ICANN

Transcription

IRTP Part D Working Group meeting

Moderator: Gisella Gruber-White

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Note: The following is the output of transcribing from an audio recording of IRTP Part D Working Group call on the Monday 24 February 2014 at 16:00 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-20140224-en.mp3 On page: http://gnso.icann.org/calendar/#feb

Attendees:

Graeme Bunton - RrSG

Mikey O'Connor – ISPCP

Barbara Knight – RySG

Kristina Dorrain – NAF

Volker Greimann – RrSG

James Bladel - RrSG

Chris Chaplow – CBUC

Holly Raiche – ALAC

Apologies:

Paul Diaz – RySG

Kevin Erdman – IPC

Angie Graves – BC

Avri Doria - NCSG

ICANN staff:

Marika Konings

Amy Bivins

Lars Hoffmann

Berry Cobb

Nathalie Peregrine

Terri Agnew

Coordinator: I just wanted to remind all participants that the conference is being recorded. If you have any objections you may disconnect. For assistance press star 0.

Terri Agnew: Thank you, (Julie). Good morning, good afternoon and good evening. This is the IRTP Part D Working Group meeting 24th of February, 2014.

On the call today we have Graeme Bunton, Mikey O'Connor, Barbara Knight, Kristine Dorrain, Volker Greimann, James Bladel, Holly Raiche. Apologies from Paul Diaz, Kevin Erdman, Angie Graves and Avri Doria. From ICANN staff we have Marika Konings, Amy Bivens, Lars Hoffman, Berry Cobb, Nathalie Peregrine and Terri Agnew.

Mikey, over to you.

Mikey O'Connor: Thanks, Terri. And welcome to the gang on your inaugural flight with the IRTP. It's great to have you on board.

Our usual routine, we have a pretty short agenda. We've got the document that's on the screen that we'll be working our way through today that's sort of the result of the whole. So we'll pause and see if there are any changes to the agenda or if anybody has an update to their statement of interest?

Okay I don't see anybody's hand up so off we'll go. James is going to let me drive today because he may want to comment and I don't have any super strong opinions about any of these topics so that's fine with me.

If somebody could promote me to having God-like powers that would be nice sort of want to drive the screen. Thank you. Let's see, right now I'll give you control back - a moment.

I think what we're going to do is just walk through the results of our little poll because we got some comments. And so without further ado I think I'll just grab control for a second and sort of bring this down so we can maybe see it.

Our first set of comments was on the question of - our Charter Question B which is our suggested language was talking about what provisions should be included in the TDRP on how to handle disputes with multiple transfers.

And Barbara, James and - is Rob on the call? No, I'll speak as Rob. But, Barbara and James, do you want to sort of describe the suggestions that you had and then we'll open it up to the rest of the group? Barbara?

Barbara Knight: Thank you, Mikey.

Mikey O'Connor: Oh, James wants to go...

((Crosstalk))

Barbara Knight: Can you hear me okay?

Mikey O'Connor: Go ahead, Barbara.

Barbara Knight: Okay.

Mikey O'Connor: Yeah, I can hear you.

Barbara Knight: Thank you. I really didn't have, you know, any major objections to anything. I just, you know, wanted to kind of clarify the language a little bit so I just thought that maybe the first sentence in the last paragraph maybe could read as, you know, "The working group recommends that if a request for enforcement is initiated under the TDRP," I mean that's the main item that I had and that, you know, it would continue to be clocked until the request for enforcement case is closed.

So it was just, you know, because the TDRP basically just refers to the policy versus the request for enforcement which is actually the, you know, a case that's opened for I guess resolution by the dispute resolution provider so that's the only clarification I was just trying to make there.

Mikey O'Connor: That's a really good one. As the heavy editor of that particular sentence I'd certainly view that as friendly and I'm seeing a friendly amendment tick mark from James in the chat. If anybody has a problem with that idea this would be a good time to voice it or give us an indication in the chat. Otherwise we'll treat that one as done.

James, you next.

