Heather Dryden:	Okay, everyone, let's begin. So first of all I would like to thank the Registrar Stakeholder Group for requesting a meeting with the GAC today. Thank you for joining us. I would like to introduce Mason Cole who is the Chair of the Stakeholder Group who will propose a couple of issues that we can discuss this morning.

As I mentioned to GAC members earlier we do have some law enforcement in attendance in Singapore who have quite an interest in these issues, and of course as GAC members we are going to work closely with our law enforcement in our respective jurisdictions. So this is a good opportunity to hear from GAC members, their perspectives and hopefully some law enforcement representatives can get into this discussion as well this morning.

So with that I will turn over the microphone to Mason, please. |
| Mason Cole: | Thank you, Heather. Thank you all very much for hosting the registrars this morning. I know that the GAC's agenda for the entire week, not just today, is a very busy one and that you're not able to say yes to everyone who requests part of your time, so on behalf of the registrars I'd just like to say thank you very much for accommodating us in your agenda. I have a few things that I would like to go over; I'd also like to point out that your meeting room is far nicer and far cooler than ours is, so it's nice to have some room to spread out in and get out of the warmth of our own room. |

So I have a few things that I'd just like to put on the table if I may, Heather, and then what we hope for is that this is the first of several dialogs that we're able to have over time with the GAC. I think as a Stakeholder Group we're understanding that as ICANN processes unfold in different ways with the GAC and with other advisory committees, that much of the implementation burden of developing policies in this community is going to fall to registrars. And therefore it's critical that advisory committees and registrars have an opportunity to have a dialog about the practicalities of policy so that everyone is on the same page when it's time to put those policies into place.

So let me just open with a couple of things. First, I want to make clear that it's our intention now to have a very productive, mutually productive dialog with the GAC. Again, we know how busy the GAC is and it's important that we use our time wisely so we want our time together to be productive. We realize also that there are lots of things on your agenda and some of those things are being hastened by an approaching meeting of governments in November when those governments discuss issues of internet policy. So we're aware of the time pressures on your own agenda.

Some of those things we know deal with law enforcement and requests from other parts of the community, and I'm pleased to say that we've, as registrars, set up a very productive dialog with the law enforcement community as well. In fact, they're going to be guests at our Stakeholder Group meeting later in the day.

I also want to say that we as registrars are committed to cooperating with your agenda as well as the agendas of other parts of this community. As I mentioned before, the implementation burden for developing policy in ICANN tends to fall to us and perhaps other contracted parties, so it's critical that we correctly prioritize those policies and the implementation of those policies so that we can continue to meet the needs of our own customers.

So I think we're going to begin with three or four issues with the law enforcement community that could fall into the realm of policy development. We're going to be talking with law enforcement later on that. We know that some of the proposals that law enforcement and governments have made will fall into the registrar camp because they can be enforced by the ICANN community, and there's great utility in that. So we want to have that discussion with you as well.

I also want to say that those of us here in the room, the registrars in this room, just by virtue of who they are and the registrations that they represent – the registrars in this room probably comprise between 70% and 80% of the domain name marketplace. So I'm happy to say that you have most of the right people in the room in terms of affecting change as quickly as is possible.

I also want to address, if I may be direct, a perception issue that I think has unfortunately occurred in some pockets of the community, and that quite frankly is that registrars sometimes are perceived as the group who says no to everything in the ICANN community. And I'd like to make clear that that is absolutely not

the case. The registrars are absolutely committed to making sure that issues of importance are dealt with and dealt with appropriately.

I think that when there is pushback at times from registrars about CERTain parts of policy it may be on the order of lots of policies are coming at us at the same time – it could be a matter of priority. It could be that we want to make sure that policies or ideas are developed correctly so that we can anticipate their impact and the impact on our customers. And in that light I want to make sure that again the registrars and the GAC – Heather, I hope this is good with you and the GAC – that we make this discussion a regular instead of an irregular thing, because I know that that would be valuable to us.

So with that let me turn the floor back over to you. Thank you very much.

Heather Dryden: Thank you very much, Mason, for that introduction. So we have a proposal to discuss a few issues as Mason has proposed this morning. It's I think great to hear that the registrar community at ICANN is so eager to work productively with us. I think governments have a number of critical interests related to the registrars in the area of compliance, and of course we come at that from a consumer protection point of view. And we believe we do represent the public interest and that is what we're here to advance as a committee at ICANN. So I think that's welcome news.

So with that are there comments or questions that GAC members would have for the registrars that are here? Are there things that we would like to raise? Australia, please.

Peter Nettlefold: Thanks, Heather. First, I'd like to echo Heather's comments in thanking the registrars for suggesting this meeting and welcome the discussion and the approach to working together on these issues – I think that's a really good approach. From my point of view I just wanted to ask a couple questions. I understand that there's been good progress in working on the law enforcement recommendations in recent months and there's been a number of recent meetings, and from what Mason has said obviously ICANN processes unfold in different ways depending on the process.

For the law enforcement recommendations there's obviously been a number of working groups and meetings going on outside and so on, so while we've got this very welcome opportunity to be in the room together I was just wondering if the registrars could update exactly where some of those processes are at. Are there any of the law enforcement recommendations that have been accepted and are moving towards implementation? Are there any that are in progress and are there any outstanding issues that we can perhaps talk about and work together towards addressing any concerns?

Heather Dryden: Please Mason, go ahead.

