalitz: Thank you, Steve Metalitz with the IPC. I really appreciate all the difficulties you guys have faced in scheduling and tried to move this forward and with all the other things going on.

And now you're - the minuet has gotten a little more complicated with the way the board dealt with the Whois Review Team Report so I think that's all understood.

I guess I just have two observations about things that seem to me could be happening now or in this period when you haven't been able to schedule



negotiations with the registrars because they're not totally dependent on negotiations with the registrars.

One is on privacy and proxy accreditation as I understand it it's we pretty much know it's going to be in the RAA. They'll say that they have to abide - if once ICANN does the Privacy and Proxy Accreditation Program that they should only use accredited privacy and proxy providers or something like that.

So it's not tied in with the negotiation and we have a lot of - I understand that a lot of stakeholders have been excluded from the contract negotiations.

And I'm not trying to reopen that but, you know, there are also many stakeholders for this privacy and proxy service. And to read as we did well we haven't, you know, been able to get together with the registrars on privacy and proxy and therefore nothing has happened. I don't really think that's acceptable.

There's a lot that could be going on with stakeholders in this room to help move it forward. I know we couldn't, you know, and obviously there is a limit but there's probably some things that could be done.

And the second point is -- and I may have missed it -- but I think that in the Toronto meeting or after the Toronto meeting there was a commitment to do the same type of side by side with the recommendations of the GNSO ALAC Drafting Team as to the top high and medium priority items as you're done with the law enforcement recommendations.

But obviously those two are not exactly the same. So I may have missed it on the wiki but has that comparison been done?

(Chris): I'm pretty sure we did it internally. I'm trying to remember where we circulated it. We'll post it on the wiki page because I remember that from Toronto and

we went through this exercise. It wasn't that difficult to go through the GNSO requests and see how they were addressed so yes we'll do that.

The other kind of complication which I haven't highlighted is the second part of the Whois resolution.

So the first part deals with the compliance of the existing policies but the second part which we'll talk about in the next hour is the expert group's output and how that's to be addressed.

And so one of the, you know, one of the questions you have when you're trying to launch, you know, something new is it going to be consistent with what comes out of the outputs from the working group.

And so, you know, there's a little bit of trying to understand how all these pieces fit into place and what's appropriate to put in the RAA now or wait until the expert group finishes its work.

But that's some of the struggle that's happened since Toronto's really trying to understand, you know, the meaning of the resolution and what, you know, what work needs to be done and to make sure there's not inconsistent obligations coming out of these various efforts.

Steve Delbianco: I hear that and I just think it's really unfortunate but the way the board chose to deal with the Whois Review Team has put everything in a deep freeze.

And this is for an issue that the CEO says is his top priority. It - his actions - the actions do not meet those words because you're saying what he's done or what the board has done -- I'm not just saying the CEO -- but what the board has done has put this in ice -- nothing's happened. So I think that doesn't sound like a top priority to me.

(Chris): So I can appreciate that the external, what's available externally does not look like a lot's been done.

We have been spending a lot of time internally really trying to see how strategically this can be a better agreement and how to strategically make this better for everyone right?

We see that there are very key parts of being a responsible player in the DNS industry. That includes looking at Whois issues, addressing the privacy proxy issues, you know, addressing the things that are really the basis of consumer issues and consumer complaints whoever those consumers may be if they're consumers from the IP realm, if they are noncommercial.

And so there's been a lot of thought and a lot of work that's been done that, you know, as this is a bilateral negotiation we're not - we haven't yet dropped some of the ideas yet on those who are coming right?

It - and but we have. You know, the registrar CEO Roundtable was the main impetus for how we did it. The registrar CEO Roundtable was not about looking at specific terms of the agreement and talking through it right? We were looking at it at a higher level.

But there was consensus around the table that it's important to have a marketplace that better response to all of our goals for what we think the CNS industry should be.

And so I understand that from the outward facing view it doesn't look like a lot's been done. I know from an inward facing view our whole negotiating team has spent so much time and effort really trying to carefully look at this and see if there are places where we can really help along with the registrars move this forward.

And so I hope that once we're able to start putting out reports on our negotiation sessions and hopefully soon after the RAA you'll see that there have been some great strides made. So that's really our goal for where it's going.

(David): John Berard and then (Heather).

John Berard: Hi. John Berard with the Business Constituency. Three quick things, is the phrase DNS industry now a mandatory term of art for staffers?

(Chris): We're not sure what the ultimate term will be so...

John Berard: At least it's an interim...

(Chris): Yes, yes.

John Berard: Okay fine. The second thing regarding the RAA and I realize that, you know, I'm a big believer, I believe nothing that I hear and only half of what I see.

If you have been around the negotiations do you have - can you say if you have any sense at all that there is a thought on the part of the negotiating parties that the signing the new agreement would not be necessary in order to deal in the new names?

Do you have any sense that people think that they're not connected whatever the new agreement might be however many new names there might be?

I mean because I realize it would be great to have everything as Steve said, it would be great to be able to say if you want to deal in the new names you got to sign the new RAA.

I've not heard anything that would suggest to me that that's not going to happen but perhaps you have. And so perhaps maybe there's another reason I don't - I should not sleep well.