James Bladel: Hey, Mikey. Thanks. James speaking for the transcript. So I've tried to read through these questions with a fresh eyeball, which is hard I think at this stage in the game with this many IRTP working groups. But I tried to think of it in terms of what sections or what language or what elements of these recommendations could become lightening rods for any sort of controversy or unexpected community backlash.

And so I was trying to suss out what sorts of things might, you know, might be objectionable that might catch us off guard and therefore we would need to do our due diligence in advance and make sure that we had all of our, you know, all of our work done to support some of these recommendations. And the one that I came up on on this recommendation was the extension from six months to 12 months for the statute of limitations.

So my question here is, first of all, making sure that everyone is comfortable with this and also making sure that everyone is comfortable with the idea that

we have sufficiently justified this by demonstrating that the extra six months will in fact create a sufficient benefit and capture a sufficient portion of these issues that we're currently running into a problem right now with the ability to - that the six months is too short is proving to be a constraint that is thwarting our efforts to recover hijacked names or resolve these disputes.

So I'm just kind of laying out the questions in terms of what a unbiased and critical newcomer might see in these recommendations and that's one of the ones I jumped on.

So maybe that's a to-do list to put it out there with some qualifying language and then, you know, see what sort of community response we get, if any. Or maybe we just don't tee it up; we just leave it and see if anyone else picks up on the same concerns. But that was my note on this issue.

Mikey O'Connor: Thanks, James. I saw your note. This is Mikey. And meant to go back through - I thought I had a mind map of IRTP-D conversations but I was scrambling to find it before the call because I think we have better documentation than we've built into the report of this.

And so I certainly agree that at a minimum this should be an action item. And so why don't we treat it at least as that because I think that it's always good to have as much rationale in these reports as we can. And I apologize, I just started looking for those notes too close to the beginning of the call to find them. But maybe Lars and I can take an action out of this to see if we can, between the two of us, come up with some history on this. Lars is giving me a nod in the Chat on that.

Is that a sufficient response to your thought, James, if I tried to find some more stuff and put it into the draft? It would come in pretty late.

James Bladel: Yeah and in fact I don't know that I'm really asking for anything even to that level of sophistication. I think that this is something that bears watching particularly if we receive a lot of public feedback on this. We might need to approach this question with - and go back and pull together our discussions and our examination of this question, you know, from our notes.

And maybe that's a good exercise to do while the public comment period is open if we identify that this one maybe needs to be fleshed out a little bit more because we're going to have some down time typically while that's ongoing.

I just am thinking like, you know, we want to be able to preempt any criticism that this is arbitrary or that this is not a data-driven change that we can show that adding these six months will produce a tangible and measurable benefit. And I think that that's something that we, you know, if we haven't already established that in our notes that we can do so fairly quickly.

Mikey O'Connor: All right, that sounds like a plan, I agree. Anybody uncomfortable with that as an approach? I'm going to sort of breeze us through these fairly quickly and count on people to throw their hand up if I'm claiming stuff that you don't feel comfortable with.

Now Rob - I'll read Rob's comment. Rob said, "I think a provision about ICANN and registry refunding these charge where transfers which have a cost are negated as part of the chain in transfers in TDRP," is Rob's point.

I think that's new for me. I'm a little uncomfortable - well I'll be chair-like and let other people comment. James, go ahead and then I'll...

((Crosstalk))

James Bladel: Thanks. So I'll jump in for Rob since he's - I don't believe he's - well he's not in the chat room, I don't know if he's on the call. And ask a question of Barbara, if a transfer is reversed currently are the fees reversed as well?

Barbara Knight: This is Barbara. So, no, currently we do not reverse the fees.

James Bladel: Okay. And I guess the question from Rob would be - and this applies to, I think, a single instance of a dispute that's being reversed or even a, you know, a chain that's being unwound, a chain of transfers that's being unwound. But I think he raises a valid point here that if the registrar's subsequent - that handled subsequent transfers after a transfer that is reversed it seems like they should - well now that's an interesting question.