Mason Cole: Thank you. Thank you very much for the question. It's a long-ish answer so forgive me. So yes, we've been engaged with the law enforcement community for more than a year now and it's been a very… I hope the law enforcement representatives here at ICANN would agree that it's been a productive set of discussions.

We met formally for the first time at the ICANN meeting in Brussels last year. We met again in Washington in the fall of last year. We met again in the spring of this year in Brussels and we meet regularly with law enforcement during ICANN meetings. Law enforcement had I believe it was 15 proposals that they wanted registrar cooperation with. Over the course of the past year or so we've had the occasion to go through each of those proposals with the law enforcement community, point out the ones that could be easily adopted and put into place – and I think there were probably three or four of those – and we were able to have also a constructive and reasonable discussion about where the operational difficulties might be in some of the other ones.

And we prioritized those by things that could be put into place in the near term and then things that could be put into place over the intermediate or longer-term, that will require things like investment of time or resources or development of technology. So as registrars I believe we're prepared to move forward on the near term proposals and we're again later today meeting with law enforcement to talk about how to put those through the ICANN

process so that they become applicable to all registrars across the board. Does that help you with your question?

Peter Nettlefold: Yeah, thanks very much. I was just wondering I guess in addition, the medium longer-term ones which are obviously still important to law enforcement and to governments, what the thinking is on progressing. It's obviously that the medium- to long-term are potentially the more difficult ones, but I guess it's still clear to be clear on where we're going with those. I was wondering if you had any comments on those.

Mason Cole: Yeah. I didn't bring all the proposals with me but I'll give you an example. There's a request from law enforcement to validate a registration at the time the registration is made; so in other words, to validate the identity of the person registering the domain name or the entity that's registering the domain name. I think we'd all love to be able to do that but no system currently exists to do so.

So in order to accommodate that request we're going to need the cooperation of law enforcement, we'll very likely need the cooperation of governments and registries and others in the ICANN community to design a system, find out how to pay for it, find out how to make it universally usable for all contracted parties. There are lots of variables that fit into such a request. So you know, is that a near-term proposal that can be accepted? Not

really because there are just too many things that need to be discussed and developed for that to happen right away.

So to your question "What's being done about it?" we're continuing our discussion with law enforcement. We're here meeting with you now to point out the practicalities of how those things will need to be done.

Heather Dryden: Thank you, Mason. Did you have a follow-up question, Australia?

Peter Nettlefold: Just quickly, I don't want to – I'm sure my US colleague may want to say something – but it may be useful for GAC members… I'm not sure if this exists between the registrars and the law enforcement colleagues, but if there… I mean I've seen some high-level type document which does put things into near-term and so on, and if we could have sort of a path forward for each of the recommendations it might be really useful; something that says "Here's the ICANN process that this one's going through. Here's where it's at. Here are next steps. Here's anything that's going to make it a little bit tricky," and let's get on the front foot with each of these ones.

I fully accept that there may be some issues and some tricky things to work through but just because something's sort of a longer-term one or it needs a new process or it may need some work, it'll be useful to get to the front point of that and figure out what we can

all usefully do together to get it moving. So I'm not sure if there is such a document but if not it may be useful for one to be shared with GAC members so that we can get involved with this process and help if possible.

Mason Cole: We'd be happy to do that.

Heather Dryden: Thank you, Australia and Mason. I think this example you gave is an interesting one about registration validation, and the question that occurs to me is what tools exist today that would go some distance to assist registrars? So anyway, just a question. Alright, in my speaking order I have European Commission, UK and Jeff.

William Dee: Thank you, Chair, and thank you to our colleagues from the registrar community. And I want to thank as well actually for your participation in the workshop you referred to that we had in February in Brussels – I thought that was very useful. For the information of other GAC colleagues, that was in the context of EU/US discussions that we had, actually. They might wonder why they weren't aware of that workshop; it was a bilateral event and it's in the context of EU/US Working Group on Cyber Security and Cybercrime that was set up by the EU/US Summit in November, 2010.

And as I think we mentioned in February that Summit will meet again in November this year, attended by Presidents Barroso and Obama, actually. And we will be providing them an update on progress actually on these issues during that discussion. So I think it's very welcome that we meet with you today. It's very important that we have progress to report to that group in November – I think you're aware of that.

And I think it's very useful that we're here today because in the several years I've been coming I don't remember that many interactions in this way actually between the registrar community and the GAC, and I think they would be extremely useful in the future. It's an area… You're the sharp end actually of a lot of things that interest us and you have the expertise, and I think sometimes we don't. And I think the communication information flow is extremely important so that we take informed decisions. Thank you.

Heather Dryden: Thank you, European Commission. I think this goes to a key point for governments, that we need to be able to demonstrate concrete measures and it's not enough to demonstrate that we're discussing things. And I understand that you have a timeline, US/EU timeline in particular in light of this November meeting.

So okay, next I have United Kingdom.

Mark Carvell:	Yes, thanks very much, Chair, and thanks very much to the group for joining us today. I think it's very important to ensure that we have this dialog, and your commitment is well-noted and much appreciated. And I just wanted to echo really Australia's request that you do keep us posted and in terms of documents which set out "Well, we've accepted all these proposals" – and as you say, you've kind of categorized them in terms of what can be immediately accepted, what needs a bit of work, what others that are going to involve a lot more consultation and working out of mechanisms and so son; so some kind of schedule of that would be really appreciated.

