

# DRAFT

## Proposed Meeting Regarding .org

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### Objective

To explore informally, among colleagues and in a collegial manner whether it is possible to find ways of satisfying the general .org and the core Internet community with the possible transfer of .org away from ownership by ISOC.

### Background

ISOC has announced its intention to transfer ownership of PIR, and hence .org, to a private equity firm. This has created a substantial amount of concern over and opposition to the sale from various directions and from members of the core Internet community, for the most part associated with ISOC. The sale is likely to happen but is by no means certain. Even ICANN has expressed its deep concerns Proposed Change of Control of Public Interest Registry (PIR) last week. Maarten Botterman's questions of February 13th reflect the community concerns well: "that the community of .ORG registrants is concerned" that the 2002 Commitments "already have been abandoned or will be abandoned if the transfer to Ethos Capital is completed." Such a situation would entail a significant blow to the convivial and supportive relationships that have characterized this core Internet community since the founding of ISOC in 1992, and even before.

### Proposal

Two individuals, Kathy Kleiman and George Sadowsky, seek a mechanism to minimize the damage to the core Internet ecosystem from these activities. We believe that it may be possible to discover and identify paths that will allow a shared set of concerns to be addressed, and a seemingly shared set of agreements to evolve and to be offered to the broader community for evaluation.

Our meeting is NOT a negotiation; it is a meeting among colleagues who care about the Internet to identify possible combinations and sequences of actions that will meet the demands of those concerned about the terms of the transfer and those who believe that it should not happen because of specific identifiable negative impact upon what they consider valuable and important. Our participants are colleagues who have worked together before and have respect for one another. At present, we have different roles, some of which are complementary and

others of which are competitive. We need to think together about possible paths forward that minimize the damage to the core Internet ecosystem and to the cooperative culture that has brought the Internet to where it is today.

We have endeavored to select colleagues to participate who are not polemicists. Individuals with fixed positions regarding the sale are not welcome. We have no patience or time for such behavior. We need to be prepared for the outcomes of the sale occurring or not, and participants must be willing to accept both outcomes, but also to advance ideas that will make either outcome more acceptable for those concerned.

While the participants may associate themselves with groups having a point of view regarding these matters, they are NOT in any way representative or representatives of such groups. We are individuals looking for a way to make things better. (I understand that certain readers may consider this to be a naive point of view.)

Whether the sale is consummated or not is not the main issue. Rather, it is whether there is a path to either alternative — sale or no sale — that retains as much as possible the environment of trust, cooperation and collaboration among core Internet adherents that has existed until now, as well as embodying the 2002 Commitments of ISOC for .ORG which many view as increasingly important in the expanded gTLD world.

### **Format**

We propose a two-day meeting, on Saturday-Sunday February 22-23. The extremely short notice is necessitated by a PIR demand that ICANN act on the indirect change of control permission required by the end of February. If our weekend collaboration offers hope that there are better outcomes than we have now, it would seem reasonable to postpone that demand to explore them.

We propose that the meeting should be held at a hotel with appropriate meeting facilities, very close to Dulles airport (IAD) in the Washington area. We further propose that we start at 2:30pm on Saturday and plan to close at 3:00pm on Sunday.

We propose that Saturday should be devoted to the issue of WHAT those persons disaffected by the proposed sale would need to be assured of to make the sale acceptable to them. This should be discussed in terms of outcomes, or elements in the future for .org that would be sufficient. One way to describe it is as follows. Let's posit the existence of a list of items that characterize the future of PIR and .org. If such a list existed and its contents would enable you to not object to the sale of IR and therefore the transfer of .org, what would those contents have to be? At this stage we are not concerned about methods, but of a description of the state of affairs that you want for .org and its registrants.

To my knowledge, the people concerned about this sale have not had an opportunity to come together directly, or with those at PIR/Ethos/ISOC who are in a position to work their concerns directly into the deal and future after-sale environment. While it may be possible to create such a list as described above, the voices are currently widespread and diverse. A collection of mature and responsible voices from across the community should be able to capture most of the positions on relevant issues. This needs to happen.

The second phase of the meeting on Sunday, will focus on whether and HOW such needs/demands/ agreements might be incorporated, accommodated and shown to be binding and continuing. In other words, are there modifications, or additions, to the existing plan, that would still be commercially viable but would accommodate additional elements of satisfaction to dissenting groups and individuals and would be acceptable to both sides? I don't know the answer to that, but if any such significant possibilities do emerge, they deserve to be reported out for public discussion by the larger community.

We are planning a closed meeting. The community has tried for three months, over multiple lists and in multiple venues, for progress and accommodation in the sale process, but with few results. Open meetings in this space tend to be difficult and tend not to reach the nuts-and-bolts of how to make agreements and commitments binding and ongoing. They can easily degrade into factional adversarial groups, with each side playing to its watching audience. An adversarial tone encourages participants to look for comments and phrases to keep and to use to show the "true (unworthy) character" of their opponents. We are likely to get further if a small group sits down together and discuss issues in good faith, with the freedom to think broadly and outside of the box of any particular position.

### ***Next steps***

At the end of the meeting, we do need to report out any significant insights and discoveries that have been made during the meeting. Even if there are none, we would hope to report that those involved in the discussion listened attentively and understood the concerns of the dissidents and tried to accommodate their concerns as best possible, given their different objectives and constraints. I would hope for something more, but we won't know unless we try.