Brian Cute:	Good morning, this is Brian Cute of the ICANN Accountability and Transparency Review Team, and I apologize that I was online for our last start. I would like to thank the Registries for meeting with us today to discuss the affirmation of commitments and the review that's underway by the team. Thank you David Maher, if you'd like to.
David Maher:	So the Review Team has initiated a series of meeting with the different constituent bodies in ICANN this week in an effort to collect data, to hear from you about area that map to the area of affirmation of commitments that you think we should focus on in our review, and analyze as we work toward making recommendations for improvement to ICANN in the December timeframe. So we want to use the next forty-five minutes or so as an opportunity for informational exchange. We have provided the Registries with a list of questions, we recognized when we did so that there was insufficient time for you all to provide written responses to those questions.
	We would absolutely welcome responses to those questions sometime after this meeting at your convenience; and those can serve as a guide to our discussion this morning, but we need not be bound by that list of questions either, we really are here to hear from you, should you have suggestions of areas that we need to focus on in terms of review for accountability and transparency. That's the purpose of this meeting. So with no further remarks, if the Accountability and Transparency Review Team could identify themselves to the Registries we'll get on with the meeting.
Olivier Muron:	Hello, I'm Olivier Muron from France Government, Paris.
Manal Ismail:	My name is Manal Ismail, Egypt's GAC Representative.
Cheryl Langdon-Orr:	Cheryl Langdon-Orr, the current At-Large Advisory Committee Chair.
Willie Curry:	Willie Curry from the Association for Progressive Communications.
Louie Lee:	Louie Lee, Senior Network Architect at Equinex, serving as the Chair of the ASO Address Council.
Erick Iriarte Ahon:	Erick Iriarte, (inaudible 0:02:29).
Larry Strickling:	Larry Strickling, US Dept of Commerce.

Becky Burke:	Becky Burke, WilmerHale – CCNSO Council.
Fabio Calasanti:	Fabio Calasanti, until very recently with the European Commission.
Warren Adelman:	Warren Adelman, President of GoDaddy.com
Brian Cute:	Thank you all. So this is pretty much an open format, this mike has a lot of feedback, can you hear that? Thank you. This is an open format, so we'd like to hear anything that you've prepared for us, and have an open discussion for the next forty-five minutes. David?
David Maher:	Thanks. I think we should also introduce ourselves, the registry representatives that are here. My name is David Maher, and I'm with .org public interest registry and I'm the Chair of the Registry stake-holder group.
Kathy Clemen:	Kathy Clemen also with .org PIR.
Mike Leon:	Mike Leon with Affilias .info.
Carolyn Hoover:	Carolyn Hoover with the .coop registry.
Caroline Greer:	Caroline Greer from the .Mobi registry.
Chuck Gomes:	Chuck Gomes from VeriSign.
Greg Aaron:	Greg Aaron, Affilias.
Fabio Calasanti:	Fabio (inaudible 0:04:09) with (inaudible 0:04:015) for Paris, future GTLD as an observer to the Registries stake-holder group.
David Maher:	That seems to be the full list. I'd like to ask Kathy Clemen to open the discussion. The first topic we would like to address is the DNS-Cert as an instance of what we see as a failure of bottom up policy making.
Kathy Clemen:	I just wanted to share how much I appreciate you being here, and all the work that the affirmation of commitments team is doing. I know you've been in meetings for the last two days over the weekend, and thank you. I go back to the founding of ICANN, so my experience with the DNS-Cert and specifically with the DNS-Cert workshop that took place in April of

2010 in Washington, D.C., I found very surprising, kind of completely contrary to my prior experiences within ICANN, so I appreciate the time to share it.

The DNS-Cert processing though, has been one about internet and DNS security and failings or shortcomings, vulnerabilities and some questions that ICANN has been raising. I would up as one of a small group of people, and two dozen people who were invited to a DNS-Cert workshop in Washington. It was a closed event, which is a little unusual. It was invitation only, and it was security experts from around the world, PIRs, the founder of RISG, the registration infrastructure security group, so we were represented there.