I mean I could run it past a minister and those colleagues of mine in the UK administration who have cybercrime very much to the fore, and it would enable my consultations with a serious organized crime agency to be sort of really constructive and enable me to come back to you with any points and suggestions and advice from our experience in the UK. And I echo what our Chair has said about the example that you provided on validation. I mean that is such a crucial issue, and to be able to monitor progress with that is very important. And it's one that perhaps is right at the top of the list for senior colleagues in the UK government and indeed for our ministers. So I just wanted to echo that.

And the February workshop was, as the Commission has stated, was a very valuable opportunity, too, and we should look to other similar events I think to explore some of these issues as you

Heather Dryden: Thank you, United Kingdom. Next I have Jeff.

Jeff Brueggeman: Thank you, this is Jeff Eckhas from eNom and thank you for the
                               opportunity here. I wanted to address, I guess it was Australia had
                               the question about how do you look at the longer-term proposals
                               once we categorize them, how are we thinking about addressing
                               them. And I think this open communication is really the most
                               important step to it because as the example shows, people say there
                               is a request for WHOIS validation and then we as registrars can
                               say "Okay, this is what we need." And then maybe we're at a
                               juncture where we can't figure it out.

                               And I think if we have these discussions, I think what we'd like to
                               hear from members of the GAC and members of law enforcement
                               is what is the intent of the proposal; and even more important,
                               what is the desired results from these proposals? Because us as
                               registrars, we have the operational knowledge we can discuss
                               alternatives with you, and to get to that desired result that you
                               would like. And that's something, we would like to do that and
                               then we could say "Okay, we've figured this out," and we're able
                               to put it into effect in a clear simple way that makes us as registrars
                               happy and you as governments and law enforcement achieve your
                               results.

bottom them out and hit obstacles, or policy or any barriers that
perhaps we in government can help address. Thank you.

So if we can keep discussing this, and I was lucky enough to attend the Brussels meeting in February – the EU/US – and it helped us get a lot of these issues sort of squared away and figured out what was the desired result of government. And I'd suggest over time that's available over these next few months to continue the dialog because I think it is really helpful and I think it would help us solve a lot of the issues we're facing on where we can come to let's say agreement in the proposals. Thank you.

Heather Dryden: Thank you, Jeff. United States.

Suzanne Sene: Thank you, and I hope you don't mind that we have a bit of a tag team approach going on over here, so I'd like to open and then I'm going to ask my colleague Bobby Flame with the FBI to speak to your question, Jeff, about desired results. I think it's preferable to have the cops address that directly. So but I'd like to address some of the other points that Mason started out with, and of course join my colleagues in expressing our sincere appreciation for you taking the time. We know that your Tuesdays are very busy as well, it's your Constituency Day, but this is invaluable I think to have the face-to-face, to start to understand one another better.

And I can't help, Mason, I can't resist but you think *you* have a perception problem? Well, the GAC really suffers in this community and we're considering doing even GAC 101s starting at the next meeting, because people do seem to struggle with

understanding how we bureaucrats function at home and then how we come together, and how we are seeking to inform the dialog. So obviously the earlier on in the process we can do that the better off we all are.

But just a little note of warning: there's a wee string attached here, that as we consider – and it's very timely – we're reviewing our operating principles and working methods, and so we will add this idea to the list that we have more regular exchanges, perhaps even before finalizing a position. But we're probably going to put that same request out to all of you, and not just the registrars. We're going to flag that for the GNSO at large, so again, before the GNSO perhaps finalizes its recommendations they could do a bit of a reality check to see how well do they mesh with public policy objectives. And that way we don't find ourselves caught in the new gTLD situation, shall I say. That's diplo-speak – we're not going to call it what we really think.

But anyway, so I did want to applaud you for your initiative and I think we're very open and very willing, but as several colleagues have stressed this is critically important to us, that the consumer protection angle, the concern about current levels of fraudulent activity and criminal activity as you know motivated a vast majority of the GAC's concerns about new gTLDs. If we have challenges right now today with the relatively small number, we have challenges with contract compliance, we have all these challenges today you can imagine sort of the seriousness with

which all of us in national capitals are trying to anticipate what will we have to deal with six months from now?

So that's also where we are coming from, because we work for political managers who want to anticipate what are the problems? Nobody wants to hear that crime has gone up using the DNS by 50%, or 150% God forbid. So that's where we are coming from, trying to anticipate. I think that the practical exchanges that I know you will all continue – and I'm going to let Bobby speak to that – is really, really helpful so that we understand what could you agree to in the near term?

So another angle I wanted to put out, because I know you operate under contract to ICANN, so I know you like to think "What am I obliged to do? What am I bound by?" And we fully appreciate and respect that and we need to probably understand what that means a little bit better from a market perspective, because here's policy intersecting with market realities. So we appreciate the opportunity to be well informed.

But we also want to understand better are there things… This is a private sector led multi-stakeholder model. A lot of us think in terms of self-regulation, voluntary codes of conduct. Are there things that could fall into those categories like a voluntary code of conduct in the near term that could be thought of as the first step so that we each have… And of course it's the 27 member states and the US who are meeting in November at summits, and summits have presidents – and presidents, really, really more than ministers like deliverables. And so of course we're motivated by offering

something that represents a true step forward and a commitment jointly to collaborate to minimize consumer harm, criminal activity that sort of thing.

