

**ICANN
Transcription
IRTP Part D Working Group meeting
Monday 25 February 2013 at 16:00 UTC**

Note: The following is the output of transcribing from an audio recording of IRTP Part D Working Group call on the Monday 25 February 2013 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-20130225-en.mp3>

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

Attendees:

James Bladel - RrSG
Chris Chaplow - CBUC
Kristine Dorrain - NAF
Kevin Erdman - IPC
Alan Greenberg - ALAC
Olivier Hope - RrSG
Barbara Knight - RySG
Bob Mountain - RySG
Mikey O'Connor - ISPCP
Bartlett Morgan - NCUC
Jill Titzer - RrSG

Apologies:

Avri Doria - NCSG
Michele Neylon - RySG
Paul Diaz – RySG
Holly Raiche - ALAC

ICANN staff:

Marika Konings
Lars Hoffman
Julia Charvolen

Coordinator: This conference call is now being recorded.

Julia Charvolen: Thank you. Good morning, good afternoon, good evening. Welcome to the IRTP Part D Working Group call on Monday 25th of February. On the call today we have James Bladel, Kevin Erdman, Alan Greenberg, Kristine Dorrain, Oliver Hope, Barbara Knight, Bob Mountain, Mikey O'Connor, Bartlett Morgan and Jill Titzer.

We have apologies from Michele Neylon, Paul Diaz and Avri Doria. And from staff we have Marika Konings, Lars Hoffman and myself, Julie Charvolen.

May I remind all participants to please state their names before speaking for transcription purposes? Thank you very much and over to you.

Marika Konings: Thank you very much, Julia. Hello, everyone, my name is Marika Konings. I'm a member of the Policy staff supporting this working group. And as at the moment we don't have a Council liaison yet to this group who usually takes on the roll of chairing the first meeting I'm here speaking to you now.

But as there has been lively discussion on the mailing list on Item 4 in relation to election of working group leaders I would actually suggest that maybe we move that item up on the agenda and talk about that first because I think there's a clear preference from the working group on how to proceed so I would feel more comfortable actually to have the proper chair take the lead of this call instead of staff maybe doing that.

I don't know if anyone disagrees with that approach? Then maybe just moving that item up for us. I think everyone has seen there was a call for volunteers to take the leadership of this group either as a chair or co-chair or vice chair positions.

And I've seen there's two nominations that were well seconded and supported, the first one being for James being the chair of this working group

and then I think Mikey volunteered to be - I don't know if it was co-chair or vice chair or I don't know if there is any preference for that. So I'd just like to ask the group if there is anyone that wants to discuss this further, any other candidates that would like to come forward? Any objections?

James, go ahead.

James Bladel: Thank you, Marika. James Bladel speaking. And, yes, I was interested in co-chairing with Mikey. I think that was - at least, Mikey, that was my understanding of what we were discussing. Correct me if I'm wrong on that.

And I think everyone on the list was around or at least - for IRTP-C. But the goal here or at least my objective in wanting to, you know, help contribute in the chair position would be to put together a similarly aggressive timeframe for this PDP that we did for IRTP-C with a target completion of a final report and recommendations for the Buenos Aires meeting in November of this year.

And I do that not only because I love to see the transfer working groups wrapped up but also because I believe it goes a long way to establishing community confidence in the PDP process so that, you know, controversial issues don't immediately seek bypass mechanisms to go to councils, boards, governments, etcetera.

So that's kind of my agenda, if you will for wanting to get behind this particular PDP is to get it done, get it wrapped up and hold it up as another showcase of the community working together. I think we've got a very veteran group here that works very well together and I think that that's - the recipe is there for very high quality but yet highly efficient working group. Thanks.

Marika Konings: This is Marika again. Is there anyone else who would like to be in the queue? Mikey, go ahead.

Mikey O'Connor: Hi all. This is Mikey. I was sitting there as James hit all the high points of what I wanted to say so mostly I wanted to say, yeah, like he said. I think that the bypass issues is one that's really on my mind right now. And clearly the way to mitigate that problem is to show that the PDP process can move quickly and well and is a process that can be trusted to do a good job. So I really want to second that thought from James.

James and I have worked together on lots of projects and I think we work really well together. We also know all kinds of Midwestern jokes that we can share with you so I think there's that component. And so I - and to your question, James, yeah, I was thinking co-chair as well although, you know, if the group has a preference, otherwise that's fine with me as well. That's it.

Marika Konings: Bob?

Bob Mountain: Yeah, this is Bob. Yeah, I just wanted to voice my support. I think, you know, being on IRTP-C last time around and having James and Avri run it, it was a, you know, I think record time great - very well run team. Obviously the utmost respect for Mikey so I think strongly support the notion to have those two as co-chair.

Marika Konings: Alan.

Alan Greenberg: Thank you, Marika. I don't think this is one of the more controversial PDPs one could have in ICANN therefore I'm not sure it illustrates that PDPs can do everything quickly but the converse, I think, is true. If we can't do a quick - a fast pass on this one we're in big trouble. So I wholly support everything that James said. Thank you.