And then the third thing is doesn't the SSAC report on directory services provide some insight and for possible framework with regard to this new Whois expert group that even predates the Whois Working Group?

(Chris): As mentioned we'll talk about Whois in - all that in more detail in our next session. But really I think the SSAC report was part of the impetus for why the board took its action in the way that it did and set out this two-pronged approach. So we can address that separately.

(David): Thank you (Heather)?

(Heather Forest): (Heather Forest) from the IPC. It's a very minor point really but just picking up on the comment that there was quite a bit that happened or the impetus was the meeting last week with registrars.

I've looked several times in the post in the ICANN blog. The letters RAA feature nowhere in that post in terms of what happened last week.

And I can understand that that's, you know, the RAA is an agreement between two parties and none of us in the room or a few of us in the room are party.

However it would have been helpful let's just say just in a general informational sense if there was some indication to the community that the RAA wasn't - was discussed in that meeting.

I mean obviously and we can all make a guess that it was. In fact, you know, in preparation for this meeting I think a number of us got together and said it had to have been the key topic in that meeting. If it wasn't there's something

seriously gone wrong. It could have been at least stated that that was a key topic in that discussion.

(Chris): And we'll take that as a note for our future communications on the CEO Roundtable round.

I can assure you the RAA was discussed but as we we're not talking with the business leads on RAA we did not - it wasn't the venue to talk in-depth about the terms that were under negotiation.

But there was high level discussion about how we capture the registrar commitments to be responsible players in the marketplace as well as ICANN goals that we think will be helpful to the ICANN community. So in very large terms and high level concepts it was discussed.

(David): Are there any other questions ? (Claudio)?

(Claudio): Thank you (David). Thanks. And Margie I wanted to express thanks. I know this has been an ongoing and you guys are doing a great job on staff.

I - just in terms I know you guys are down to some of the final few sticking points and I was wondering if you could just say some perspective on how those might be resolved and, you know, coming at it from the perspective that ICANN is obligated really to act in the public interest and I'm assuming that's what's driving your participation in the negotiations.

The registrars have an obligation or have a fiduciary duty as businesses to their stakeholders or to, you know, to their business operations. And I think the registrar team has been acting very constructively in this negotiation.

But where I get a little lost is exactly in the negotiation process really what leverage they have when it comes down to these issues.

Because ultimately this seems to be like ICANN's area, the global responsibility of maintaining the integrity of the domain name system.

So in terms of resolving these final points could you add some perspective on how do you think that might happen? Thanks.

Margie Milam: And so I think that one of the areas of leverage that the registrars have is the fact is the contract itself right?

The way that the contract is written today gives of them a lot of leverage about what the future contract looks like.

And so that is the key point of leverage. We need registrars to buy into the contract in order to help get it changed.

And if any of you were in attendance in Toronto, you know, you might have seen the exchange between members of the registrar negotiating team and myself and other people from ICANN about what we tried to look at as a way that we have some flexibility in the future marketplace versus the registrar saying ICANN wants to blow up the agreement and that's nothing that's possible.

And so one of the things that we think is really important is, you know, if other people in the community agree that flex - having the flexibility to respond to the marketplace while meeting the very real business needs of a registrar to have stability in contract, you know, that's one of the things that ICANN has been kind of out there alone talking about.

and, you know, it's not that - we're just not sure how else we can help move that forward. We want to make sure that we don't walk into a situation again where we have a year and a half long negotiation before we can have an agreement that only produces incremental changes.

We want to know that we have the ability if it's necessary for the community. It wouldn't just be a ICANN alone run process but if it's necessary to really respond once we get a few years down the road with vertical integration and seeing how these new gTLDs roll out and how registrars respond to it.

You know, the way that the contract is now is really the biggest part of leverage that they have.

And the registrars have really come along. I think that, you know, it's been very tense at times but, you know, from our perspective the registrars have really stepped up in many ways and have made a lot of responsive changes that we've been impressed to see them make.

And so this is in no way a statement about the registrars themselves. But they have business interests that then run against as you stated ICANN's interest and obligation to work in the public interest.

So, you know, if you have any thoughts or, you know, community considerations on how we can help maintain these contracts as flexible so that we're always considering the public interest to see if there's anything that needs to really change a lot in the future that's where we need help.

(Chris):

And the other aspect of it as well from the themes that came out of the CEO Roundtable, you know, Fadi seems very much a line of collaboration and getting the industry to self-regulate in a meaningful way stepping up but being part of the process, not being, you know, dictated to.

And so that's the tension when you're negotiating because if you're saying this is the agreement take it or leave it, you know, you're just going to have an entire industry that's screaming and it's not going to enhance the kind of collaboration and spirit of compliance that we're trying to achieve. And Fadi's very much trying to achieve.



And so he's looking at it is a balance. He's trying to balance, you know, the contractual obligation to step up at a higher level but also too what do they benefit by it?

Do they benefit by having increased reputation and interest in the industry? Do they get more investment in the industry if the industry as a whole is looked at as a good player and really, you know, stepping up from a, you know, as an industry and affecting their reputation?

So he's looking at it as an entire package to present to them not just, you know, you're going to do this which is really, you know, not often a meaningful way of negotiating.

(David): If there no other questions anything online (Rob)? Please join me in thanking Margie and (Chris).

END