So why don't I leave it there, and if I may take a teeny bit of extra time to let Bobby talk about the desired results. Thank you.

Bobby Flame: Hi, just to let you know I'm not here by myself in the law enforcement community. We have representatives here from the RCMP, INTERPOL, ICE, [SOKA] from the UK and also the Singapore Police is actually here as well. So this is a true international effort.

To speak to the desired results and some of the things that Mason had mentioned, Heather had mentioned and my Australian colleague had mentioned – the things we're doing to document this and move this forward so far as tangible results is in Brussels the registrars actually did write what was agreeable to them, what we need further discussion on. Nine out of the twelve there was agreement on, and three of them were difficult ones; we said that we need further discussions and we have to go further with that, such as the validation of data, the collection of the data and the resellers. Those were very tough issues, we acknowledged them and we know that they're long-term problems that need to be addressed collectively.

The nine that we did agree upon, what we had done after the meeting in Brussels with the registrars and the law enforcement

sponsored by the European commission, we actually came out with a statement of commitments which we passed to the Registrar Stakeholder Group. There was response on the lettering and you know, coming up with clearer language on what was agreed upon. After that, pursuant to some conversations, we came up with a code of conduct, and this is a proposal that's a draft which we presented to the Registrar Stakeholders Group about a month ago.

And what we're hoping to do today when we meet with the registrars at 3:30 is to discuss this document to see on what we can go forward with, what we can't, what needs changes – so again, to reiterate what Mason was saying, short-term, medium-term, long-term. So we're hoping that we can get on that road.

The big question is implementation: how would we go forward with that and how would we see results that Heather was mentioning? So that's going to be our $64,000 question on how that's going to be done. We've set a code of conduct where they as the registrars can voluntarily implement this. They're representing 70% to 80% of the registrar community and the registrars that we're meeting with here are the good guys, the good actors and we want them to take the lead in doing that.

With some of the other proposals, the medium-term proposals and then we're going to have to work on a timeline, but your idea of coming up with a document and continually revising the document and putting timelines is I think a very good idea. And we as law enforcement would CERTainly do that, and we are always open – whatever documents we present to the registrar community we

want to see redlining and drafts, whatever they agree upon or cannot agree upon. That's the purpose of our bilateral talks we've had in Washington, D.C. and also Brussels, and we're open to more. The key is obviously to get these tangible results so we can report them to our governments which we are under the gun, no pun intended, under the gun to produce especially in light of the November, 2011 Summit.

And to reiterate what Suzanne was saying, the reason the impetus for this and to continually march forward is the new gTLDs. Like Suzanne said, the current gTLD system is fraught with a lot of abuse and problems and we can only imagine the exponential growth of that with the new gTLDs, especially in light of the announcement that was made yesterday. So that's all I had to say, and we're hoping for a very fruitful discussion with the registrars today at 3:30. CERTainly we'll update our respective GACs on that meeting.

Heather Dryden: Thank you very much for that, United States. Next I have Rob Hall and then I have Sri Lanka.

Rob Hall: Thank you. I'm Rob Hall with Momentous from Canada. I want to touch on perhaps what Suzanne pointed out, which was process. So we kind of have two within our world, our universe as registrars if you will: one is voluntary and one is not. And Mason picked a particularly hard one, registrant verification, but some of the

requests from law enforcement such as a registrar publishing its real address on its website – I think you'd find most people in this room either already do or are happy to do. So that's an easy one for us.

So we could say yes, that's an easy one for the people in this room, and I do want to point out one other fact. In our Stakeholder Group there has never been a registrar deCERTified or de-accredited by ICANN. We don't tend to be the ones that I think cause some of the issues that make international headlines unfortunately. So getting us to say "Sure, we'll do that, that makes sense, that's easy," that can be affected almost immediately and probably already has, because frankly as soon as someone like Bobby makes the suggestion we all kind of sit around and say "That makes sense, okay, let's make sure we have that."

Getting that same suggestion mandatory for all registrants is a different process. As you said, it gets into contractual negotiations, it gets into PDPs and the process of the GNSO, so that's a much higher level and we tend to want to work on both. So we're trying our best I think to say "These are the ones that we can agree on that we can just do voluntarily." I do take issue with 'code of conduct,' and you'll see some pushback when you start using language like 'code of conduct' because that is a very specific term that's mentioned in our contracts and agreements, that registrars, if there is a code of conduct voted on and put in by all registrars – and there is some discussion as to whether that's just our Stakeholder Group or not – it becomes contractual.

So I think you'll see some pushback probably perhaps on using that language around it as opposed to resolutions we can agree on voluntarily. Because when you talk about a code of conduct it doesn't become voluntary for us.

I also want to talk about, when you get into these harder processes though, when it gets to be something like Mason mentioned which is the verification of registrants, it's very important for us as registrars that that is done globally for all registrars. We've got to keep a balance here where we can't have some registrars at a disadvantage and others at an advantage that don't have to follow that. So it's very hard for us to voluntarily agree to something like that where it would put anyone who volunteered at a very severe disadvantage.

But I want to come back to something that has struck me in this, which is most of you have – I won't say "control of your country" but let's say country codes within CERTainly your own jurisdictions. And if we took Mason's example of how do you verify a registrant, it dawns on me that it would be much easier… We're one of the largest .ca registrars; it dawns on me that it'd be much easier to work with Heather as government as Canada and CIRA as our registry and us as a registrar to figure out how do we do that within our own country where we have databases and tools and ways to say "Is this person a Canadian, is this person real?"; let alone trying to solve it first and foremost internationally and globally.

