

**ICANN
Transcription
IRTP Part D Working Group meeting
Monday 08 September 2014 at 15:00 UTC**

Note: The following is the output of transcribing from an audio recording of IRTP Part D Working Group call on the Monday 08 September 2014 at 15:00 UTC. Although the transcription is largely accurate,

in some cases it is incomplete or inaccurate due to inaudible passages or transcription errors. It is posted as an aid to understanding the proceedings at the meeting, but should not be treated as an authoritative record. The audio is also available at: <http://audio.icann.org/gnso/gnso-irtp-d-20140908-en.mp3>

On page: <http://gnso.icann.org/calendar/#sep>

Attendees:

Barbara Knight – RySG
Graeme Bunton – RrSG
Volker Greimann – RrSG
Arthur Zonnenberg – RrSG
Avri Doria – NCSG
James Bladel – RrSG
Alan Greenberg – ALAC
Angie Graves- BC
Bob Mountain - RrSG
Holly Raiche – ALAC
Bartlett Morgan-NCUC
Rob Golding - RrSG

Apologies:

Paul Diaz – RySG
Kevin Erdman- IPC
Kristine Dorrian – National Arbitration Forum

ICANN staff:

Amy Bivins
Marika Konings
Lars Hoffmann
Steve Chan
Terri Agnew

Coordinator: The recording has now started. Please proceed.

Terry Agnew: Thank you. Good morning, good afternoon and good evening. This is the IRTP Part D working group call on the 8th of September 2014. On the call today we have Alan Greenberg, Volker Greimann, Holly Raiche, James Bladel, Avri Doria, Graeme Bunton, Barbara Knight, Angie Graves, Bob Mountain, and Arthur Zonnenberg. We have apologies from Paul Diaz and Kevin Erdman.

From staff we have Amy Bivins, Lars Hoffman, Marika Konings and myself, Terry Agnew. I would like to remind all participants to please state your name before speaking for transcription purposes. Thank you very much and back over to you, James.

James Bladel: Thanks, Terry. And good morning, good day, everyone. Welcome to our call for September 8. First up, does anyone have any updates to their statements of interest? If so, please raise your hand at this time. Okay, seeing none. Does anyone have any suggested edits or comments to the agenda that was circulated by Lars that was posted in the Adobe Connect room? Okay great.

So the focus of this call will be particularly on item number two on our agenda, which is the review of the final report. We have some changes that we need to go through that were collected via our previous discussion, and we also I think most importantly is we have a number of comments from the ICANN staff, the Global Domains Divisions -- am I saying that right, GDD? And anyway, some of those comments are fairly I think cosmetic, but a few of them I think are fairly significant and will require some extensive discussion by the group.

So, you know, let's go ahead and dive into those but just recognizing that those staff comments need to be addressed. I think there's a few of them in

particular. So with that I think Lars if you don't mind if we could start. The document is - is it synched or un-synched? We can kind of go with the first comment from the GDD team, and we'll go through these in order. And I have some notes here but I'll hold off on my comments until we've had a chance to hear from anyone on the group who wants to weigh in.

So the first comment here is on Page 14. You can see that the comment is tacked onto the impact of this recommendation 4.2.1.4, and the GDD says the group should - should the group discuss a financial cost versus benefits as part of an impact. This is to the recommendation number two that the dispute provider would be established to handle TDRPs.

I think that this is something that we discussed during our conversations, and I think that we need here to understand the financial cost I believe, cost of benefits, are particularly aimed at registrants and not necessarily at the dispute resolution providers or registries or registrars I think from the focus of registrants. So does anyone have any comments or thoughts on this staff comment?

Okay. Well they get harder from here so I just wanted to make sure everyone has an opportunity to weigh in. Lars, I don't see the working group having a burning idea to dive into this here but - oh Holly's up. Holly, go ahead.

Holly Raiche: Yes. Just picking up I think there was probably a discussion ooh a month or so ago and I think it was (Arthur), but it was to say one of the concerns I think he had and perhaps we have was the cost to - if we're dropping the possibility of a dispute resolution prices for registrants, then what is the cost to a registrant to proceed with a complaint if it's a complaint that ICANN itself cannot take up under the compliance issue? So I'd be tempted to just put an additional line in there including the cost or something that actually reflects the concerns that we had probably about a month ago. Thanks.

James Bladel: Thanks, Holly, and thanks for the reminder. I thought most of our discussions on the financial cost benefit impact was relevant to our recommendation to remove the registry level. I'm not sure, would we refer to that conversation here?

Holly Raiche: James, it's Holly continuing. I don't think we do here but part of - I think it was the issue that (Arthur) raised as I said, it was if we have removed the possibility of a registrant that just - I think that was part of what we decided earlier on was just too difficult then part of what we had decided was look we need to have something on the ICANN Web site that's a lot better than what's there now.