I don't know that the ones in the middle of the chain would necessarily be entitled to a refund but it certainly feels like the one at the end of the chain would be entitled to a refund. And I may have to think about that a little bit more. But the ones at the - in the middle of the chain would not have visibility or even a care to that transfer being undone; it's only the one at the end.

Mikey O'Connor: Thanks, James. Barbara.

Barbara Knight: This is Barbara. So from our perspective because when we undo a transfer we don't reverse the years off of the expiration date, if you will, for the domain name. That's the logic behind us not also...

James Bladel: Okay.

Barbara Knight: ...reversing the fees. So I don't know if that's...

James Bladel: Okay then I'll withdraw my question because if the years stand then I think that the fees need to stand as well.

Mikey O'Connor: This is Mikey. I think this one we might want to start building a punch list for post initial report review and treat this as a comment from Rob. This is a substantial enough suggestion that I'm a little uncomfortable acting one way or the other at this stage of the report.

I think I'd prefer to have this one bumped out and put on essentially the punch list that we get out of public comments just to give us all a little bit more time to think about it. Would that be all right as a way to treat this one? I'm not seeing howls of protest so let's do that. Yeah, James and Barbara's in, yeah.

Let's do that. I think at this stage with people sort of winding down it's just a little tricky to do that one on the fly. And then, Volker, you want to go ahead and talk about yours?

Volker Greimann: Yeah, sure. Mainly if we are saying that we're avoiding invalid transfer we need to be certain that we know exactly what we mean by it and also that everybody who reads this knows what we mean by it.

For example, I would say that clearly invalid transfer would be one way the transfer policy has been violated. If another transfer where other issues are present not the procedural then that would have to be - in the definition or excluded from the definition just to be sure that the policy that is created is clear on what is included and what not.

Mikey O'Connor: That's a great point, Volker. And I see that the way we write this - let's see, are we synced? I'm going to unsync so I can drive around. We capitalize invalid transfer and we try and - where I'm headed with this is does the current IRTP and/or TDRP define invalid transfer the way that I think Volker would like to see it defined?

Because one way to - working on the TDRP with Kristine I discovered the magic of definitions in legal documents. And if we don't have a definition of invalid transfer in the IRTP/TDRP it seems to me a useful thing to do that. And I think it's especially useful while we're in this transitional period where the inter registrant transfer process isn't really defined yet.

Because I think today it's safe to say that an invalid transfer does not include an inter registrant transfer dispute, for example, the one that Volker's saying in his second sentence, the admin/owner.

But it might tomorrow. We might have to rewrite that definition during the implementation of inter registrant transfer so that's just sort of my initial reaction. Anybody else got any thoughts?

Now it occurs to me do we have definitions - a Definitions section of the IRTP? I'll bet we don't. And if we don't do we need one? And if we need one that could get pretty substantive. Oh, Holly, go ahead.

Holly Raiche: Yeah, this is Holly for the record. I'm just wondering if you're saying inter registrant what if the problem is that the - one of the - somebody is the registrant and somebody isn't the registrant. So I think I'd approach the definition differently and say something about it's invalid because it is against policy or something like that.

Because it may not be inter registrant; it may be dispute between a person and a registrant. And the dispute is who is the registrant.

Mikey O'Connor: Yeah, and in fact I think I like Volker's approach better than mine which is to define it narrowly as a transfer that violated formal transfer, probably policy rather than procedures, right Volker? Is to say...

Volker Greimann: Mainly so, yeah. Yeah.

Mikey O'Connor: Yeah. And so rather than drag in the inter registrant quagmire, which could be trouble. Lars has posted a link into the chat and notes that we don't have a Definitions section in the current policy. And a policy with one definition strikes me as a little weird.

So maybe this is another punch list item where we push this out post initial report and note for ourselves Volker's comment much as we did with Rob's

and then take an action item to maybe think about definitions. I think the TDRP has got a Definitions section. Kristine can help me with that.

But anyway maybe we take an action post initial report to include that in the final report. Again, I don't - I see no way that we can get through a discussion as substantive as that between now and the deadline pushing this report out.