And so my request to you I think would be work with your country codes and figure out how do you do this with the tools you have which are much stronger than the tools we have globally. I look at other things; there's a lot of talk about the New gTLD Process and the fears there – we're trying to put into place systems and policies CERTainly around trademark but others, and code of conducts and things like that on these new gTLDs that have never been tried in any registry, and it dawns on me the easiest would be to start with some of the cc's cause there's a much smaller playground you have to figure things out and test things in than trying to solve that problem internationally.

Because I think trying to solve the tough ones internationally you'll bang your heads, because we just don't know how to do it and I don't think you know how to do it, and there's no easy solution; whereas if we started with a smaller sandbox it might be easier. Thank you.

Heather Dryden: Thank you for that. Next I have Sri Lanka.

Jayantha Fernando: Thank you, Chair. I'm running short of time before I go on to the airport so I'll be short. Just want to echo the sentiments of my colleagues – the UK, Europe, US – and this is so I don't need to repeat myself but just to emphasize that criminal abuse of the DNS is a matter of concern and interest for even smaller countries like us. It's not only a subject for big countries but important for us

also. From a [DNS crime] perspective I'm mindful that there are several registrars coming up in our region slowly but surely, so this issue is lingering on and being discussed in our region from a governmental perspective.

But we as some of the smaller countries are not able to, due to budgetary constraints not able to get the law enforcement to participate in all these activities, so I'm very, very grateful to our Chair as well as the Stakeholder Group for coming together to have updates like this so that we can have a status check to see where we stand in relation to the GAC-endorsed proposals. And from a Sri Lankan perspective I know, even from a [DNS crime] perspective we are very keen to see that the GAC-endorsed proposals, which we endorsed in Brussels last year, reach some end, you know? We'd like to see the light at the end of the tunnel.

Having said that, until such time the agreements are amended through your complicated policy development processes, we also believe that codes of conduct may be the best way forward. As some of you may be aware, within the first community together with INTERPOL, some of our law enforcement and CERTs have been engaged in multiple discussions, and there's growing concern that this issue is getting delayed and delayed and there is no light at the end of the tunnel. So I'm not sure that the INTERPOL police are here but if they're here they may testify to what I'm saying.

And in that context, you referred – the previous speaker who was speaking, I didn't digest all of what you said.   I couldn't understand whether you were not for the code of conduct or

whether you are for the code of conduct, I wasn't very clear, but I just wanted to emphasize that from our perspective code of conduct may be an approach to be considered until the agreements are amended through your policy processes.

And in conclusion I just want to say that you phrased the question about drawing best practices from our cc's – many of our cc's in our region also work closely with the CERTs who are in turn connected to first community. And they are trying to use best practices, but then the issue that we are in some kind of concrete proposals resulting in the final implementation of our GAC-endorsed proposals. So with those few thoughts and some questions I will conclude my intervention. Thank you.

Heather Dryden: Thank you, Sri Lanka. Rob, did you have a quick follow-up to that?

Rob Hall: Sorry, I didn't mean in any way to say we're against an agreement that we can voluntarily agree to. I was perhaps nitpicking on the fact that it's called a code of conduct, because those words have some very specific meanings contractually for us. That's very different than us negotiating a voluntary agreement that we can agree with law enforcement and implement. So I think you'll find the people in this room from the registrars' side are very anxious to get rid of cybercrime and DNS crime as you say. We in no way support it; we in no way want it to proliferate. We want to find

solutions together on how we can kill it, but we have to do so in a way that keeps us competitive and on an equal playing field.

So no, I think we are all on the same plan of what we want. The question is technically how do we get there that keeps our layer competitive and equal. I see you pause at my word "equal" – our layer competitive, I'll leave it at that, and allows the market to exist. Because we are the competitive layer of ICANN here, so in all our registry contracts and in fact in our agreements with ICANN it talks about treating registrars equally to make sure that that competitive layer can flourish and be maintained.

So we have to keep those in mind as well, but certainly we would love I think some kind of agreement we could say "Yes, we volunteer to that," but we've also got to keep in mind we've got to go through the process to make sure certainly on the harder ones you'll find it hard for us to voluntarily agree if it puts us at a competitive disadvantage. So that, we have to go through the process then of how do we make this enforceable against all? Does that clarify your concern? Thank you.

Heather Dryden: Thank you, Rob. I have United States then Tim then United Kingdom.

Suzanne Sene: Thank you again, and I think this has been a very helpful exchange because you're pointing out for example the issue of the phrase

'code of conduct.' I confess that me personally, I didn't know, I don't spend time reading your contracts – my apologies – so I was not aware of that particular problem. Whatever you call it, whether we call it best practices… I mean we actually don't have a strong feeling there.

What I think you're hearing from us though is we do feel strongly that we need to see something, so some kind of commitment even if it is voluntarily, and especially as you pointed out, if you represent 80% of the registrars and you all feel fairly confident that you are already meeting all of these objectives, actually this is your opportunity to shine. I mean why don't you say so? Let's get it in writing and you get the credit.