Marika Konings: Thanks, Alan. I just note as well that not everyone is in Adobe Connect so if there's anyone that is not on Adobe Connect but on the conference bridge please feel free to speak up if you want to be in the queue.

Chris Chaplow: Chris Chaplow in the queue please.

Marika Konings: Chris, go ahead.

Chris Chaplow: Yes, thanks. I'm struggling with Adobe Connect. I've got to upgrade my Flash Player so - but I'll be there eventually. Yeah, just to echo support to what I've heard. It worked very well last time so, yeah, following a similar model so it would be great to have the two leading us. Thanks.

Marika Konings: So thanks everyone. I think I haven't heard any objections to the proposal of having James and Mikey serve as co-chairs for this working group. One thing you may want to consider is as not everyone is able to join this call that we actually put the proposal forward on the mailing list and give everyone another opportunity to either, you know, express their support or see if there are any other nominations possibly and confirm then the selection at the next meeting if that's agreeable to everyone.

But on that note I think it would be appropriate to probably, as the interim leadership, to hand over that now probably to James and he can take it from here if you agree with that, James?

James Bladel: Yeah, thank you, Marika and welcome everyone. I would be glad to take over as interim chair I suppose for the next week or however long. But I think that the folks who have, you know, who are not on the call definitely deserve the opportunity to weigh in on this one way or the other.

So welcome everyone. And moving on to our agenda as we - setting aside Number 4 and move back to 2 and just roll into introductions if that's acceptable with everyone? I don't see any objections in the queue so I'll just go ahead and proceed.

I'm James Bladel. For those of you who don't know me - and I think everyone on the IRTP working groups are becoming fast friends at this point. But I work

for godaddy.com which is a very well known registrar. We are also an applicant for three gTLD - new gTLD applications. But our primary focus is in the registrar arena.

As far as my past history with ICANN, fairly extensive, working groups as well as AOC review teams and I'm also the Treasurer of the Registrar Stakeholder Group. So with that I'll turn it over to my co-chair, Mikey, and he can give you his very comprehensive and extensive list of ICANN accomplishments and achievements and then we'll just maybe work down the list.

Mikey O'Connor: Thanks, James. I'm not sure I can remember them so I'm not going to even attempt it. But I have served on a lot of working groups. And I'm from the ISP constituency. I represent an Internet exchange point called the Minnesota - or the Upper Midwest Cooperative Internet Exchange.

And we do essentially tiering traffic in the upper Midwest to keep traffic as local as possible between most of the large and small ISPs in this area. So right now we run about 5-10 gigs continuously across our switch, which is a lot of traffic.

And my interest is mostly in security and stability issues. This is certainly one of the ones that I've been interested in ever since I got involved with ICANN. But I also have an interest in the new gTLD process because I - long before there was a Worldwide Web, registered a set of very generic domain names, four of which are exact matches to applied-for strings in the new gTLD program.

And so as a result I sort of keep an eye on that. And if something touching on that particular situation comes up I'll recuse myself from the conversation. I think that's it. Back to you, James.

James Bladel: Thanks, Mikey. Let's move down the list here and go to our friend up north, Alan Greenberg.

Alan Greenberg: Not much to report. I'm a member of the At Large Advisory Committee and the ALAC liaison to the GNSO. I participate in a fair number of working groups, PDP working groups. My intent is not to participate very heavily in this one. There is supposed to be another ALAC person who unfortunately isn't on the call today. But I'm going to hope that she will be on the call in the future. And that's about all I have to say on that one.

James Bladel: Okay. Thanks, Alan. Next up is Barbara. And hello, Barbara. I actually thought you would not be able to join us today I'm glad to see you.

Barbara Knight: Hi, James. This is Barbara. So I work for VeriSign. And obviously I have an interest from a registry perspective. But on this particular working group, as in the past, I'll be representing the Registry Stakeholder Group.

I think you're probably confusing me with Paul, James. He is not able to attend but he will also be participating as he's able to in this particular working group as will Roy Dykes. And we all three are from various registries and all acting in a capacity to represent the Registry Stakeholder Group.

So that's pretty much it. This is the fourth for me so I consider myself a veteran among many others on this working group so I'm looking forward to working on this one.

James Bladel: Okay thanks, Barbara. Yes, we are all I think becoming a well-known circle of friends here. And speaking of, Bob, you're up next.

Bob Mountain: Yeah, thanks James. This is Bob. Yeah, my company, NameMedia, is a registrar as well as a registrant. We own about 1 million domains and we sell them on an aftermarket that we run along with numerous other domains from third parties so we're particularly interested in domain transfers, the automation of those domain transfers, security of those transfers, etcetera.

I've been on IRTP-B and C so I'm somewhat familiar with the focus of the group and looking forward to participating in this working group as well.

James Bladel: All right, thanks, Bob. And now a newcomer to IRTP but a familiar face, at least to me and perhaps some of you as well, Jill Titzer from Go Daddy. Go ahead, Jill, you're up.

Jill Titzer: Hi, I'm Jill Titzer. Like James said I'm also from (GD) and this is only my second working group so I'm now working on thick Whois so looking forward to getting into this one. Thank you.

James Bladel: Thanks, Jill. And hopefully we face some interesting transfer debates for this one so that you won't feel left out. Kevin, you're up next. Good to see you. Kevin, you may be on mute.