And so I think maybe that's the way to go if that's all right with folks because we'll treat both Rob's and Volker's comments as substantive enough that they need to be included in the - essentially the public comments that we'll review when we get back to that. I'm not seeing anybody terribly upset with that idea.

Why don't we go on with our next one? So I'll just sync us up here for a minute. This one's on Charter C where we're talking about dispute options for registrants. Barbara, you want to kick it off?

Barbara Knight: Thank you, Mikey. Again, mine was primarily just an edit so, you know, in the one - let's see, with regard to the recommendation to eliminate the first level registry layer of the dispute resolution procedure it basically should say that there are very few transfer disputes.

And then I also thought that it might make some sense for us to do some clarification at the end that one of the other main reasons why the extent to eliminate that level - the registry level - is because given the number of rapidly increasing registries that it could also lend itself to I guess inconsistencies in both the interpretation and the application of the policy.

Whereas if you have, you know, folks like, you know, the folks that are doing the UDRP or the second level then, you know, you have, one, a smaller number of entities that are actually interpreting the policy but then you also have people who, you know, have professionals available to them to actually administer the policy so that's what I was trying to clarify there.

Mikey O'Connor: Thanks, Barbara. I think what I'm going to do is just run through James and Volker and maybe I'll pretend to be (unintelligible) because I think here what we're talking about is sort of the whole issue at once. So let's kind of run through James and Volker for sure. You know, Volker especially because he's not comfortable with removing this lariat. But, James, why don't you go next and then Volker and then we'll open it up for some discussion.

James Bladel: Sorry, you wanted me to go next, Mikey?

Mikey O'Connor: Yeah.

James Bladel: Okay so James speaking for the record. Thanks. And it's not an objection and a recognition that this is fairly rare. But just noting that we would be tinkering with the economics somewhat of the dispute resolution policy in that the fee differential for both - to file and to process the disputes is fairly significant between there first level and the second level.

So we've essentially removed the economy class and made this an all first class flight. And given that there's only, you know, a small number of these per year I don't think that that's a huge issue. But we should recognize that that is essentially closing the door - it puts a barrier into this - designs in some barriers to access to this policy that it could close the door to its, you know, modification or expansion to resolve other issues.

So I just - I kind of wanted to put that into the discussion - again not to derail this recommendation. I still believe that the numbers are small enough to remove - to warrant removing the registries. But I just wanted to make sure that we had a good answer for that particular criticism if it comes up in the public comments.

Mikey O'Connor: Thanks, James. Volker.

Volker Greimann: Yes, Volker Greimann speaking for the record. Even though James says, in his comments, that he supports the change and I say I do not support, I think we are not that far away in our position here because my main concern is also the price differential between the registry layer and the dispute provider layer.

And I think even though there's very few disputes having the registrar layer in there at the lower fee may lead to certain cases that will be processed just because the entry hurdle is slightly lower than if you have to go to the provider level first.

Having the registry layer removed makes it - makes any transfer dispute immediately costly for both registrars participating in it and I'm not so sure that this is the goal that this wouldn't cause even less disputes being handled in the future.

And even the process being even less used so we might be working against the very goal that we are trying to achieve to have something here that is also inclusive for our other problems, yeah, that's basically my issue.

So if we can get the fee differential in line in some from removal might be an option. Having it as an optional option would also be - maybe a possible thing to consider. But removing it entirely without any further thought I think is moving too fast.

Mikey O'Connor: Thanks, Volker. I'm going to interject and then - and I'm consciously doing this before I take James. Sorry, James. But I've got two questions for folks as we talk about this. It seems to me that there are two issues here. One is the cost and the other is operational.

And the reason I want to split this is because as I think about the operational aspects of this one of the - if we put the notion that there's an easier layer and then a more rigorous layer I would put that in the operational side of things. In other words, how does this policy work?

And today, the way this policy works is there's a less rigorous and also coincidentally less expensive layer and there's then a - I don't know, less rigorous - I saw Barbara's hand go up, she may be taking umbrage at that. Sorry, Barbara.