But what I'm a little bit curious about, so bear with me, this is a question of ignorance – the 20% who might be the bad apples or the sources of the problems, so they're not a member of your constituency but are they not accredited registrars? So they are, I see heads, okay. So should we also as GAC be engaging with ICANN's Contractual Compliance Team and the General Counsel to try to figure out what do we do? Because we're not trying to bind you to correct their behavior. We would like to be able to say "This is a collection of people who represent 80% of the registrar community, and they're willing to step up and endorse, adhere to, commit to" – whatever words you like, but it would be useful to see that.

We need some kind of platform, vehicle, something, and we would think this is kind of a win-win. So you need to help us understand

why, if you're already kind of largely there or there… I get the hesitation now, you've clarified that about the phrase 'code of conduct' because that sort of binds you, but if you're already doing it and you're willing to be bound – this is the piece we're having a hard time understanding.

So if you could kind of clarify whatever language would work for you we would want to be able to make it a win-win, if I can say, you know? "This is a community, they're willing to do this; this is a good thing and we're going to continue to work further," which I think gets to Peter's point earlier and Bobby's point - let's understand the medium-term step and the long-term and what it will take to get there so that we can understand and be part of that process to help advance it. Thanks.

Heather Dryden: Rob, did you want to quickly follow-up? Okay.

Rob Hall: I didn't mean to say that I think we're in agreement with all of them; I was picking on one or two examples to say yes, I think you'll find the people in this room will. The 80% number I think is of registrants, not of registrars. We're probably even higher of registrars but I take your point, I don't want to nitpick. And I didn't want to nitpick too much on the wording of 'code of conduct'; I just wanted to point out or perhaps indicate that that's one that is sensitive to us and that's why you might get some pushback on that.

But the concept of it, I think you know, as we go down the list things get harder and harder to do without either changing contracts and may not be able to be agreed to voluntarily. So some of them are easy, some of them are very hard, and we've got to figure out and we're in the midst of trying to figure out in our constituency of how would we implement this even if we wanted to? So yes we agree, yes this is a good idea – is it a contract change, is it a PDP through the GNSO? What is the mechanism that binds it to everybody equally?

And so, Suzanne, I wish I had an easy answer for you but I think it kind of depends on each of the 13 criteria – each one may have a different solution. I think the thing that would be best for us to do is come back to you, and certainly going back to Bobby and saying "Look, here's ones we can handle voluntarily and here's ones we can't." Now the address one I picked on was an easy one, but I don't know if it's a contractual requirement in the RAA so I don't know that ICANN Compliance is going to be any help to you.

So we can take the first step of saying that's easy for us 80% to voluntarily agree to; the other 20% might take another year or two of process to get them on board where you could go to Compliance and do something about it. The last thing we want is these, for lack of a better word "bad actors" tarnishing our reputations and our industry, and this is something we've struggled with as well. We are happy to stand up and say to ICANN Compliance "We want more of it." We tried through the last round of the revisions of the RAA to give ICANN Compliance the tools to deal with

these people and that was one of the main motivations for us to change our conduct – we said "Look, they need help. They need to get rid of these people that are tarnishing us all."

Heather Dryden: Thank you, Rob. I have Tim, Norway, Elliot and Australia. Tim?

Tim Ruiz: Thank you, Heather; Tim Ruiz with Go Daddy and also representing the registrars on the GNSO Council. You know, I realize that it looks like delay but in reality we have a very diverse Stakeholder Group that requires a lot of time to get agreement, even from those who are participating; and of course it's impossible to agreement necessarily from those who aren't. So it has taken quite a bit of time.

I think we're getting very close and we're not against actually agreeing to a set of best practices, but we do realize that even once we do the excitement about that will be short-lived, because it'll become quickly apparent that it doesn't really solve the problem; because, as we said, those who are going to agree to it are likely already not the actors that you're concerned about. So it's going to become quickly apparent that we haven't really solved the problem yet.

So the other constraint that we have is how do we best get binding requirements in place that ICANN can effectively enforce to solve the problem, and we're as interested in that as you are because

those bad actors make us all look bad. And in our market, the registrars as a whole have a bad name just because of those bad actors, so this we're just as keenly interested in resolving that as you are.

But I think that there again we have to realize that getting those binding requirements in place will again take some time. Policy development processes are not necessarily quick; getting agreements changed and getting those in effect are not that quick. I think there's still some registrars who have not signed on yet to the 2009 agreement. So all these things take some time and hopefully that can be realized, and while I think we can certainly demonstrate some progress by November we certainly won't have the whole thing handled by then.

Heather Dryden: Thank you very much, Tim. Perhaps when discussing the options that are in front of those bad actors, that smaller percentage that we need to pursue, it's simply a matter of pointing out that the alternative is regulation. And it's really quite that simple I think for governments from their perspective. Okay, next I have Norway, please.

Ørnulf Storm: Thank you, Heather. Well, several things: we also do appreciate this possibility to have a dialog with the registrar community, so we appreciate that very much. What was commented here about this code of conduct or volunteer agreements, and of course this is

not negotiations of contracts' terms so of course it's a lot about having discussions of the registrar community taking responsibility for what lies within their business.

So that of course as our Chair Heather pointed out, the alternative is legislation, so that is something that we want to have sort of a good dialog on how to achieve a good set of rules and regulations for how to conduct; and to work with law enforcement to minimize criminal activity on the net and to also protect consumers.

Regarding tools to do validation, of course we could always share how we do validation in our countries, and of course we are happy to share how we do that in Norway on our ccTLD because there are of course solutions for how to validate registrants. And of course that should not delay how to then implement validation systems in the gTLD space. So I think there are very much possibilities here to work in parallel, and of course also improve validation under the ccTLDs as well. Thank you.