Okay, we may be having some difficulty with Kevin so we'll move on to Kristine. And, Kristine, I know that you are on the UDRP working group but is this your first transfer working group?

Kristine Dorrain: Yes, sorry about that. This is Kristine, I was on mute. This is my first transfer working group. And I apologize, I'm home on maternity leave so I have a baby with the hiccups here in my lap. But the - yeah so this is my first transfer working group.

I've been kind of trying to follow what the IRTP groups have been doing. But Marika actually notified me about this group because I understand that we're going to be discussing the transfer dispute resolution policy and we're a provider and thought that we could, you know, maybe add some of our thoughts and, you know, information as to how we could, you know, participate in that or streamline that process or whatever. So I'm interested definitely in hearing more about any updates to the transfer dispute policy and that sort of thing.

James Bladel: Okay thank you, Kristine. And I agree with you the TDRP could definitely benefit from any efforts to streamline that process.

Next up would be Ollie - Mr. Hope.

Oliver Hope: Hello, hello. Yeah, so I'm Ollie Hope from Mesh Digital Limited with part of the Host Europe Group. We've got a number of registrar brands in Europe. We're not an end TLD applicant. And I have some experience of ICANN policy debate but not enough so, yeah, looking forward to hopefully getting involved on this one. And that's it.

James Bladel: Excellent. Thanks. Good to see you again, Oliver. Next up is - we're going to move to two of the folks who are on the call but not in the Adobe Connect and then we'll circle back and see if we can catch up with Kevin who's having some technical issues right now. So next up is Chris. Good to see you again, Chris.

Chris Chaplow: Hi there. Thanks, James. Yes, my name is Chris Chaplow. I've been a member of the ICANN community since about 2009. And I took part in the IRTP-B and C. I'm in the Business Constituency, Vice Chair of Finance and Operations in the Business Constituency.

We have two vice chairs, Steve DelBianco is the Policy Chair and actually to take a Mikey phrase the Vice Chair of Finance and Operations is more stoking the boiler and, you know, keeping the trains running on time and this sort of thing.

I think this is about my fifth working group in total. And in my day job I run a commercial destination portal called Andalucia.com. Andalucía is the region in Southern Spain where we're based.

And I also do manage some domains, I mean, we're talking of a few hundred, for some local clients - for clients locally mainly in the tourist industry local to

here. So that's perhaps the more direct interest having to sometimes make transfers on behalf of clients. We're not a registrar and obviously not a reseller either. And I've got no connection with gTLD applicants.

And I think the statement of statement of interest hasn't changed I don't think since it was filed for the IRTP-C. Thank you.

James Bladel: Okay thanks, Chris. And hopefully someday you can make the case for ICANN Andalucía.

Chris Chaplow: Yes.

James Bladel: I don't think anyone...

((Crosstalk))

Chris Chaplow: No I did - I did speak to the government a long time ago and there was no or little interest. And then I heard an interesting story from (Amadeo) that they rang him up about a week before the closing deadline saying can we have one of these and can we do credit? So he told them...

((Crosstalk))

James Bladel: Fantastic. Okay next up is a new participant, Bartlett Morgan. Bartlett, would you please introduce yourself?

Bartlett Morgan: Hi, everybody. I'm Bartlett Morgan. I'm - well, as you mentioned I'm pretty new to this entire sphere. This is actually my first PDP working group. In my day job I am an attorney at a law firm based out of Barbados in the sunny Caribbean.

As I mentioned I'm pretty new to this so I imagine there may be something of a learning curve involved. I'm not sure how it will work in terms of, you know,

how I'll be able to contribute directly. But I'm looking forward to do, you know, everything that I can. Thank you.

James Bladel: Thanks you, Bartlett. And ICANN Barbados would also probably not be the worst thing in the world so see if you can make that happen. Yeah, and just a note that while I think all of us have been doing this now - it pains me to say - going back to 2009 for some of us - I think this - I think I speak for the group when I say there's always room at the table for fresh perspectives.

And there is a learning curve but I think you'll find that everyone is willing to, you know, help out wherever they can as far as if there's anything that we go to quickly or gloss over please don't be shy, raise your hand and say, you know, hey, Bladel, knock it off and we will definitely make sure that we're bringing everyone along so thank you. Thank you for joining and for contributing.

Bartlett Morgan: Sure.

James Bladel: And now we will circle back to Kevin. Kevin, can you hear me?

Kevin Erdman: Yeah, yeah, I'm back and not drowned out by internal buzzing. But I am a attorney in private practice, deal with a lot of domain name issues. I should probably update my SOI slightly because I now represent, in addition to a lot of domain name holders and some of whom are the big corps and others are the domainers. I also represent a couple of registrars.

So I am interested in this just from trying to keep the wheels of commerce working well and making sure that we don't step on anybody's legal toes. So anyhow that's the scoop. And I'll turn it back.

James Bladel: Thanks, Kevin. Great to see you again.

Okay everyone that's the list that I have from the call and from the Adobe chat. Is there anyone that I have left out and that would like to make their introduction? Marika. Oh we'll definitely turn it over to staff here in a moment.