But, you know, a different less complex, how about that, layer and less expensive layer and then a more complex, more expensive layer. The thought that's in my mind is we may want to explore leaving a two-layer approach but changing the requirement that a registry provide a complete staffed function to do it and maybe turn our eyes to Kristine or somebody like that to say could the dispute resolution providers come up with a two-tier product that registries could subscribe to?

So there's just a whole pile of ideas. Now onto the queue. James, you're first.

James Bladel: Hi, Mikey. James speaking. And I had a thought here that might - well I think it would help address my hesitation with this and perhaps might also address Volker's.

But if we go back to the comments that were made, I believe, in Buenos Aires, possibly going back to Durban, in the Council update by Jeff Neuman and he was sort of explaining all of the burdens and costs - operational costs that are incurred by registries to implement these policies and train employees and build procedures and documentation that are used maybe once, maybe never, to support TDRP.

I think that we can - and then multiply that by the number of proliferating new gTLD registries - I think we can now start to make the case that while the second level is more expensive it is more of a direct cost for those few users of the process as opposed to, you know, being subsidized, if you will, having these invisible subsidies by all these contracted parties providing services and, you know, incurring all these costs that were never used.

So I think that maybe we could start to put that on the other side of the scale and say there is a justification for this change if we look at consolidating hundreds of providers' procedures and putting it into one more expensive process but it's something that's invoked more infrequently.

Mikey O'Connor: Thanks, James. Barbara. Sorry if I maligned you guys, I didn't mean to do that.

Barbara Knight: No, you didn't actually at all, Mikey. This is Barbara for the record. So, you know, I think that we also need to remember that, you know, disputes can still be handled at the registrar. And in fact, you know, one of the first things that the policy says is that, you know, that it's the expectation that we'll try to resolve the disputes at the registrar level before even moving to the registry level or the first level.

So, you know, I think that that's, you know, kind of key. And more often than not they are actually resolved there. The registrars themselves actually have, you know, more specific information than even, you know, even when it gets to the second level dispute resolution providers because they have, you know, the registrant's accounts and all that information and have, you know, full detail of the transactions that have actually occurred within those accounts.

So I think that, you know, we need to remember that that is one of the things that is available and could be, you know, kind of considered almost a first level and registries are more the second level and, you know, the NAFs of the world are the third level. So I think that that's, you know, one of the points that I wanted to make.

I also wanted to just point out that, you know, our experience has been that, you know, even at the second - or our level I should say, at the registry level, in probably half of the cases we don't have enough information to even really be able to render a decision and so we will come back with no decision because it's very unclear, you know, based on whether or not we even get information from both of the registrars because if we don't get a response from the registry against whom the request for enforcement has been filed then we have to make a decision based exclusively on what the filing registrar is telling us.

So, you know, from that perspective even having a less expensive option at the registry level is not really all that effective. I mean, that's basically what I was just going to say.

Mikey O'Connor: Thanks, Barbara. I'm - Volker, go ahead.

Volker Greimann: Yeah, Barbara's right about the consistency question. That's something that it was worried about as well if - and the main reason why I might change my mind into removing the registry layer all together because having about 1000 different entities deciding on the merits of such cases will probably lead to 1001 different results in such cases if the number ever reached that high.

And having some consistency in the results is something that we would like to see as well as registrars to have some security on the process side and how the process is going to be interpreted. Yet on the other hand we still need to look at cost structure of the - what removing the first layer - the cheap layer, the economy layer as James says, will result - if that would not result in even less cases to be brought and even less issues to be resolved for the registrants.

Mikey O'Connor: Thanks, Volker. I'm going to take off my chair hat for a minute and throw one completely screwy idea into the conversation and whip my chair hat back on again. And that is what if the costs were borne out of - came out of ICANN fees on the registrars and registries so that the cost was essentially already addressed.