Heather Dryden: Thank you very much, Norway. I have Elliot, Australia, Singapore and United Kingdom, and then I will look to close the list. We're going to have to run over, after our agreed time of noon, but I understand our colleagues from the registrar group do need to have a break. So okay, so Elliot, you are next please.

Elliot Noss:	Thank you, Heather; Elliot Noss from Tucows. I would very much like to thank all of you for having us. I hope this is the first of many meetings like this, many dialogs like this. It's rare that I get to address representatives from so many governments at one time so I'm quite happy about that.

I'd like to start by framing, and something that I've talked with at least a few of you about especially over the last couple of meetings is to recognize that the role of the GAC inside of ICANN is evolving. And I think that the relationship, not only between the GAC and ICANN but between more broadly governments and the internet is evolving, and we all should keep mindful of that and be open to change and adapting the way that we're all working together towards what I believe are deeply-held common goals.

I wanted to offer a couple, what for me are very practical suggestions that I would like to share with you all in the GAC as to how you can help us move forward with a number of the items that we've been talking about. I believe that both of these again are things that I've discussed with Bobby Flame on a number of occasions and again, a couple of the GAC members in this room, but I really do appreciate the opportunity to share them more broadly so that you all can hear them.

The first is a very simple task with respect to validation that would be invaluable. We've had to deal not only on the domain registrars' side but more broadly in offering web services with validation, global validation for a number of years now, and it is a thorny problem. But the first simple step that I would like to

suggest and ask of all of you – if every GAC member could simply provide a proper form of address structure for their own country, something that all of you could probably simply submit over the lunch break and compile into a single list, very simply that could be shared with us the registrars and the community more broadly, that would go miles towards making validation simpler.

And I think that the reasons why are obvious, and it might seem surprising that there's a vacuum in that respect, but boy is there. I'd invite any of you who doubt that to go try and find proper address structures for all of the various countries that are in this room. It's a challenge and that would make our lives around validation much easier.

And the second is something I've been calling for inside of the ICANN process for probably going on ten years now, going back to the very early WHOIS debates. Intellectual property issues are very important and they deserve significant protection where a trademark holder can probably deal with as much cybersquatting as most companies in the world. And criminal issues are in my view more significant and more serious and deserve greater attention and protection.

Something that has constantly plagued law enforcement in their ability to get help and assistance from registrars in a broad fashion has been the bundling of criminal and intellectual property issues. So while both are important I really urge both GAC and law enforcement to unbundle those issues because it will greatly hasten our ability to help.

And the last point that I'd like to put out again is a place where all of you in this room can be invaluable, not in helping us as registrars but in helping the internet to become a safer place, and that's to raise with your governments where you have a voice and we don't the issue of cross-border enforcement of laws. There is so much that happens on an informal basis in terms of keeping the internet safe.

When there is a major bank that has a phishing incident, they don't deal with that through a formal contractual regime. The person at that bank invariably knows the person at Tucows who works in Compliance and the issue is resolved very quickly. But the challenge is there's no enforcement, there's no penalties for the wrongdoers, and overwhelmingly that's because of admittedly incredibly complex issues of cross-border compliance. So I'm not trying to trivialize those issues, but what I do think is that what all of you can be invaluable in helping is to get those issues to a much higher place on the agenda, on the international agenda around dealing with cybercrime and law enforcement. Thank you.

Heather Dryden: Thank you very much, Elliot. I have Australia.

Peter Nettlefold: Thanks, Heather. I'd just like to reiterate from my point of view what a very useful exchange this has been. I'd like to add to the comments of my US colleague – I've certainly learned something about the fine points of the contracts with regarding how code of

conduct works and so on. And I'd also like to reiterate the point that Suzanne made about understanding that the people we're talking to at the table here are the good actors and the difficult part of this process is going to be reaching out to the potentially bad actors for want of better term.

So I think one thing I'm going to take away from this meeting is that we've, each party to this discussion has got some things to do to add to this dialog and move the process forward, so I think we've got agreement that we'll have some sort of written document that shows us what those are, like what are the next steps, what are the tricky points to take this process forward.

One thing from my point of view I think which would be really useful from the registrars would be any insights that you have from your detailed understanding of the environment you work in, the contractual requirements, the processes for change on how we can potentially get a leg up on the bad actors. I for one was surprised to find that if there was a code of conduct, and as I understand it one registrar decides not to go along with it, they would be allowed to; that would be an acceptable outcome. I guess I'd understood from sort of an industry self-regulatory approach that if the community as a whole had decided on something and then it would go forward to acceptance it would apply to all, but I seem to understand that one could just say "No, thanks very much."

We're very sensitized to the fact that we would like to be incentivizing or rewarding the good actors and understand the issues about wanting a competitive playing field – you guys sign

up to something and then all of a sudden you're at a disadvantage compared to your competitors. Any advice that you guys have on how we might be able to address this issue would be fantastic. So I think this has been a great dialog, I hope we can all work to move forward from here. Thanks.

Heather Dryden: Thank you very much, Australia. Singapore?

Nora'in Ali: Thank you, Chairman. We'd also like to express our appreciation to our colleagues from the Registrar Constituency to come to us to share some of the things that you are doing in this dialog and we appreciate that. Yesterday we heard at the Opening Ceremony, we heard from Rod Beckstrom that the ICANN and the INTERPOL have established high-level content and we see this as a very positive and constructive development between ICANN and INTERPOL, and we will certainly support this high-level content in the dialog.