Marika Konings: Yeah, this is Marika. I just wanted to take the opportunity to, well, introduce myself. For those of you that don't know me yet my name is Marika Konings. I'm actually based in the ICANN office in Brussels. And I'm the Senior Policy Director and GNSO Team Leader. I think I've been supporting the last three IRTP PDPs; some of them actually predated me joining ICANN.

But I mainly wanted to introduce you as well to Lars Hoffman who is - I think several of you have already met him. He's the latest addition to the Policy team and he will actually serve as the lead staff person for this working group. And I'll be serving as his backup supporting you going forward. So over to Lars as well to say a few words about himself.

Lars Hoffman: Yeah, hello everybody. My name is Lars Hoffman. And as Marika just said I just joined the Policy team in ICANN. It's been six exciting weeks. And I hope I can help you out with this working group as Marika told you I'll be taking the lead as of next week and she's doing the first session today for which I'm very helpful and I'm looking forward to working with you all.

James Bladel: Okay thanks, Marika. And welcome, Lars. We had a chance to meet briefly in Amsterdam over breakfast and I look forward to working more closely with you. And of course we're selfish here so we're not going to let Marika go that easily.

And I think everybody on the call would probably agree that, you know, we're probably going to miss her as well and that's no reflection on Lars of course it's just more of an indication of how dependent we've all become on Marika these days. But I understand that she probably has a career and a family that she would like to spend some attention on as well and not just on the IRTP working groups.

But okay so that's good. And it's a, I think, a solid group, a great team. Indications from the last two or three or four transfer working groups I think that we have a well-rounded and diverse group of experts here. We do have a couple of folks who have not made - were not able to make this first call who I think will contribute even more experience and perspectives to some of the issues that we'll be tackling on this working group so I think it's fantastic and let's go forward.

So moving to Item Number 3, principles of transparency and openness. I think that this is the part where I may want to turn it over to ICANN staff. Marika, is this correct? You had some slides that you wanted to present? And is this kind of a rules of the road PDP participation session?

Marika Konings: Yeah, this is Marika. So basically Item 3 it basically just serves as a reminder that, you know, the working group is open and transparent so that means that calls are recorded and transcribed. The mailing list is publicly archived. So just to make you aware that, you know, anything you send to these mailing lists or say on these calls are public information.

And also to note that you're all required to provide your statement of interest and update those should there be changes. I'm very glad to note that actually all of you have already done so so that's really encouraging.

The slides I have actually prepared are for Item 5 so I'm happy to go straight into that unless there are any questions on the principles of transparency and openness?

James Bladel: Just a note that it's great that everyone has any SOIs I would say that because this is a group of veterans make sure that you have reviewed them and that they'll still current. I'm guilty of that; I need to go back and probably make some edits and updates.

So for those of you who've had the same SOI and just keep recycling it for all of your working groups just ask that you give it a once over to make sure it's still current.

As far as the transparency and openness I think that's a good point. We sometimes occasionally in the Transfer working groups will break up into sub teams and we have had, I would say, mixed performance at keeping those sub teams both open and transparent and archiving their efforts.

I think we've done a very good job summarizing the work of sub teams and certainly we've always included the outputs of those groups into our final reports.

But just a note that if you are participating on or leading a sub team that the principles of transparency and openness will also apply in those regards. So that's my only thoughts on that. Marika, Mikey, did you have anything you wanted to add on openness and transparency before we kick it back to staff?

Mikey O'Connor: No, carry on.

James Bladel: Okay, Marika, Lars, take it away.

Marika Konings: Yes, so this is Marika. Just on that last point just to note that of course if there are valid reasons why there should be information kept confidential there are ways to do that. But, indeed, as James said, the standard approach is that calls are recorded or, you know, transcribed and the mailing lists are publicly archived.

So what I've done is I've prepared a couple of slides that basically tried to capture some of the documents that were sent to you by Lars as recommended background materials.

I think for some of you some of this may sound familiar; for others it may be the first time. But I just want to note as well that for most of this information there is additional reading material that we have available so should I go too fast, you know, either let me know offline and I'm happy to talk in more detail about some of these issues or I can refer you to some of the reading materials that are also posted on the staff wiki.

So the first thing I want to very briefly talk about is actually the policy development process. Then briefly looking at the working group charter and the issue reports aligning which issues this working group is supposed to look at. And I'm very briefly, again, looking at the working group guidelines that, you know, provide some guidance into how working groups like this should conduct their work.

So on the policy development process this was recently revised, actually adopted at the end of - December of 2011 and all PDPs are now operating under these revised new rules.

I don't really have - I don't think we have time now to really go into a lot detail at the moment on how the PDP works. As I said there are a lot of other materials available that talk about this and I'm happy to talk to anyone that's interested to really go from start to finish about this.

The main purpose of including it here is actually, you know, trying to picture where the working group fits within the overall PDP. So as you can see in the first slide is basically somewhere halfway through. There has already been some work that has preceded this work and once the working group is done there's still some - a number of other steps that need to be accomplished before the recommendations are finalized and can be implemented.