And all that conversation is reflected in this report and, you know, well reflected, but if there is not a remedy for registrants through the RAA and compliance then do they have to have a cost to do something that's expensive. I think that was - as I said, it was a discussion, it was a while ago but I think that was part of it. (Arthur), if you can recall, maybe that was - maybe I'm saying it wrong but that's what I that we said some time ago. Thanks.

James Bladel: I think you're capturing it accurately, Holly. My only question or concern is that that's a different recommendation. This one is talking about the reporting requirement.

Holly Raiche: Okay, okay.

James Bladel: And that's where I'm kind of a little confused because you're absolutely right, within the context of that previous discussion about the impact to registrants, we definitely need to highlight the cost benefit impact. But here, the recommendation is that the dispute provider shall report any decision made with respect to a transfer dispute initiated under TDRP. All decisions will be published in full over the Internet, et cetera, et cetera, et cetera.

So I feel like, you know, if we want to say something here this is an added cost for dispute resolution providers that will have the benefit of providing a basis, you know, a precedent for, you know, future disputes and some transparency into the process. You know, I don't know. I see a green checkmark from (Arthur), and Alan has his hand raised.

Alan Greenberg: I'm right on the same page as you are. Yes it's an additional cost but it's part of transparency and making these things not only transparent but usable as precedent, so yes but tough. We can put a line in or leave it out as far as I'm concerned.

Holly Raiche: Okay.

James Bladel: Yes and we don't have (Christine) on the call but one recommendation, and let's see if the group can get behind this idea, is that we say something to that effect that we expect that the cost to dispute resolution providers will be negligible -- maybe negligible is the wrong word -- minor or relatively minor, something like that, but the benefits to transparency in building a, you know, a data set that can be referenced for future disputes will be extremely valuable and then just leave it at that.

Holly Raiche: Sounds fine.

Alan Greenberg: James, it's Alan. That's certainly fine, but I'll point out we don't do detailed financial analysis on everything else, so. But if the point was raised, that kind of sentence addresses it, let's go on.

James Bladel: Yes, okay. I don't think we have to go into gory details about the cost, I agree with you, Alan. Okay and I've got a green checkmark from Alan -- sorry, (Arthur) as well, so okay. I think, Lars, you good with that? No not good with that. Okay what did we - do we need...Go ahead, Lars.

Lars Hoffman: Sorry, James. Can you hear me?

James Bladel: Yes.

Lars Hoffman: Yes I just had an issue with the button. Everything is good. I've got (unintelligible).

James Bladel: All right thank you. All right. So if you could direct us to the next staff comment unless it's one of - Alan had two comments, unless we run across his on the way. But the next comment I believe is on Page 16. Oh there you are. Thank you. And the general comment here from GDD is that the working group appears to be suggesting specific language to the policy rather than just, you know, general concepts or principles that should be reflected.

I really don't have strong feelings on this. Let me explain why and then I'll open up the queue. Is that, you know, I think on some issues there's a danger of working groups becoming overly prescriptive in writing the language of policy and on some issues, you know, we certainly have seen when our staff has said, you know, we weren't given enough detail by the working group to, you know, to proceed and that they have to fill in those gaps with, you know, it's really the policy implementation dividing line all over again.

And you never know how close to the line or which side you're falling at any given time and a certain way. If you have ten people in the group and five of them are staff then you're going to have ten different opinions, you know, on where that should be. However in this particular case I don't see a problem with the specific language. I guess my own - I'd be happy to leave the language as it currently reads in the report. I'm asking staff if they can explain is there something in here, is there a minefield that we're not seeing? Bob is up, but let's defer to Marika to answer that specific question, Bob, and then we'll come to you first. So Marika welcome.

Marika Konings: This is Marika. A way to possibly address this and, you know, note as well I think in previous working groups we've also had instances where specific

language was suggested but where I think, you know, when actually implementing it either due to preceding paragraphs or where something gets inserted, there may be a need to, you know, tweak certain words.

So if the recommendation is written in such a way that, you know, amended as follows that gives basically zero flexibility to staff to, you know, change (unintelligible) or an A or remove things. So, you know, can consider just changing this for example to the working group will recommend that the TDRP be amended along the following line, and you still suggest a specific language.

And, you know, in this case I haven't looked at our - I'm not aware that there's anything specific in here that poses an issue but at least that, you know, would give some flexibility to staff if there's a need to either reword basically where it may fit into the TDRP or because of preceding or language that follows afterwards or certain definitions or I don't know what. And again, you know, as there will likely be an implementation review team, that team could always of course still comment and say, "Hey you're actually changing something, you know, we did debate and is considered substantial, so we don't agree if you do that." But if there a little tweaks here and there just to make it fit better, you know, hopefully that is then possible while the way it's worded now may be too stringent.

James Bladel: Okay thank you, Marika. So my understanding then is that it's not necessarily that there's anything in particular wrong with this language, it's just that it's tying the hands of staff. There's really no wiggle room for implementation because we have called it out specifically and put it in quotes. So it seems like perhaps we could fix that by saying something along the lines of the working group recommends that the TDRP be amended as follows or be amended to reflect the language below, comma, or equivalent.