It was a meeting that, basically we were given some scenarios. Internet security scenarios at the last minute and told to kind of bring our ideas, but there wasn't time to work with our teams, the scenarios came in on the weekend, and then when we came in with our big picture questions, which is 'do all' – these were very wide ranging internet security, internet failing scenarios, that go in many cases that outside, far outside the domain name system, or least the domain name infrastructure as Registries understand it and as what we do.

When we tried to ask the question 'what's the scope of what we're working on? Why are we looking at such broad ranging questions?' we were told, 'Just go with the scenarios. Don't question, don't look beyond the scenarios' so we worked with the scenarios, but again the questions kept coming up. Why are we – what is the scope and mission of ICANN, and it was interesting, we were told 'don't even think about that', 'don't question the scope and mission of ICANN, we're going to look way beyond, and that's okay'.

When the final report came out, in fact going into when we asked about the report that would come out of the workshop meeting, we were told there were be plenty of time for the minority statements, there will be plenty of time to edit. There's traditionally, as someone who has drafted and someone who had edited many times in working groups, within ICANN, you give everyone enough time, especially when you know that there are strong minority statements, you make sure the draft gets out there quickly, you make sure that those who have different opinions have opportunities to put their thoughts in. It didn't happen here.

The report came out; it took a long time to come out. When we questioned, is it ready? It wasn't ready yet. When it came out, it came out during a time when some of our members were in a different country for a computer security meeting, and were difficult to reach and kind of collect our thoughts together, but there was a rush. There was a great rush here. And it was very hard.

Finally, we did write a quick minority statement, we did get a few edits into the paper, but the paper came out, the workshop paper came out reflecting a unanimity of views, and we're like 'Hold on a second.' We went back to our original notes and said, 'weren't unanimous on this, weren't unanimous on this, weren't unanimous on this, how can you reflect that we were?' And the big picture questions of 'is what we're talking about within the scope and mission of ICANN?' were dropped completely from the paper. So we got some edits in at the last minute, not nearly enough, not nearly enough time.

So what I'm seeing coming out of this is a process that is not open and transparent at the beginning, that is not representative, broadly representative; it's selected by the staff, and it's not encouraging for participation and it's kind of deeply troubling to those of us participating that we're not being represented, not even as minorities that we're not being represented as dissenting views in the way that we presented it at the workshop, so thank you for the chance to present this.

Brian Cute: Thank you for that and you've submitted a document I see, to the registry list. Is that for the team's consumption as well?

Kathy Clemen: If you would like, and if the Registries agree that –

Female: I was going to ask can we have a formal statement to this effect. It was be most valuable.

Kathy Clemen: I would be happy to. Right now I have kind of bullet points and an outline. I would be happy to flesh it out as a longer document, thank you.

Brian Cute: Becky?

Becky Burke: Can I ask just a few questions?

Kathy Clemen: Sure.

Becky Burke:	Was the security and stability advisory group part of the meeting?
Kathy Clemen:	It was not. And Steve Crocker was not there and was not invited.
Becky Burke:	And was, who – you mentioned PIR security experts, were the rest of the Registries involved – were any registrars involved – I'm trying to get that sense of who was there.
Kathy Clemen:	Interesting. Most of the people there were not part of the traditional ICANN community, actually. But for Registries, Affilias was there, PIR was there, Network Solutions was there. And I heard that VeriSign had an invitation but hadn't committed. Also Google was there, Microsoft was there, and a number of professors who specialized in the academia of hacking were there. But is there's anyone who is here who was there and wants to add, fill the list out a little bit more – Oark was there, a group that specializes in computer security issues.
Brian Cute:	Willie – oh, I'm sorry. You want to follow-up, Becky?
Becky Burke:	Just one – when you say it was wide-ranging am I to understand it was not simply about DNS security but security that went beyond, issues that went beyond DNS, or...
Kathy Clemen:	There was a whole debate on what is DNS security. And there were people at the table who believed it meant not just the infrastructures that we traditionally deal with within ICANN, but anything touching the internet. Anything involving a domain name. It was hard to kind of put that argument into the paper. We didn't find that argument, I didn't find that argument in the paper the first time I read it, and kind of had to push them to say at least it was raised a little bit, but the fact that we debated this for a long period of time is not reflected.
Brian Cute:	Willie?
Willie Curry:	What was the main message of the so-called majority view in the report?
Kathy Clemen:	That there are terrible scenarios and we need to jump in and fix them – or come up with a CERT community, that ICANN should be – that a large number of the community believe that ICANN should be leading a

community emergency response team for addressing very broad ranging internet security issues.