And we wonder that at the registrar level, at the working level where the registrar has established contact with INTERPOL so that both parties can understand each other better and you can forge closer working relations, and we welcome this content at a working level or high level between the law enforcement agency and the Registrar Constituency. I think this will certainly help to move forward on the concern of the consumer protection. So thank you very much.

Heather Dryden: Thank you, Singapore. United Kingdom then European Commission, and I will move to close.

Mark Carvell: Thanks very much, Chair. We're in self-regulatory mode as I think colleagues have expressed. Governments like self-regulation and for us civil servants it's good news – it's less work for us than having to construct more heavy-handed approaches that examples of which were touched upon by my Norwegian colleague – they're flexible approaches, they're self-regulatory approaches. They're also good at being readily understood and visible, so code of conduct should be seen in that particular light.

What's not coming across to me in this discussion, and as I say it's a really important opportunity, is appreciation that okay, you want a level market but you want to raise the standard, and a code of conduct gives you that ability to demonstrate how you're doing that. And it gives visibility to the consumer – if the registrar adheres to a code of conduct the consumer has more confidence. And we in government have more confidence if we see all the registrars demonstrating their commitment through their internal negotiations and agreements, by demonstrating that commitment through a code of conduct.

So as I say, what's not coming across to me is that element overriding the concern that oh, if some registrars don't like it then that creates distortions in the market. I mean we're not coming at

it from that angle; we're coming at it from raising the bar. And we've said this all along, and this is what we in government like to see – this is what ministers want to see, the bar being raised. So I really sort of want to underline that, that it's got to be a commitment, it's got to be an agreement; it's got to be visible and it's got to be global.

And we haven't really heard any comments in this discussion how you're reaching out to all countries, developing countries included as the gTLD space expands rapidly as we're looking to see greater opportunities for societies and communities across the world to take advantage of the internet; and a reliable way of engaging the internet and ensuring that the system really operates in their interests.

So I wonder if, and I know we're running out of time probably but in closing remarks there might be some comment about how this is truly internationalized, what the effort being undertaken here is. And I really do commend the effort, but I also as I say want to underline that this has got to be visible, global; and policy makers want to be able to report good, timely, effective progress. Thanks.

Heather Dryden: Thank you, United Kingdom. European Commission.

William Dee: Thank you, I'll be very brief – I'm mindful of the time constraints. This has been very useful, actually, and I've said it before but it is

really appreciated, but I think we do need to… It'd be useful for you to understand how our political masters see this actually. I mean the law enforcement proposals were made more than two years ago, actually I think – I don't know precisely when they were made.

We have the Summit coming up later in the year; it looks very much at the moment from what you say that we'll be saying there will be no concrete implementation of the law enforcement proposals at that date, and that the reason is that the internal governance mechanism of ICANN to get obligatory respect for these provisions takes a PDP, can take several years – in fact, can take forever. There's no deadline to that, it can go on forever. I mean it doesn't look good actually to be blunt, in terms of politicians who are trying to deal with cybercrime, child protection issues. It's now already several years that discussions are going on.

It's not intended to be sharp criticism; it's just to explain to you, actually, that when we go home this is what it looks like when senior politicians get together, that despite the goodwill and the progress in discussions there's no concrete implementation and that appears to be because it just takes too long and there are no pressures actually to find a resolution. We can talk forever. Thank you.

Heather Dryden: Thank you, European Commission. Germany?

Hubert Schoettner: Yes, thank you, and I also want to thank you for this kind of exchange which is quite valuable. And I would like to join my colleague from the UK in the respect that it didn't really come through what you mean with this question of distortion of competition, because I would like to turn the argument around and I would say the status quo, where we have a majority of registrars following unwritten standards distorts the market because there are a few that are misusing this situation that they are only unwritten. And therefore I think the current situation distorts the market. Thank you.

Heather Dryden: Thank you very much, Germany. So I think we have a good agreement that these discussions need to continue and that this has been very beneficial for both sides. A document that would point out the short-, medium-, and long-term implementation aspects or possible initiatives that can be implemented would be beneficial with timelines, with the aim of implementing concrete measures as soon as possible. So I think following the meeting this afternoon it would be useful for the GAC to receive a report on progress, so I hope our law enforcement colleagues will assist us with that along with the registrars.

So we should continue this dialog. GAC members can certainly look to country code practices to inform some approaches that we may be able to offer some thoughts to the registrars, particularly in

terms of registrar validation. And in terms of raising the standard, what I'm hearing from GAC members certainly is that if there is a standard that the majority are agreeing to than surely that's compelling, and so that's really the emphasis that GAC members would put to how to move this forward. And if we are able to, as I say come up with concrete measures it's really important politically as well as for law enforcement.

Okay, so with that UK, you have a final comment?

Mark Carvell: Yes, thanks very much. There was a request from Elliot for address structures and I must confess I didn't understand it, but it was a request tabled at this meeting to GAC representatives.

Elliot Noss: May I explain, Heather?

Heather Dryden: Perhaps that's something that can be clarified in writing rather than having a discussion now.

Elliot Noss: Sure.

Heather Dryden: Okay. So with that thank you very much to the registrars, we do appreciate you coming today. Thank you, we know you have a busy day. Alright, thank you.

[End of Transcript]