Something like that would probably give you sufficient - give staff the ability to make sure that it is conforming not only with the rest of the recommendations

in this report but also IRTPC and then the TDRP as it reads today. Would that be - would that address the staff's concern? I got a green checkmark from Marika and from Avri. Bob, you were in the queue earlier, did you want to weigh in on this as well?

Bob Mountain: Yes this is Bob. No I think Marika captured what I was going to say perfectly, so I'll just concur with her comments.

James Bladel: Okay. All right thanks. So, Lars, hopefully I think we've captured that. It just gives - I don't know if we build in a little bit of discretion there for staff to modify the language as necessary to make sure that it fits. A green checkmark, okay. Let's see, we have some chatter going on in the chat box and I want to make sure we capture that into this sentence here.

(Arthur) has a couple points here. One is that the final sentence - okay, somehow I jumped to the Page 42. I don't know if that's for everybody or just me. I can't move the document. If we could go back to the language that we had on Page 16, someone who has control.

Lars Hoffman: Sorry, James, it's Lars. I don't know what happened. I'll put it back up, just one second.

James Bladel: Okay awesome. Thanks. It went to comment 16 instead of Page 16. So let's - we're going to go back to some of the things that (Arthur) was weighing in on here. The final sentence we want to remove it to reduce its legal nature. I think that that says something about the courts are always at your disposable or something like that. The process remains subject to any rulings in a court of applicable jurisdiction.

Well that's kind of true for every recommendation in every policy ever, so I think, to (Arthur)'s point, does it really add anything by including that in the language here. And I think particularly if we're being a little more discretionary in our recommendation to staff then that can probably be removed. But what

are the thoughts from the group on this? Did we lose anything by dropping that last sentence? I don't see a lot of - oh, Barbara, go ahead.

Barbara Knight: Thank you, James, it's Barbara. I was just going to say I don't think that you do because I think that there could very well be language elsewhere in the policy that indicates that, you know, the parties are required to comply with any modifications that are requested by a court. So I think that probably covers it, but I would defer to the legal eagles to make that interpretation.

James Bladel: Yes I agree. In fact it's probably - and even if it needs to be in the policy, it probably only needs to be in there once and not attached to every recommendation. Okay, and green checkmark. Okay so good intervention there, (Arthur). Let's move on then to the second point here about change on 13, just need to be flexible to staff. Okay I think that that's in line with what we were saying earlier.

And then you said null and void is a figure of speech. We had - I think we had some comments on this last time around, didn't we, that we had void or null or voidable or something like that, and, you know, I certainly don't want to introduce here a colloquialism for a, you know, legal term of ours. So can we say something - can we strike null and void and just say invalidated? Does that make everyone happy? Okay, got a green checkmark from Lars, from Bob. I think that captures what we're trying to say. Angie and Holly, okay. Let's do that, Lars. We'll just change null and void to invalidated.

I probably should - if anyone has a thesaurus open maybe we can come up with something better, but that's just shooting from the hip. So okay, and both of (Arthur)'s online personas are agreeing. Or one of them is agreeing, the other one is not. Okay I think we're good then on this page.

So the next change occurs on Page 18. This is a big one, and I'm going to recommend that we maybe keep pressing through some of the smaller ones and circle back to this back but let me tee up the issue. If you go to Page 18

and it's in the second to the last paragraph there, a comment that the GDD team are noting that there is no inter-registrant dispute policy to identify this part of IRTPC and the implementation team doesn't plan to create this. So I believe we have created a bit of a paradox here, and I'm picturing like a snake, you know, eating itself or eating its own tail or whatever.

Is that we have IRTPC, the recommendations saying oh you know here's a new policy, and if there's a dispute in this policy issue a TDRP. And the TDRP is like here's this dispute policy, and if you run into trouble you should do whatever comes out of IRTPC. So it's kind of this circular, recursive reference between C and D. I think it's a problem. I have some - I have an idea on how we can untangle it.

It's not going to be pretty but, you know, generally, you know, I think our two choices are we press forward without it which leaves a huge void in ICANN policy and almost probably makes the impossible be un-implementable by staff or we try to tack this issue, which is going to take a little bit more time and work on our part. And I think we're probably going to have to do the latter. Marika?

Marika Konings: Yes, this is Marika. You know, one thing to note because, you know, I believe the comment that was made by the GDD team is of course correct. You know, we didn't foresee or at least the working group didn't foresee it at the time that a separate dispute resolution policy would be created for the change of registrant policy. However, I think what part C and I believe what this working group discussed as well or at least I would foresee it as part of implementation of IRTP part C is that there would be a path that is identified in case people have issues or complaints under the new policy and direct them where to go.

The likely recourse is, you know, as new kinds of complaints form that, you know, ICANN compliance provides on the Web site which have all the lines in which scenarios, you know, you have a valid complaint to go to the

compliance team, you know, which - in which case they would have enforcement mechanisms in case the new policy is violated.