Brian Cute: Louie?

Louie Lee: Hi Kathy. Of the people that were invited, I heard that there were a couple of security experts, and of the commercial groups, both content providers and DNS folks – were they, the individuals, were they managers or were they – were any of the actual security technicians there, or what types of people were involved from each of these organizations?

Kathy Clemen: Well, again from academia we had professors and doctoral students who were doing a lot of research on hacking, and wanted some place to bring their research. From Microsoft and Google, people who seemed to work in some kind of security and security monitoring. Greg, I'm going to ask if you can add, because I know that you know many of these people individually.

Greg Aaron: One of the things we will do, is we can point you to the report itself, which is available on the ICANN website now, and it contains a list of all the participants and their companies. One of the things that was unclear was whether the individuals there were representing individual views or the views of their companies or employers. In some cases, they were probably not authorized to represent their companies. So there was question of what interests were being represented and the weight of the opinions of those present.

Brian Cute: Larry?

Larry Strickling: Help me a little bit here, because this is not an area of my expertise. I understand the concerns about the irregularity of the process, but maybe you could help me understand better what you see as the substantive dangers of this particular inquiry or initiative, in other words; one can say, yes it should have involved everybody at the beginning, but what do you see as the substantive concerns about what's happened here?

Male: I'll address that if no one else volunteers. I am not an engineer but I understand the engineering concerns here that this is a mission that ICANN is not currently able to undertake. One of the things that's happened in this discussion of DNS-Cert was initially a request, or a proposal in ICANNs budget for a very substantial budget line item to

operate the DNS-Cert, that produced a reaction from the technical community that why should ICANN expand its mission to do something that's already being done faster, better, and cheaper by the existing experts in security. That's my understanding of the substantive issue that – this is something that can be done better by parties outside ICANN.

Brian Cute: Was there any explanation of how this workshop was connected the DNS-Cert initiative, which predated the workshop?

Kathy Clemen: No. No, but there was a sense that what came out of the workshop was going to be used as part of the larger DNS initiative. So I would say I saw the workshop in some ways of leapfrogging the question of 'do we need, should ICANN be involved in this type of security?' and almost putting together a group of experts to say 'yes, and here's why'. But it was a self-selected group of experts.

So leapfrogging the whole need rationale and creating – it created a self-fulfilling prophecy, the workshop. It provided the result that is now posted for comment on the website. Without opening up the broad question of what is ICANNs scope and mission, who is already doing this? David said who is already doing this kind of work? A lot of security work is being done by the industry, is being done by organizations, and jumping to the conclusion that ICANN should be leading this type of effort.

Brian Cute: Thank you. Chuck?

Chuck Gomes: Yeah, I want to correct one thing, and in what David shared is an assumption that I think probably all of us in this room and most people in the ICANN community make, that there really wasn't large amounts of money in the ICANN framework, it was the framework, the budget framework that was in play at that time. It really wasn't there. The confusion came about because their paper that they published on the DNS-Cert estimated the cost of $4.5 million.

But there was never $4.5 million in the budget, in fact it's not even clear that there was anything in the budget framework, and there certainly are not funds for DNS-Cert in the draft budget that's published now. I had the same misunderstanding, so as many people in the community have, but I want to set that part straight.

Brian Cute: Thank you, other questions? Becky?

Becky Burke: So I just want to – my recollection of the DNS-Cert work came up in Nairobi, and that several constituencies in the community expresses reservations. I don't know if the Registries had a statement about it, but I know the CCTLDs for example, I know the security and stability advisory group made a statement about it, this seems – I'm trying to figure out whether this workshop was an attempt to have a conversation about the concerns that were expressed in Nairobi, or not. I guess I'm having – there were no ccs there, right?