So just, as I said, I won't spend too much time on the steps before and after but just looking at the working group itself this is mainly just to focus you on the requirements for a PDP working group, certain items and those are

outlined in more detail in the PDP manual which is also included in the recommended reading materials. I've outlined what a PDP working group is expected to do and what information it is expected to provide as part of its initial report.

So one of the first steps and it's recommended to do that early on in the process is to actually reach out to the different GNSO stakeholder groups and constituencies and ask for their input. This can either be done in the form of, you know, free flowing questions.

Previous working groups have actually developed templates to make it easier for stakeholder groups and constituencies to provide that kind of input. In addition the working group is strongly encouraged to also seek the opinion of other ICANN advisory committees and supporting organizations. This is all in the view of trying to get as much information as possible early on in the process so the working group can consider that as part of its deliberations.

Of course this doesn't limit the working group in doing other means of outreach. You may decide to have a public comment forum, you may decide to conduct a survey. There are a number of tools that you may want to consider to try to obtain the information that you think is necessary for you to conduct your deliberations and make sure that you come to a recommendation that support the information that you've found.

So of course in addition to that the working group deliberations that are partly based on the input you receive from other parts but also partly based on information that you gather yourself or from the expertise that you have with some of these issues.

And based on all of that you're expected to publish an initial report. So the initial report is expected to contain a number of recommendations for community input. You're expected to compile on that, as well, the statements or input you've received. You're expected to denote there your deliberations

and as well as the expected impacts of the recommendations so to make sure that it's a fulsome analysis.

That report is then published for public comment. And based on that you're then expected to review the public comments received and update, if necessary or deemed appropriate your final report.

Again this doesn't limit the working group from publishing additional reports. We've seen in the past the working groups that have published proposed final reports if there were significant changes from their initial report. So there's a lot of flexibility there for a working group in addition to the required steps to be able to gather additional information or test certain recommendations or proposals with the broader community.

So the final report is expected to compile all the statements. It is also expected to include the recommendations and the level of consensus achieved. And again it's an item we briefly look at later because the working group guidelines actually outline the different levels of consensus that certain recommendations can have.

And they're - the chair plays an important role in making that determination where, of course, in the ideal scenario all of the recommendations would be full consensus and supported by all the members of the working group.

And then also very importantly the report is expected to include statements in relation to the impact - or the impact the recommendations are expected to have in a number of different areas. And also looking at possible review in the future.

Again I said - oh, sorry, I pushed the wrong button there. There are a couple of other items - or steps that follow after the working group completes its work, it needs to go to the GNSO Council for consideration and approval following - followed by the Board. And again there are some steps in there

whether maybe opportunities for public review and even opportunities where if there are questions or major issues raised that certain things may even come back to the working group again.

And again maybe something worth mentioning is something that was introduced as part of this revised PDP is the creation of implementation review teams. The idea being that once recommendations are adopted they move to staff for implementation but there may sometimes be issues or questions that staff doesn't necessarily know the answer to or issues that are identified as part of developing the implementation plan.

So the idea is having these implementation review teams that consist of working group members that develop those initial recommendations will help facilitate that process and actually get to an implementation plan that supports the recommendations as they were originally intended.

So as I say I already mentioned what the PDP working group requirements are so I won't cover that again. And I said there's plenty of further reading you can do on the PDP and its requirements.

So I'm briefly looking at the charter and the issue report. I hope all of you actually had an opportunity to review the issue report in which staff has outlined the different issues and has tried to gather as much information as possible on the questions that are before this working group.

So just, you know, for those of you that are really new to this the IRTP is an existing consensus policy that was adopted in 2004 and basically that prescribed the process that needs to be followed for changing registrars.

It's currently basically as a part of its implementation it was set - should probably immediately start reviewing whether it's actually working as intended or whether there are any areas of clarification. And as a result of that a large list of issues came up and those issues were then chopped down in a number

of PDPs and we're currently in what I think most of us hope is the last one in at least this series of PDPs which is PDP-D.

And in this PDP there are six questions four of which relate specifically to the chance for dispute resolution policy, one that relates to the penalties for IRTP violations and there's one question that relates to the need for FOAs, forms of authorizations.

So very briefly - and I don't know if worth actually going into this because I think it's probably one of the areas where the working group may want to spend a little bit more time and actually invite some of the experts to explain how the TDRP actually works.

But this is just very briefly the TDRP was established in conjunction with the IRTP as a mechanism for resolving disputes between registrars. There are two levels that can be followed; first of all you can file - the registrar can file a dispute with the relevant registry operator and there's a second tier which is filing a dispute with a dispute resolution panel or dispute resolution provider.

And as I - if I'm correct I think there are currently two dispute resolution providers that are accredited for handling disputes of this nature.

So a registrar may decide to immediately file a second level dispute or use it as an appeal. But as I understand I think once you go for the second level you can't actually go back to the first level. And it's either the gaining registrar or the registrar of record that can file a dispute.

And in order to do so they need to submit a request for enforcement. As you'll see - and it's one of the questions we'll look at in a second is that it's currently not open for registrants who file such dispute.

And then of course the RFP must include detailed information about, you know, what the alleged violation is as well as what is the remedy that's being sought by the party filing the dispute.