So I think at least from our personal perspective what I more envisioned indeed is by the time IRTPC is implemented and there is indeed a clear framework in place on, you know, what the policy entails, what the kind of scenarios are that fall underneath that, what happens if, indeed there is a violation of that policy and if that - I think as well as in the current policy there is of course an escalation mechanism with the TDRP. But before that there are of course other steps that parties can take to get issues resolved. They want us to speak to registrars, want us to go to, you know, ICANN compliance, and your last course is the TDRP.

So I think, you know, the idea with that first the group or the council would evaluate okay so what comes in place on the IRTP part C, does it actually - the new policy does that cover all those, you know, case studies that are included in the annex, because some of them I think are - would be covered on the new policy. And of course any violations of that would also be in indirectly covered because, you know, compliance can enforce if the policy is not respected.

But it still I think at that stage doesn't take away that potential conclusion could also be is something more needed, and I don't know if that's something that will be immediately obvious at the time when IRTP part C is implemented or whether that is one of those cases where, you know, further data may be needed to see once, you know, the recommendations from this PDP as well as IRTPC are implemented, does that have an impact on the number of complaints that compliance gets or will it actually reverse, the number of complaints they receive actually go much further up because, you know, on the one hand the TDRP wasn't adapted and on top of that a new policy was implemented which didn't have sufficient dispute resolution mechanisms available to, you know, escalate certain issues.

So I think that's a bit, you know, and maybe that's not properly worded here, but that was at least my understanding a little bit of where we were heading with this recommendation.

James Bladel: Okay thanks, Marika. And I do appreciate you providing some context and substance to the comment. You know, I think this is probably one of the reasons why we should probably just put a button in this particular comment because I think it shows up again on Page 42. It's really a reflection of the same issue in the comments on Page 42. So I feel as though we should probably set this one aside for right now because I think that we perhaps have a chance of getting through all the rest on today's call and the next call will be focused primarily on this issue, because I believe it is, you know, it is a fundamental concern.

It is in some respects or some regards it's what this working group was speaking to address or improve. It's certainly mentioned if not in our, you know, issues report and chart, it certainly is undercoating or underpinning a lot of the comments received, including some of the data and statistics that we receive from compliance. So it's a big issue and I think that we should, we should give it the attention that is required. And so I would like to - I would recommend moving on with the understanding that we're going to spend a little bit more time on this particular comment.

Okay. So if we could then skip to Page 22 which is I believe the next GDD comment, unless we encounter one of Alan's along the way. Okay. So the comment from Page - on Page 22 from staff is, you know, that this is some recommendations about how to provide some helpful resources on the ICANN webpage as well as how to make sure that that's sufficiently visible to visitors who may be are coming to the ICANN webpage for the first time and we don't want overload them with a bunch of, you know, let's say policy and accountability and IANA and new gTLD issues when they really just want to file a complaint or get some information about transfer issues or read up a little bit on what their options are.

I think the concern from staff, and I may be reading too much into this or reading it incorrectly, but the concern from staff is that there's been a fairly significant redesign of the ICANN homepage since this was originally worded and that some of the things that we're referencing here like the Have a Problem page or the Quick Link page or some of those other headers either no longer exist or they moved or called something else.

So I think that the - I think generally it seems like this is referencing, you know, whether or not this is - and it says it's not overly helpful to inexperienced registrants, and the comment from staff is, you know, is this criticism warranted, that it's not overly helpful. I think that, you know, I guess this is a matter of opinion, I like the - I think the idea is that if you go to icann.org there is a quick links box. It does have a support item unsolicited renewal or transfer. I don't know if that's abundantly clear.

You know, I would like to see it say something like, you know, unauthorized transfer might be first and unsolicited renewal or whether they belong in the same button. You know, I mean I guess the working group's role is probably not to get involved in designing the user interface of ICANN's Web site, I think the goal here is that we want to ensure that this is - these links and these resources are, you know, painfully conspicuous for someone whose maybe first interaction or first awareness of ICANN is they have a transfer problem. So I see - I see Holly agrees and I see (Arthur) is up with a comment. So (Arthur) go ahead.

Arthur Zonnenberg: Hi, James. Thanks for the word. Arthur Zonnenberg here. I'd like to speak on behalf of our customers and say for starters that this quick link page is not in Dutch but more importantly it just drops in the middle of the story and immediately starts with in Q&A from a perspective that supposes or that assumes that presupposes all kinds of knowledge. Just the first sentence, if you will: in November 2004, ICANN announced the transfer policy that

applies to all accredited gTLD registrars across the globe. How does that answer my question and what does that have to do with me as a registrant?

Next sentence. If you have attempted to transfer a domain name from one registrar to another registrar and a transfer was denied, the quote, unquote losing registrar is required to provide the quote, unquote gaining registrar with a notice a specific reason for the denial. What is losing and gaining and what are valid reasons, what's going on here? You know, as an end user you have no idea what this is. If you're not familiar with the terminology, this might as well be in Chinese. That's my comment on that. So in response to the comments from the GDD, no.