And if we pretended that that was the case and then designed the ideal process, you know, this is back to my two questions. If we eliminate the cost

question and we acknowledge that 1000 different providers are likely to come up with inconsistent results, how would we design the ideal process? So there, now I'm back to being chair again. Volker, is that an old hand or a new one? I wasn't watching closely. Old...

Volker Greimann: It's an old hand. But removing the cost entirely might lead to an entirely different problems that I would still have to look at first. I think the idea is nice but on the one hand I don't think we can dictate that ICANN has to reduce their fees for a certain registrar that participates in the disputes very often so these fees are covered for that registrar.

On the other hand it might lead to proliferation of meritless cases because, hey, it's free.

Mikey O'Connor: Yeah, that's a good point. James, go ahead.

James Bladel: Yes, so I think I'm probably just echoing Volker here in that when you make something free you invite it to be abused and not look much further than some country codes that are free or nearly free. And I always like the story of when our company I worked for a couple years ago installed free soda vending machines. Our consumption of soda quadrupled and there were always half empty cans everywhere around the building. It was a real mess.

So I do not agree with free. However, I want to go back to your statement about addressing - with the ICANN fees. I think that there is a mechanism, I believe, currently for a, you know, sort of a loser pays model. And I'm thinking here of the registrar, you know, incurring the fees.

And then giving the registrar that lost the transfer the opportunity to certainly attempt to recover that fee from, you know, from its customer perhaps even in advance of the decision so holding that - holding the expected fees in escrow or, you know, on a credit card authorization until that process is resolved.

So - and that's just one thought here. I'm not sure how I feel about - I think this is going back to Volker's point. As soon as we spread this around and make it look like a larger risk pool with all registrants and all the fees that are being paid then I think that opens up the door for this to be abused. Thank you.

Mikey O'Connor: Thanks, folks. Okay so I'm tempted to put this one also in the kick the can down the road pile. Because, again, this is pretty substantive discussion that I don't think we can rush. James, I saw your hand pop up, go ahead.

James Bladel: Yeah, Mikey, just a thought on how we might proceed here. In the past I know with other transfer working groups and other PDPs we have teed up certain issues for public comment when we produce the initial report or introduced in a community workshop.

And I think that we can probably highlight this one and some of the other points that have been raised as here's something that we've uncovered. You know, if commenters could specifically weigh in on these topics that would be worthwhile and maybe - if there's a way to present the balance, you know, we're trying to strike the right balance between this and that and then kind of lay them out there. I think that might tee up the comments to help inform our recommendations on these points.

Mikey O'Connor: Yeah, I think that's the right strategy because I'm very uncomfortable pushing this one really fast. Now I do want to draw everybody's attention to the chat because there's a pretty substantial conversation going on between Barbara and Kristine in the chat as well that I have not been good about bringing in. So let me just take us back to that for a minute.

Kristine sort of kicked it off, she points out that the TDRP has a Definition section but it's not very good and I would agree. She says not very helpful; she's more tactful than I am. So I think a Definitions section project for us in the next phase would be a good thing.

Then she goes on to say that the - she suspects that the registries process is not less rigorous or less complex but she also suspects that I'm not - I, Mikey, am not the only one who perceives that. And then Barbara essentially said that on the call on the transcript.

And says in the chat that the registry layer is quite similar in terms of process. Made the point on the call that sometimes the information isn't very good for them to base a decision on.

Barbara then expanded on that by saying that we, VeriSign, find it difficult to get a response from a registrar against which a dispute is being raised perhaps with the enforcement mechanisms within the RAA it may be possible to further induce those registrars who are nonresponsive. That may, in turn Barbara went to say, "That may in turn result in even more disputes being resolved before they are raised on a TDRP as well."

And then Kristine chimed in saying, "Barbara, our seven or eight cases we've had responses likely because it's loser pays?" Question mark. And Barbara

responded, "Perhaps, but in the case of the registries the non prevailing party also pays."

So what this is saying to me is I think we're on the right track. We've got some more work to do here. We'll use this initial report to stage this issue. I think one of the things that this is saying is that when we write the initial report - what's our convention in terms of level of consensus? Do we put that in the initial report or not or do we leave that blank?