This is just a highlight because we did have, I think, in - I don't recall if it was IRTP-A or B but I think at that point we did have a presentation from one of the registry participants on the TDRP and they actually provided this flow chart that shows you a little bit the timelines and what is required.

Again, I said, I'm not an expert in the TDRP. This is more as a kind of background and for you all to look into this. But I'm assuming that this is something you'll look into in more detail in one of your upcoming calls.

So the first question in relation to the TDRP is whether there should be reporting requirements for registries and dispute providers. Currently there are no such reporting requirements. One of the findings or one of the conclusions of one of the earlier TDRP - of the IRTP working groups that developed this list of issues was that the TDRP enforcement seems inconsistent and does not rely on past precedent as intended.

The issue report, you know, does outline that gTLD registries are required to provide information per registrar on the number of disputes filed but this actually doesn't include any information on individual cases. And is not like the UDRP where actual decisions are being published.

So one note that the issue report made is that, you know, should you recommend that there should be reporting requirements some of the questions you'll need to look at is, you know, how to handle the display and approval of non-public information regarding transfers.

Then the second question relates to how to handle a dispute when multiple transfers have occurred. I think this is actually one of those items that because it was developed so long ago and staff, at the time - or I wasn't

involved in that discussion, it was actually (unintelligible) more of a - had to make an assumption of what was meant with that as there was very little information available on what the original idea was behind this question.

So our assumption is that this relates to a situation whereby a registration changes registrars multiple times before or during the time a TDRP has been filed.

And obviously this creates multiple layers of complexity as the first transfer may have violated the TDRP but subsequent transfers may actually have been in compliance so naturally this provides complications for handling the dispute so the question is is there something that would need to be done or should there be certain guidance that would need to be included in order how to handle these kind of situations.

Then the third question relates to whether the TDRP should be opened up to registrants. As I mentioned before there currently is no provision for a registrant to file a dispute under the TDRP. One of the comments that also came from the previous work on this noted that ICANN received some complaints from registrants about registrars who choose not to initiate a dispute on their behalf.

Obviously this is probably an area where you may want to do some further information gathering as to how big of an issue this is and what the impact would be on the parties that are currently involved if this would be opened up to registrants.

And one of the questions that we actually, from a staff perspective, had when writing the issue report is should it also - should the TDRP also be considered in relation to the change of registrant policy that has been adopted as part of IRTF Part C?

When we discussed the policy I don't think we ever really thought about possible disputes in relation to that new policy so this may also be a moment where the working group can pause and actually think whether this should also cover the new strand or the IRTP that will relate to change of registrants which is currently not foreseen to be covered by the TDRP or at least not explicit.

And then the last issue in relation to the TDRP is whether there are requirements or best practice should be put into place for registrars to make information on tracking the dispute resolution options available to a registrant.

And again here's a quote from previous work on this which said that further education is necessary for registrants and registrars to understand where they should take their initial complaint and what the ensuing process will entail.

So one of the things we've done in the issue report is actually reviewed some of the current item features and information that we provide as part of our Website as well as where people can go to file a complaint. And we've also then briefly added what registrars do or what information they provide.

But one of the conclusions we had is that of course this issue should be reviewed in the context of the previous question as well because there, of course, needs to be a balance in providing information and managing expectations.

So if you provide information on dispute resolution options there may also be an expectation from registrants that they can make use of that and there's not a, you know, it's not the registrar that decides whether or not that can happen so I think that's something that the working group may want to consider in relation to this specific question.

Then there's also a question in relation to penalties for IRTP violations. And again this may be one of those questions actually that predates recent developments in relation to this issue because basically at the time of this question in 2006 the only remedy there was was the accreditation of a registrar in case of violation of an ICANN consensus policy.

Since then, however, there was a new RAA which was negotiated in 2009 and that includes graduated sanctions so there are different levels of sanctions that are included there that can be used in case of non-compliance.

So the recommendation of the issue report is that the working group should probably review this issue in that context and determine whether there's still a need for additional provisions or penalties in relation to specific violations under the IRTP.

And then the last question relates to the need for FOAs. And this is actually an item that was proposed by the previous working group, the IRTP Part C Working Group, which basically asks whether the universal adoption and implementation of EPP auth info codes has eliminated the need of FOAs.

So basically the FOAs is currently being used as - for registered name holders or admin contacts to actually authorize the transfers. And the registrar, under the current rules, is responsible for keeping copies of documentation which includes the FOA which may be required for filing and supporting a dispute but it's also part of the other requirements of maintaining documentations under the RAA.

So one of the issues we raised as part of the issue report is that, you know, there may no longer be a need - a technical need for an FOA. But at the same time it's also used for other functions such as informing the registrants and as well as possible evidence.

So any consideration that the working group needs - gives to this issue will need to be balanced by not only looking at the technical leads but also looking at the other functions that the FOA currently serves in making its determination whether indeed the FOA has been eliminated - or the need for it has been eliminated by the current use of EPP or whether there's still valid uses for it that need to be respected even if in the - if they can be accomplished possibly through other means.

So then the charter itself contains further information as well on the decision making methodology, problem of issue escalation and resolution process and staff organization provided here a link to the charter itself which is posted on the wiki.