James Bladel: Okay thanks, (Arthur). I like how you ended that there. Certainly I think that we can probably spend quite a bit of time cleaning up and improving the usefulness and the utility of the ICANN web site. Registrars in particular have a number of issues with, you know, just making sure that the materials are organized in a way that our customers can reach them.

You know, I guess we have two general approaches here. Do we want to try to fix these issues in our report, in our recommendation, do we want to call out attention to the problem that we believe to have identified which is that this is not clear unless you, you know, it's still very inaccessible to non-veterans of ICANN and the ICANN process. And I think that it's very, very important to step out of the bubble that we all live in in this industry, and in ICANN the community and ICANN organization and realize that, you know, some people - some people are registrants and they don't know they're registrants because they bought a different package, they bought a Web site or they bought an email package, you know.

And so using terminology like registrant, which seems so basic I think to so many of us, is still unfortunately needs to be explained because, you know, because it is such an unwieldy term or it's not something that people - unless

you're doing this as part of your job it's not something that creeps into your vocabulary on a daily basis.

So one thing that I do like is that the new Web site has little mouse overs so if you hold your cursor over an underlined term it offers a definition at the bottom. I think that, you know, they should be commended for that change.

And I do like the fact that domain name transfer is listed - the second item where it says you may name transfers listed right below new gTLDs, I think between those two topics and Whois you've probably got, you know, the majority of the new first-time visitors to ICANN's Web site covered.

You know, I think that we can leave our comment here as it stands. We could even, you know, even - well I'll go to Holly. Holly, go ahead.

Holly Raiche: My one comment is there maybe a little bit of danger in describing exactly where something is because we have no idea if ICANN is once again going to redo the Web site and everything we say is changed yet again.

But I do take Arthur's point, and I think your description is also very good. Whatever it is it has to be written so you don't have to go through more than say one click and you're at information and it is written in layperson's terminology and have the recommendation in terms of not necessarily in terms of how their Web site looks now but your point that we have to use language that is absolute layperson's language and it has to be very visible from the homepage as to where you go and using those terminology I'd probably leave it at that. Thanks.

Alan Greenberg: It's Alan, could I get in?

James Bladel: Alan, yes please go ahead. Thank you, Holly. Go ahead, Alan.

Alan Greenberg: I think their comment is relevant in that, yes, the details are going to change by the time it's published they'll change again. However, many of the changes that have been done on the Web site, and I'm having an ongoing discussion with Chris Gift on that, have not been positive. They have obscured things that used to be clear. It's going to happen again.

So I think some sort of wording saying this must be from a novice user's perspective and someone coming in to try to solve a problem can solve it, needs to be there. I - we can't ignore the subject although we shouldn't be specific on, you know, what is on what page and (unintelligible) change. Thank you.

James Bladel: Okay thanks, Holly and Alan. And since Alan's not on the Adobe I'll note that he has a couple of green checkmarks there as well. So where do we want to go with this comment, folks? I think that we can leave our text as it stands. If we want to address staff comment at is overly critical I think that they're, you know, I'm guessing but I believe that they're picking up on the term where it says "not overly helpful."

I think we can say something to the effect of, "Information about the IRTP and TDRP that is still - can be confusing to inexperienced registrants." And if we make that change I think we get out of the - we get out of the mode where we're just, you know, criticizing the Web content and we get more into a constructive and helpful mode without throwing rocks.

I see we've got a green checkmark on that and hopefully that - we can address that comment and move on. But I think it is something that - it's just such a big issue, you know, outside the scope of this working group and it refers to all the terminology and all the lingo and all the acronyms and the fact that, you know, if you don't follow this 40 hours a week that, you know, you can get confused really quickly.

And I think as we pointed out, you know, I, who have been working in this space for 7 years and working a registrar for 8 years, I still get confused when I try to transfer domain names. So, you know, what hope, you know, what hope does anyone have, you know, you know, I'm not putting myself up on a pedestal here or as a benchmark but I think it's interesting that this process is so confusing that even folks who are very, very close to it can still get confused and start scratching their head about what they do next.

So - but let's move on here. And let's then go to the next comment which I believe is on Page 24. I believe there are two comments on Page 24. If we go down to that page - oh I'm sorry, we've got Alan - on Page 23 is one of Alan's edits where he'd mentioned that the Web site should be clearly accessible or integrated into the ICANN registrar's benefits and responsibilities page.

I don't have any issues with that particularly since registrars and other contracted parties are required to link to that page. I think having that page reference this user-friendly Web site would be helpful. So I didn't see any issues with that. And if anyone has any objections please let me know but I think that's a good suggestion.

So - and we see green checkmarks in the chat so we'll move on then to Page 24 where there are two comments. The first one is where we say something in the recommendation about - oh well, we should just recommend that this, as a best practice, that registrars should encourage resellers to display links and the group recommends this (unintelligible) all of ICANN registrars, for example, through their Radar.