Kathy Clemen: I've been looking at the list. There were ccs there. .CN was there, .GY and .MX.

Becky Burke: Any explanation for why SS, the Security and Stability Advisory Group was not there?

Kathy Clemen: No. And again, any broad questions of mission, scope, purpose, goals, use of the information was just kind of considered irrelevant and we were urged to focus solely on the scenarios we were given. A very unusual, just a strange approach for an ICANN world where we are so used to starting with the big picture questions, of who and what and why and why we're here, and then drilling down.

Brian Cute: The question was who from ICANN was there to run the meeting?

Female: Greg Ratrak, who is our security expert, the ICANN security expert, Chief of Internet Security for ICANN.

Brian Cute: Any other questions? Thank you for that, and if you would forward the document along to the Review Team, and as I said before, we view this as an ongoing dialogue, so if there are follow on thoughts, or other things you would like to add in regard to this particular issue, please feel free to do so at any time. Are there other issues? Yes, Chuck –

Chuck Gomes: I want to share one that started out negative and has turned positive, and it has to do with the base agreement for the new GTLD program. Going back clear to Seoul, the ICANN meeting in Seoul, the Registries in meeting with the Board and our traditional lunch meeting on Tuesdays and repeating it in Nairobi, we had been requesting that we sit down, that representatives from Registries sit down with ICANN staff and discuss the terms of the base registry growing up for new GTLDs and didn't exclude

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others from being in that discussion. And were promised, as I recall, others can correct me if I'm wrong – that they would do that. And we waited and waited.

David sent reminders, what's happening with this meeting? Nothing every happened, not even a response. Finally, after the meeting in Nairobi, they responded and interestingly enough, as soon as this informal group, and it didn't just include Registries, I think there were some IPC people there, and so forth, some of you in the room were at that session, I think – I was not – but I know that our attorneys were involved in that little group, and I was involved in the first end person meeting of the group in Marina Del Rey.

It's produced I think a very good base agreement. So that negative was it took them a terribly long time to promise what they said they'd do, but when they did, it was I believe very, very successful. So it's an example, when we can sit down and just communicate, we can accomplish a lot.

Brian Cute: Thank you, Chuck. A couple of follow-up questions on that, can you give us a specific idea of how long a period of time we are talking about from the initiation to the actual follow-up?

Chuck Gomes: Well, I'm trying to remember. David, do you recall? When did we first start requesting that? Certainly it was in dag 3, but I think we requested it even before dag 3, didn't we?

David Maher: I think you're right, but I couldn't give you chapter and verse.

Chuck Gomes: At a minimum, it was at October in Seoul – it could have actually happened before then and I don't remember, but certainly we requested it in Seoul in October of 2009 and they said yeah that sounds like a good idea. Nothing happened. We get to Nairobi, in fact in Nairobi the secessionists, some of the Registries as I recall got a little contentious even for those of us that were (inaudible 0:23:48). And the – but after that, staff did in that same meeting, in a different meeting where John Jeffrey was involved, he said we'll follow up on this, it's in our court, and they did. And we set up the group of mostly legal folks because it was obviously a contract which is a legal document, and the results of that have been, from our point of view, very, very positive.