Because one way...

((Crosstalk))

James Bladel: ...in the past. And we just left a placeholder for the initial.

Mikey O'Connor: Yeah, okay so we don't have to - good because...

((Crosstalk))

James Bladel: Right, I don't think we wanted to sway the comments one way or the other so.

Mikey O'Connor: Yeah okay good so we can leave that to be determined in the final report. Okay I think that's it for that one. Let me just roll down. We've got one on - let's see how much time we've got. We've got one more comment from Volker on D and we've got enough time probably to handle it.

Charter Question D was, "Whether requirements or best practices should be put in place for registrars to make information on transfer dispute resolutions available." And Volker - oh, Volker - let me go ahead and read yours because this is really aimed at my drafting. And I think you've caught something that I would view as a friendly amendment.

Volker's point is, "I'd say we should remove the reference to placement of the link. This may set a precedent to place all sorts of information, quote, above the full effectively rendering sites unusable." And, Volker, I was really aiming this not at the registrars but at ICANN.

And the reason I'm aiming it at ICANN is because I'm pretty engaged on the community group that's keeping tabs on the rewrite of the ICANN Webpage and that page, for a while, was sort of turning into this cotton candy advertisement for the hip place to hang out called ICANN. And the whole help the occasional user find solutions to their problems was disappearing.

So I wasn't intending this to be aimed at registrars, only ICANN itself. So with that I see your hand is up. Go ahead, Volker.

Volker Greimann: Hi, Mikey. Volker for the record. I understood that this was for the ICANN Webpage and I also fully agree that the ICANN Webpage should not be a feel-good page but rather a very informative page where everybody that has any questions about domain names and the ICANN process and policymaking in general should go and find their information right away.

I fully agree with that tenant. However, by requiring placement of a link or something at a certain position, be it even above the fold, i.e. the first part of the page that is immediately visible on any screen, creates a precedent that

the next working group may also want. I think their topic is important enough to be placed above the fold.

And the one after that and the one after that and the one after that and once that is done we have the ICANN Webpage looking like the Geocities Webpages which is something that probably not what we are intending but we need to be careful that we're not doing something that might have some negative effects down the road.

And I also note that Webpage designs change over time. Right now we're at a very clean stage where sometimes you only have a search bar and then the rest of the information is more - rather delegated to pictures and the rest of the information is below the fold.

And having such lock-in of a position even though it's - I would have no objection to, say, prominent but have it above the fold may lock in certain Web design features of today in the Web design of the future which might not be what we want to do.

Mikey O'Connor: I would - as the drafter of that phrase I would be okay just deleting it. It says - the Website being prominently displayed is sufficient for me just as a hint so I'll let James and then Holly chime in. James.

James Bladel: Hi, James speaking. More of the same, I also wanted to point out that above the fold has less meaning when you get into more and more Websites that are just in continuous scroll. I don't know if you've - if everyone on the call is familiar with that style but there is really no fold, there's just above the fold in this case would mean the first thing on the page in that regard and for that style of Webpage.

But just wanted just to echo, you know, Volker's comment. You know, I think there's a number of things in the RAA, for example, that need to be displayed on registrar Webpages and I'm right now going round and round with some clients about whether something is reasonably conspicuous or whether it's, you know, certainly it's not our intention to bury things but on the other hand we find that, you know, our insights into user, you know, tracking on Websites, you know, we can confuse them fairly quickly and overload them with options.

And so I think while the intentions are good to display things prominently on Websites I think it's up to the operator of the Website to, in good faith, not to bury things and to put them in places where they feel they will be most likely to be found by registrants and users that are looking for them, which is not always the case.

Anyway just echoing what Volker was saying, I think we need to just make sure that we're giving guidance here and not a prescription or a recipe.

Mikey O'Connor: Thanks, James. Holly, go ahead.