You know, I think that the issue here, from the GDD, and I'm probably speculating a little bit, but I think that Radar at some point will be going away in favor of a new system that was - new platform that's being deployed that will support both registries and registrars, TLD operators.

And so I think what they're saying here is that they don't want any recommendations for policy or best practice tied to a specific system particularly one that may be end of life here in the next year or so.

So, you know, I'm fine with that. I'm just striking that "for example" and then just - we'll do, you know, communicate it to all ICANN-accredited registrars, full stop. I don't know if anybody has any concerns about that or staff, please weigh in if I've misread your, you know, the intention behind that comment because I want to make sure we've captured that. Amy is giving me a green checkmark so thank you, Amy.

Okay and then moving down to the next comment from GDD is that this impact statement is not necessarily an impact but rather instructions for the implementation team. And let's read through what that is and make sure we've captured it correctly.

"Working group expects that..." Oh yes.

Alan Greenberg: Yes, James, I had one on 14 also.

James Bladel: One on 14. Do you mean the one prior, Alan?

Alan Greenberg: Yes, the one I think we were just talking about I think was 14.

((Crosstalk))

Alan Greenberg: I'm sorry, I'm in the car right now; I can't see the numbers.

James Bladel: No, you're right Alan. There's a couple of balloons right on top of each other and I just missed it so yes, Alan also wanted to change the wording of the introduction of this from, "The working group recommends that in addition as a best practice, ICANN accredited registrars..." blah, blah, blah. Alan wanted

to say something, I believe, like, "The working group recommends as an additional best practice..."

Alan Greenberg: You've got it backwards.

James Bladel: Is that right?

Alan Greenberg: No, you've got it backwards. The current wording says, "...as an additional best practice..."

((Crosstalk))

Alan Greenberg: Fourteen is almost redundant because it's (unintelligible) 13. So what we said is 14 (unintelligible) in addition as a best practice (unintelligible) should do such and such. As...

James Bladel: Okay.

Alan Greenberg: ...as an additional best practice it's not clear what it's additional to so it doesn't make a lot of sense.

James Bladel: Right, and it almost implies that there's another list of best practices that's coming before this somehow that is being tacked onto. So, yes, I agree with that. So, you know, I actually think that we can just take out the fact that it's additional and just say, "The working group recommends that as a best practice," and who cares if it's the only one or part of a list...

Alan Greenberg: Yes, I can live with that.

James Bladel: Okay. Lars, did you catch that? Because it is ambiguous, as Alan points out. Okay, green checkmark from Lars. All right, sorry for skipping over that one, Alan, and, you know, if you want to jump on your plane now we've covered yours for sure.

Alan Greenberg: Not on a plane, heading to a meeting. But that was the last one and I will be dropping off in a few minutes though, I'm about to enter the parking lot. Thank you.

James Bladel: Okay. Thanks for - and stay safe, you know, hands free. Okay so we're going then to the comment, again, this is the impact of this recommendation or this best practice.

"The working group expects the transfer dispute information on ICANN Web site is clearly accessible from the ICANN registrants benefits and responsibilities page. Expects that improved availability of transfer dispute related information ought to be lead to registrants to have an improved understanding regarding the dispute options."

So the GDD team notes that this is a direction for implementation. You know, I guess it could be. I think that we could say something along the lines of - that since we've already listed it above we can say something along the lines of, you know, "The working group expects that highlighting the visibility of this information ought to lead," you know, it's really just - really just focusing on the second paragraph there.

I think that's - I'm fine with that. I just want to make sure that we don't lose anything important if we were to just drop that other paragraph. I think it's incorporated up in Number 13 - Recommendation Number 13 has already captured the statement that we make in the impact statement for Number 14. So I'm fine with just dropping that. Does anyone have any concerns?

Because it's just repeating the recommendation - the previous recommendation so okay, got a couple of green checkmarks here. Okay, so we're making progress. This thing's getting cleaned up. We've got 15 minutes left to go.

The next one is on Page 26. And why can't I scroll? Oh there we go. Let's see, if we scroll down to 26 we see - here we go. So the staff comment is, again, with a - with the impact statement, "The working group expects to see consistent application of uniform sanctions for policy violations in IRTP and TDRP and where possible new developed policies." And the GDD team is saying that this is, again, implementation direction and not an anticipated impact.

So I'm struggling with this one, folks, because I think that we want to put something here but anything that we say probably could be read through the lens of implementation. So anybody want to help me out with this one?

Alan Greenberg: Yes, James, it's Alan.

James Bladel: Yes, Alan, go ahead.

Alan Greenberg: Again, I don't see the words they use but I'm getting a little bit upset about this. We have worked for the last number of years to a stage where PDP groups can specify details pretty close to implementation to make sure there's no misunderstanding. And now suddenly we're being told it's implementation, we can't say it anymore. And I'm starting to have a real problem. I've got to drop off now but thank you.