Brian Cute:	Thank you. The conclusion is constructive and positive. I think if the Review Team is to look at this as a possible case study, for example. We need to base any of our base studies on fact, first and foremost, so when I ask this question I understand there might be some subjectivity in the response, but did you have a sense as to why there was such a long period of non-response in this? Was it just a communications issue, was there something more? Did staff have a contrary position? Did you have any sense of that?
Chuck Gomes:	I certainly didn't, because we never even got a response to our request, what about this meeting? When we repeated it. So it would be very subjective to even predict in my opinion, Brian.
Brian Cute:	Becky?
Becky Burke:	As I recall the registry submitted comments on the contract in dag 1, do you have a sense of how many of the issues that were raised in that were finally resolved in this, whenever the meeting was? I don't know when you guys had that meeting – what I'm asking about is as I recall there was a fairly detailed document from the registry attorneys that went through point by point and actually suggested different language for it, and I'm wondering whether there was continuous progress in the dags as they went through, was there progress towards that, or no progress until the meeting took place.
Chuck Gomes:	Here's what happened after those initial comments. We proposed an alternative as you are aware, to some of the terms in the agreement, in particular to regard to making amendments to the agreement. And the, what they did then, in the next version of the dag, they posted a document that was a five page document that discussed the options, and they included the registry option as one option.
	And it was included in there, but the majority of the document argued for the other positions, which were contrary to ours. It was a very unbalanced document. That, as I recall, was the only response to our first publication of our comments, and our suggested alternative. And we talked about that, even, in Nairobi. That that document was very slanted. I made comments myself, from Reston.
Brian Cute:	Willie?

Willie Curry:	This is very interesting because we heard in other of our meetings that this was a secret meeting between registrars and ICANN staff and the public was excluded and there was a lack of transparency.
Chuck Gomes:	Let me set the record straight on that. I said I was in the meeting in Reston. After that I let the attorneys handle it. The meeting in Reston, however, there were registrars present, there was a tele-conference line that people could participate in, it was open to anyone who wanted to participate.
	Do we have anyone here who participated in the working group on a follow up basis? Amy Stathos was a key player from the ICANN side, and the – there were intellectual property folks in the group as well. So I'm not sure if we're talking about the same group or not, but it was not closed. Just to be fair, we probably would have liked it to have been closed, just us – but staff rejected that, rightfully so.
Brian Cute:	We are focusing primarily on the elements of paragraph 9.1 in the affirmation of commitments in terms of the reviews that we do, so a relevant time frame for us is from September 30 last year when the affirmation came into effect, but we are looking backward as well. It sounds like this started prior to September 30 of last year, and the dag is a process that involves other aspects of policy development for ICANN and the new TLD round. Have there been other aspects of the dag process that have raised similar concerns that might be worthy of a look?
Chuck Gomes:	Locked in with that were fairly big concerns on Registries part with regard to the PDDRP, the post domain dispute resolution policy, the – so actually once this group was eventually formed, that topic was dealt with as well, and again, excellent progress.
Brian Cute:	Could you please just explain for the team members that might not be aware what the PDDRP process is?
Chuck Gomes:	The post delegation dispute resolution process is a process that came out of the right's protections ad hoc groups that were formed and it's designed to deal with rights protection issues after delegation, whereas many of the rights protections, for example the clearinghouse or before they actually start operating. This was actually subsequent to that, so it adds some new provisions for dealing with domain name disputes regarding right, trademark rights, etc., after the fact.

Brian Cute: Thank you. Willie?

Willie Curry: Just shifting to the vertical integration PDP. Could you comment on how you reflect that process has gone, and anything that might be of interest to the ATRT in that arena?

Male: We had in the - this is more in the GNSO perspective than a registry perspective, although we are involved, we have representatives involved in that group. There are lots of encouraging signs, we're not sure that the working group is going to be able to come to a consensus position or not, right now it looks like they've narrowed it down to two positions and – of course, Brian knows more about this than I do – but he's on that working group, but interestingly enough and this is a side note that I haven't even been able to tell the Registries about yet.

But we had two tables in our Board dinner meeting last night, the GNSO Council that focused on vertical integration, and there was some great communication going on, and we hope to continue that communication with Board members and GNSO Councilors this week. Just a few minutes ago I was looking at some emails – the vertical integration working group is going to try to have another face to face meeting while here in Brussels.

One of the problems may be some of the scheduling limitations and new procedures make it difficult to schedule a meeting last minute, but there may be some work arounds on that, there's a certain level of optimism. It's still not clear whether they'll come to one position, I certainly, in Council meetings over the weekend, encouraged the working group not to that the time frame may be shorter than what they think it is that they were looking at maybe producing a final report in September.

--End of recorded material--