

Thursday, March 8, 2007

### **On divorcing your partners while protecting your customers' interests.**

The RegisterFly debacle has reached new heights in a cyber-age parallel to the Great Western Schism which saw Papal succession bifurcate into Pope vs. Antipope in the 14th century. The ICANN accredited registrar seems to be operating under a similar disassociation with one side running the operation under registerfly.com (which actually wound up here on our nameservers this week) while the other runs a conflicting operation by the same name on the registerfly.net domain. No doubt, this is further exacerbates the problems for Registryfly customers, and seeing as one of the parties is now a customer, I'll leave it at that.

But what is clear to me is that there is a right way and a wrong way to have irreconcilable differences with your partners and if it leads to a dissolution of the association, it can and should be done in a way that is transparent to the customers and the business as a whole.

When it came time for the partners at easyDNS to go our separate ways, we did it with maturity and professionalism. Our customers were unaware anything had transpired until the deal was done, the papers signed, handshakes were exchanged and I posted it to the company blog later that day.

From the time the situation came to the fore to the time the agreements were signed was over a year, roughly the same amount of time this Registerfly trainwreck has been unraveling. In that time, no injunctions were filed, no lawsuits launched, no criminal charges were laid and no animals were harmed in the breakup of our partnership. Our own lawyers never even had communications with each other until closing day when we all showed up at the corporate law firm's offices to sign the papers.

What we did do was engage a third party mediator and held all of our meetings at their offices, on neutral ground. Tempers flared, patience was tried, opinions clashed. But all in all it was a very civil process and as a result, we're still on cordial terms. You can put us in a room together and we won't go at each other like Siamese Fighting Fish.

This all seemed very normal to us. I think we all knew it could have gone a lot uglier, but I doubt it crossed anybody's mind that it could have gotten downright nasty the way this registerfly situation has.

Knowing my former partners the way I do, I can attest to their ethical standards. I know had things gone differently, we still would have all worked together to ensure the interests of our customers. For that, I am grateful to have been in business with person's of such high ethics, because this other situation has shown me that not everyone is as fortunate.

Posted by Mark Jeftovic in Taking care of business at 15:01

Tuesday, March 6, 2007

### **In the court of the ICANN Sun King**

A good article by John Levine on Why he left the ICANN At Large Advisory Committee resonated with me on a few levels, having decided fairly early on in CIRA Board career that I wouldn't be sticking around for a second term.

I've had very minimal exposure to the inner workings of ICANN, as a nobody on the outside they just seem like an utterly impotent hackey-sack ball that gets hooped around by Verisign and the US DOC and occasionally passes policy that directly affects my livelihood. But otherwise they don't stop anybody from throwing the rules to the wind. (Fortunately, the Register Fly debacle affords them an opportunity to "look tough" even tho this disaster has been a year in the making and they've done nothing.)

Back to the article, where my favorite description about the machinations of ICANN is

"After going to a few ICANN meetings I found that ICANN operates along the lines of the court of the Sun King. ICANN's processes are hopelessly opaque, and short of a lawsuit, the way to get something done is through personal connections with staff and particularly with board members. As a result, ICANN's meetings involve a mob swirling around the ICANN board, and to some degree the staff, trying to get face time."

My minimal exposure was a brief stint as the alternate task force member appointed by the Registrars' Constituency to the GNSO Whois Privacy Task Force. It involved an ICANN meeting in Montreal (which I was there for anyway because CIRA was hosting the meeting during the AGM) and a few teleconferences.

The whole thing was traumatic and scarred me mentally. The thing that struck me about it all was the relentless pursuit of agenda promotion. You weren't allowed in the door if you didn't have one, and if you didn't spend all your waking time cutting side-deals and "whispering-up" your talking points, a bouncer would ask you to leave. It was awful.

It was a lot like how I imagine the political process to work.

Posted by Mark Jeftovic in Tongue-in-cheek at 13:42