James Bladel: Thanks, Alan. And we've got some green checkmarks as well and a hand from Marika. Maybe Marika can help us understand where staff wants this to go.

Marika Konings: Yes, this is Marika. I'm not necessarily here to interpret what the GDD team suggests. But I think what they're trying to say here or what my expectation is that they're trying to say here is not necessarily that the working group cannot provide guidance in relation to implementation but that this section specifically talks about the impact of the recommendation.

So the underlying thought might be that the focus here is actually more on the impact of the recommendation and specific guidance in relation to implementation would maybe be more appropriate in a separate or in different section.

And maybe a way to reword this could be more along the lines of, you know, the working group expects that the application of uniform sanctions for policy violations in the IRTP and TDRP, you know, would result in whatever language may have been used above as part of the rationale as well and more phrase it in that way.

So as said, you know, maybe that's not to the GDD point but that's at least how I read it. I don't think it's to say that the working group cannot provide guidance or implementation but it's more that it may not be appropriate in this specific section which is supposed to talk about the expected impact.

James Bladel: Okay, thanks Marika. I think that helps to some extent here. I think that part of what maybe - part of what maybe triggering this reaction from staff is the word of "expects to see" - the "working group expects to see," it's almost like setting out instructions or defining requirements for implementation.

And I think that, you know, we could change this, you know, something along the lines of, "The working group anticipates that consistent application of uniform sanctions for policy violations in IRTP and TDRP and where possible newly developed policies," comma, "will result in," now, you know, here's the payoff, "Will result in a clearer and more concise understanding of compliance or enforcement of policies for contracted parties and users."

Something along those lines I think would probably get us out of the issue that we have. I agree with you, Alan, I think that we, you know, we seem to be getting it wrong no matter what we do I think when it comes to implementation of policy. Alan probably dropped off. But, you know, I also see staff as when you use the word "expects to see" that's kind of like they're

defining an outcome for the implementation team to hit or bar that they have to get over. And I think that that's probably not what we were intended here.

So, you know, I think, Lars, can you maybe change that something to, you know, "The working group anticipates that," the rest of this sentence, comma, "Will benefit registrants and contracted parties by providing clearer enforcement structures and we'll just leave it at that. Green checkmark from Lars and Holly. And, you know, hopefully that gets us out of the dog house from staff here.

Okay so then let's move next to Page 28 which is where the next comment lives - the next staff comment so let's go down there. Okay, this one - oh, yes, so the GDD team wonders how this could be done in a way the ensures that the transfer contact is actually reached.

It says, "This is our recommendation that possible improvements include transmission of FOAs via SMS or an authorization to an interactive Web site." And I think what they're getting at, and I don't mean to put words in their mouths, but I think what staff is saying here is that, you know, email and SMS are notification systems but an interactive Web site is more of a passive system, you actually have to go to the Web site.

I think what the working group was envisioning was that a - you could, for example, log in using some sort of login credentials access a Web site that would clearly determine that you are who you say you are and capture your authorization for the transfer.

That's I think what we were driving at. So, you know, but here's the thing, I don't really believe that - we're saying is that these are possible improvements. So what I'd like to propose is that we say example improvements or improvements, you know, could include and then just leave this as it currently reads.

Because, you know, we're not trying to fix the problem, we're leaving service providers open to innovate new ways. I think maybe someone could come up with an app or something for, you know, who knows. You know, the sky is the limit and I don't think that we should either be limiting the, you know, the possible ways that you could pull this off. I think that we just want to capture the recommendation that other delivery mechanisms and communication mechanisms could be available.

So I would like to propose that we change possible to examples and then we put "could include" as rather than "include" and that we just move on from this comment. And I don't know if there's anyone who has any strong feelings to the contrary but I think that captures what we were trying to get across in this recommendation. Green checkmark from Holly on this.

The next comment, a little further down on the page, is that, again, we're not - from staff is that we're putting some instructions into an impact statement and this is not an impact and that is that, "The working group expects a data supported analysis of FOA effectiveness as part of the implementation of Recommendation 18."

So here's my first question, where is Recommendation 18? The one above it is 17 and then there's nothing. So just a numbering problem maybe? I don't know. Lars, can you maybe highlight that? Oh there's Recommendation 18, it's a little further down. So is this in the right place or are we just referencing the wrong number maybe?

Yes, I think that this is just - it means Recommendation 17, that's all. Okay so we can fix that. So, Lars, can you make a note that we need to fix 18 to 17. And then the - I think again we say something like the working group "expects" which sounds like we're giving directions to the implementation team.

Here's what I recommend, you know, instead of saying "expects" I think we say the "The working group anticipates that recommendation, you know, the implementation of Recommendation 18 will result in, you know, further - the collection of data that could yield - could support future analyses of FOA effectiveness," and something like that I think will capture what we're trying to say without, you know, tying the hands of staff.

Barbara - Barbara is going to rescue me. Barbara, go ahead.