As you may be aware we've created a work space where the working group can find all this information and it's open, as well, for you to convene and conduct additional discussions you may want to have.

And then very lastly, very briefly, just to mention that the GNSO Working Group Guidelines, this is basically a document that outlines the way GNSO working groups conduct their work, it provides information on a number of issues such as what are the working group roles and responsibilities, how you may use sub teams or briefings or involve subject matter experts, it talks about issues like participation and representativeness.

I think very important for this working group as well in looking at the standard methodology for making decisions that's something that will come into play at the end of your work where you need to make a determination on whether the recommendations you've developed have a certain level of consensus of the working group.

It also talks about mechanisms for appeal should you disagree with certain decisions of the chair or should there be disagreements within the group that

need to be resolved. And it outlines some of the communication and collaboration tools that are available.

So I think I would just recommend you to actually review that document and I said if you have any questions about, you know, any of the documents referred here or any of the issues discussed, you know, please feel free to contact me off list or on list and I'll do my best to answer any questions you may have. And that's it.

James Bladel: Okay thank you, Marika and Lars and staff for that. And so, folks, that's the high level summary of the issues that we'll be covering as well as hopefully the overview of the PDP process and working group operations were review I think for most folks involved. But it's always good to have a refresher, I think, at the outset of these groups.

I show that we have approximately 10 minutes remaining in our call today. So I wanted to propose just some brief points governing our path forward. The first off is although it was completely outside of my authority to do so I did speak with Lars and Marika to obtain a session during the Beijing meeting on the schedule.

And the only reason that was done was because the schedule was - I believe the deadline was some point last week - but we wanted to make sure that if we needed a call - or, I'm sorry, an in person face to face meeting that we would secure a room as quickly as possible. So that has been done.

I think that one of the questions we'll have to address here very quickly is what the purpose of that particular meeting will be. And I think that, you know, in the past we've had a couple of different things to kick off working groups; we've had sort of community outreach or workshops, we have used those to kick off our constituency input sessions.

You know, really I think it's kind of a blank slate although we have had some things that have been successful in the past but certainly open to new ideas. And then I think what served us well in IRTP-C is to spend another session perhaps two developing a work plan.

And I think that this is, you know, I think could be viewed one of two ways; I think that the cynical approach is, well, that's just a waste of time. But, you know, let's dive right into the meat and potatoes of these issues.

But I think that having a work plan lays out a roadmap that gets us from here to our final report and allows us different points to check in so we can tell if we're currently on track or off track; we need to speed up, slow down or create sub teams or whatever.

And I think it seemed it was a very helpful guide last time around so I'll probably propose something like that, you know, during one of our next calls. And we'll see if that has support amongst the group.

So that's kind of where I think we're going for the next - for the, you know, immediate future. But of course we have some items that I think we need to take care of housekeeping wise as far as finalizing the co chairs and the participants and statements of interest as well.

So I'm going to turn over the last 10 minutes to Mikey and you can add to those statements and wrap us up if you would please. Mikey.

Mikey O'Connor: Thanks, James. I wasn't going for a whole 10 minutes, I just wanted to add one thing on and that is that in addition to building a work plan, which I wholeheartedly support, one of the things that we might want to do in parallel is start developing the request for comments from the stakeholders, the constituencies, etcetera.

Because the faster we can get that out the faster we can get people in the stakeholder groups and constituencies working on their reply. We just ran into a little bit of trouble in thick Whois because we sort of got a slow start on that.

And so, you know, in addition to the work planning one other thing we might want to put on the agenda for the next couple of calls is building that template just to get that process under way.

Marika, if you want to run the slide deck back to the one that's the detail of the working group process so it's not the six blobs across one it's the one after that.

That's the one that sort of lays out the big chunks of work that we've got in front of us. And I think it's a pretty safe bet that the work plan that we develop is going to look a lot like - yeah, keep going, you're on the right track but it's the one that's - yeah, further, further. It's the one that has the circles across the top that shows the process. So right now you're in content. Yeah, yeah, no go all the way to the first of those.

Oh okay now forward two. Go to the one that's got the detail under working group. One more. There you go. Basically this is the high level outline that you're likely to see of the work that we're going to do. And the reason that I'm lobbying for some parallel work while we nail down the details of this whole process, which just to reemphasize I really support, we may want to get the first one underway.

And primarily what that involves is getting a framework or at least a request put together that can go to the stakeholder groups and constituencies so that they can start preparing those opinions that you see on the left there, the seek opinions from the other advisory committees and supporting organizations.

Now that we tend to do is in addition to the other advisory committees and supporting organizations, which would be things like ALAC and SSAC and the ccNSO and all that, we also tend to go out to the constituencies and stakeholder groups within the GNSO and ask their opinion at the same time. And I think that's probably a good idea.

So that's the only thing, James, that I really wanted to add. And, you know, you and Marika and Lars and I probably have some work to sketch out what the rest of that work plan looks like with some dates. But, you know, that was really all I had for you.

James Bladel: That's a good point, Mikey. And I think you nailed it; we need to be driving towards that first step especially between now and April. And I think the sooner we can lay the ground work for that the better off we'll be.