Holly Raiche: Yeah, I'd agree with at least have it prominently and clearly. And I think part of the problem is also the readability of the information because we're talking about people who may not know what to ask and so it's probably even an FAQ that says this is, by the way, the - let's just walk through this process very, very simply and these are your options so that it's very clear what your options are and it's displayed in a way that's both, I suppose, prominent and clear as to where it goes.

And that's also a problem with some of the Websites. So not sure what the language is but it's both easily found and then easily understood. Thank you.

Mikey O'Connor: This is Mikey. Yeah, that's a good addition. Lars, can you take an action to at least insert so it's - the current bullet reads, "Links to the relevant information for registrants on the ICANN Website being prominently displayed and clearly worded on the ICANN Webpage." And take out the "above the fold" stuff. Lars is giving me a thumb's up on that.

Okay let's see so that I think is it for - so that one we can just knock down. And then that's it for comments. We're just a few minutes from the top of the hour.

Berry's got a sort of next steps question in the chat that I think is relevant. I think - Berry's saying that the working group is tentatively targeting London for the final report given a few of these discussions that may be added to the more work to do pile. If the results of those create new recommendations or drastically alter existing ones that may spark us to conduct another public comment.

I think that's where we have to be artful in the way we tee these up because I think if we put them in there as tentatively but we, you know, tentative - this is where we're at but here are the issues we've surfaced and we'd like to hear your views then I'm not sure that we have to worry so much about that. But James, go ahead.

James Bladel: Yeah, just agreeing with Berry, if the results of this particular comment period and the presentation at the meeting in Singapore mean that we have such substantial changes to our recommendations that we're not able to complete

the final report by London then I think we would schedule London for another series of outreach, you know, another session with another public comment period taking place in the summer and then target the final report for Los Angeles.

I don't think that's the - I don't think that's completely off the table but I think we should still try to hit London for the final report.

Mikey O'Connor: Okay, that sounds like a plan. So the question then on my mind is we take this through another draft this week. We accept that draft on next week's call and publish, right? Are we close enough that we can do that?

You know, I think what we need to do is insert essentially the gist of the conversation we've had today as caveats around the recommendations that these points are being made at and saying this is our tentative recommendation. We are still under discussion on the following points.

We very much would like to hear your views one way or the other. It seems doable to me to get that draft out fairly quickly. It's not a big change to the draft and then approve it on the next call.

Oh, Lars, the drafting person - go ahead, Lars.

Lars Hoffman: Thanks, Mikey. This is Lars. Yeah, just a quick note, I'm very happy to turn this around and hopefully have it out to you tomorrow during the European working hours.

Just to let - to remind the group that we can discuss this again on Monday obviously. We can also make changes on Monday. But for it to be considered or open or submitted to Singapore we have to sign off on it on Monday at 2359 UTC.

So I strongly encourage any more discussions that we might have on the draft that is to come out next, do that on the list during the week so on Monday we can sign it off with the call. That's all. Thanks.

Mikey O'Connor: Thanks, Lars. Yeah, I think that's right. We are pushing the limit right to the edge. But I think we can do that. James is agreeing with Lars on that as well. So I like that schedule. If you could get a draft out tomorrow, Lars, that would be fantastic and that'll give us, I think, a good piece of the week to tweak whatever is in there on the list.

I think those of us who are on this call are the folks who are the most engaged in these final points anyway and so none of these seem, you know, I think these are substantive enough questions that we probably just need to acknowledge that we have more work to do and make sure that that's documented.

Okay I will turn to my esteemed co chair and just check but I think we're set. Any final words, James, before I wrap it all...

James Bladel: No, I think thank you very much and thanks for taking the wheel so I could weigh in on some of my comments and I think we're just a couple - just to polish off a couple of rough edges and we can get this to the list and then get everybody to give the thumbs up and we can turn it in under the wire. It

wouldn't be ICANN unless we were right up against the deadline so on board with that.

Mikey O'Connor: Yeah, okay. Well great. Well thanks, all. We'll see you next week hopefully for a really short call where we say yeah and then end the call. Thanks again.

James Bladel: Thanks, Mikey.

END