Barbara Knight: I don't know about that, James. But this is Barbara for the record. I'm wondering if you can say something to the effect that, you know, Recommendation - I'm not sure I think it's 17 at this point - will require the collection of data in order to - I'm not at a loss but basically it will require the collection of data in order to perform analysis to determine the FOA's effectiveness or something to that effect. Does that help us or hurt us?

James Bladel: No, I think that that's correct and I think we should go back then to the language of the recommendation itself which is up a little bit further. So the group recommends that the operability of FOAs should not be limited to email. Possible improvements include that such - and then I think it does say, "Any such innovations must, however, have auditing capabilities as this remains one of the key functions of the FOA." We can reference that in our - is that what you're thinking is that in addition the working group anticipates that the audit data collected as part of implementation of Recommendation 18 will support future analyses of FOA effectiveness. I think that might be part of it.

I don't see any checkmark. I do see Holly has an interesting comment in the chat which is that the header for this section is expected impact. And so we keep, you know, teasing you the word "expected" because it's maybe tripping the staff - or triggering staff to say that this is implementation instruction rather than an impact statement. So that's a good observation, Holly.

We are just forming our response in a way that reflects the heading of the section. So I'm okay with changing it to "anticipated." Either way it's fine. But I think that when we say "expected" and then the next sentence after it is not a result but an action I think that's what's getting - that's what's getting staff's attention is you say "expected action" sounds like implementation whereas if you say "expected benefit" then that address the impact requirement.

So that's my thinking on this. I'm certainly open to being proven wrong here. Avri has got a green checkmark. Barbara, I don't know if that addresses your question about data collection through the audit. Arthur's got his hand up but can we go to Barbara first, Arthur, so we can close this one off?

Arthur Zonnenberg: Sure.

James Bladel: Okay thanks, Arthur. Barbara, go ahead.

Barbara Knight: Thanks, gentlemen. I think it gets us a little bit closer. I'm not certain that we're there completely yet. I mean, I think that, you know, by recommending the recommendation that we're making I think that it's, you know, the expected impact is is that yes you can make that recommendation but I think that we also need to be prepared to be able - that that recommendation may end up driving some additional analysis that we need to do in order to determine, you know, what's going to be the best way forward for either implanting an FOA in different formats than they are today or, you know, future elimination - consideration of future elimination I should say.

James Bladel: Okay. And I think that that sort of tees up the next recommendation - I agree with you, Barbara, and I think that sorts of tees up the next recommendation which is analyzing relevant data to determine whether or not this overall process, including FOA collection and all that other stuff, is improved.

So I think that that - I think it does what you're wanting it to do because it leads into - it segues into the next - into the next recommendation. So we

have two minutes remaining, we're almost at the end. Arthur has the last word and then we'll close off for today and continue our work on the list and next week. Arthur, you're up.

Arthur Zonnenberg: Hi, James. Thanks. Arthur Zonnenberg here from Hostnet. I just noted in the last section on Charter Question F that the review of analysis done at a later stage so in the future after the policy has been implemented. I would urge the working group to include a recommendation to start measuring straight away because if we don't measure then there will be nothing to review.

So what I'm still missing from the recommendations is a call to start implementing and defining the metrics as soon as possible so that the next time that we review this policy or these - this IRTP, that we have some data to base performance on. And there are some other things that have been rewritten that I would like to respond to but there is no more time left so I will do so via email.

James Bladel: Okay thanks, Arthur. So we're at the top of the hour. I think that's an important point and I think it raises one or two questions, which is, does it make sense to measure something that you know is in a state of change because your initial measurements may be invalidated by that change.

Or...

Arthur Zonnenberg: Yes it does. Yes it does.

James Bladel: ...alternatively - or alternatively - well, I know your opinion, I'm pointing out both opinions. The other side of it would be does it make sense to measure it both in order to have a before and after snapshot so that you can understand the impact of the change? And I think that there can be case made for each side of that. So let's put a hold on this because we are at the end of our call.

We've got that issue and we have the issue regarding the dispute mechanism that's part of IRTP C that I think we can take up both of those issues on the list and intercessionally and then beginning on our next call which will be same time, same channel next week.

Lars, if you can please send out an updated version at your earliest possible opportunity and make sure that that's sent. And I think everyone can then start to - if you haven't already run this by - if you are representing a constituency or stakeholder group now would be the - now would be the time I think to start sharing that with your group as well particularly the language of the recommendations. I think aside from some minor changes we're getting pretty close on that.

So with that I would say thank you everyone, good work today, very productive session. We will meet next week. We will tackle this last few issues but we're getting very close to the end. So thanks again. Bye-bye.

Barbara Knight: Thanks, everyone. Thanks, James.

((Crosstalk))

Man: Thank you, James.

((Crosstalk))

Arthur Zonnenberg: Bye-bye. Thanks.

Terri Agnew: (Damon) if you can stop the recordings. Once again that does conclude today's conference. Thank you, everyone for joining.

END