Also one other thought - and again we can address this on the list and in our next call - is how much background presentation we would want to receive? During the last calls we had some very excellent presentations on the, you know, the overall IRTP process. It was kind of a Transfers 101.

And then we also had I think an excellent overview by Bob and some other folks on the sub team to educate us on all the different mechanisms that a change of registrant were affected.

And I think looking at those two examples if we could develop something similar for TDRP and get everyone synchronized and get us all using the same terminology and thinking of the same - excuse me - the same steps involved in that process I think that might be a good use of initial time as well to kind of lay that out at the outset.

Because I think while Marika went through our charter most of the questions of this working group will involve the TDRP. And I think there's this underlying

question that isn't stated in the issues report or the charter that is, is the TDRP still working? And if not, you know, what do we do to fix it?

And so I think that that is - that's also something we can be looking at while we're going forward. So we can take those offline and maybe start working up some of those action items on the list.

But it looks like we're out of time for today so any other thoughts or anyone else want to weigh in on what we've done before we close out? Mr. Mountain, go ahead.

Bob Mountain: Yeah, thanks, James. This is Bob. I'm just wondering so on Beijing do we have a time slot set aside or is that TBD?

James Bladel: No I think we do. I'll have to confirm with Lars and Marika. I think it's a Thursday at 10:00 or 11:00 or something like that. What's the...

Lars Hoffman: Yeah, this is Lars. It's Thursday from 11:00 to 12:30. But I think, yeah, there is the potential clash so we're not entirely sure whether to keep it or maybe proposal a breakfast meeting even. But at the moment it's 11:00 to 12:30 on Thursday.

James Bladel: Yeah and I see Mikey mentioning he has a conflict. And there were potentials for other conflicts. I think the key there is we wanted to take what we could with the knowledge that we might have to reschedule and move to a breakfast session.

But knowing, you know, our past history breakfast sessions are also sort of hit or miss in terms of attendance. Alan, you're up next.

Alan Greenberg: Thank you. Just a quick comment. As I said at the beginning I've participated in a whole lot of PDPs and other working groups and I've never seen one

come anywhere near this organized at its start or perhaps anywhere along the way. So I think we're in good hands. Thank you.

James Bladel: Thanks, Alan. I would say yes except for yours. Chris, go ahead.

Alan Greenberg: No, I think that one was explicitly not included. Thank you.

Chris Chaplow: Thanks, yes. I did a timeline for the BC actually of a PDP - a possible PDP and I had to draft that out. And I actually did it based on the diagram that Marika - the chart that Marika had prepared on the absolute minimum estimate for a PDP timeline, 24th or the May '12, I'm sure Marika amended it.

So I'm quite happy to join that little subgroup if it's forming to help draft out the plan because I've already got some base information and I feel I'm up to speed on that one so just offering help there. And showing off to Alan how we're more organized than he thought.

James Bladel: That sounds great, Chris. And in fact I was thinking that the overall work plan would definitely be an exercise for the big group as a whole as opposed to a sub team so maybe you could share that with the mailing list and we can use that as a jumping off point?

Chris Chaplow: Yeah, certainly. I'll send it out.

James Bladel: Excellent. And we're back to Bob. Bob.

Bob Mountain: Yeah, thanks James. I guess I just - actually stuck on the Beijing meeting. Given how busy those meetings are my recommendation is that we finalize the time sooner rather than later. I'm personally in favor of the breakfast meetings just because I think we have less opportunity for conflict if we do it a little bit earlier in the day. I know it can be painful but that would be my preference just so that we can get as many people as possible in the session.

James Bladel: Okay that's a good point, Bob. And, you know, I think it's a tradeoff, right, I mean, you know, you have it during the day more people show up but there's more conflicts. You have it in the morning there's fewer conflicts but most people, you know, and then we had that one session - I don't know if it was Costa Rica, where there were four people in the room and they were all there drinking the coffee and using the Wi-Fi. So we just became the Starbucks at the Costa Rica meeting.

But in any event maybe we can circulate something along the list and get an idea of who's going to be in Beijing and whether folks would prefer a morning session or something in the afternoon or something like that. And maybe if folks, you know, Fridays used to be part of the ICANN calendar and then they - they are no longer.

I wonder if folks are staying on and would want to even explore the idea of meeting on Friday. A lot of folks who up the weekend prior, you know, for GNSO sessions; is there any time that weekend? So I think we can definitely shop that around a little bit and see if there's a time.

I think as far as the Thursday slot I just wanted to grab it because it was going fast. And we can certainly think of that as Plan B. But I didn't want to end up empty handed just because the working group was starting four days late behind the ICANN deadline.

Alan, I'll give you the last word, sir.

Alan Greenberg: No, sorry, that was a hand left up.

James Bladel: Ah, very well. Okay well thanks, everyone. And I think we've got some immediate housekeeping actions that we can get rolling on. And we will see you again same time, same channel next Monday.

Kevin Erdman: Thanks, James. Thanks, Mikey.

Chris Chaplow: Thanks, James.

Jill Titzer: Thank you, everyone.

((Crosstalk))

Jill Titzer: Bye everybody.

((Crosstalk))

Jill Titzer: Thank you.

END