

**Locking of the Domain Name Subject to UDRP Proceedings Drafting Team
Meeting
TRANSCRIPTION
Thursday 16 August 2012 at 1400 UTC**

Note: The following is the output of transcribing from an audio recording of Locking of the Domain Name Subject to UDRP Proceedings Drafting Team Meeting on Thursday 16 August 2012 at 1400 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-locking-domain-name-20120816->

Attendees:

Gabriela Szlak, CBUC
Juan Manuel Rojas, At-Large
Randy Ferguson, IPC
Alan Greenberg, ALAC (Vice-Chair)
Matt Schneller, IPC
Celia Lerman Friedman, CBUC
Hago Dafalla, NCUC
Brian Beckham, WIPO
Michele Neylon, RrSG (Chair)
Lisa Garono, IPC
Kristine Dorrain, NAF
Baudoin Schombe, At-Large
Faisal Shah, individual

Apologies:

David Roache-Turner, WIPO

Staff Support:

Margie Milam
Berry Cobb
[Glen de Saint Géry](#)

Glen DeSaintgery: Good morning, good afternoon, good evening everyone. This is the LOCK call on the 16th of August. And on the call we have Hago Dafalla, Juan Manuel Rojas, Baudouin Schombe, Faisal Shah, Alan Greenberg, Gabriella

Schittek, Michele Neylon, Lisa Garono, Kristine Dorrain, Brian Beckham, Celia Lerman, Matt Schneller, Randy Ferguson. And for staff we have Berry Cobb, Margie Milam and myself Glen DeSaintgery.

We have apologies from no one as far as I know. And let's...

Michele Neylon: Now we have one - we had one from one of the (WIPO) boys.

Glen DeSaintgery: Okay. Yes of course. Before the call started. That's true. And of course from Marika. Thank you Michele...

Michele Neylon: Okay.

Glen DeSaintgery:...and over to you. Just a quick reminder though that people should please say their names before they speak for transcription purposes. Thank you.

Michele Neylon: Or have a unique thick Irish accent that makes it easy for everybody to know that it's me speaking.

Glen DeSaintgery:(Unintelligible) off Randy Ferguson.

Michele Neylon: Beg your pardon. What?

Glen DeSaintgery:I think I left off Randy Ferguson didn't I when I did the roll call.

Randy Ferguson: No. You mentioned me. I heard me. That's great. Thank you.

Michele Neylon: I thought I heard him. But okay. And right. First things first. We've hard our roll call. Does anybody have a change to the statement of interest or conflict of interest? Going once, going twice, okay, fine. We've done that. Okay.

As discussed at - via the mailing list, several people expressed a desire to see the comment period extended and that has now been extended until - what date was it extended to Berry?

Berry Cobb: September 3.

Michele Neylon: September 3. Okay. So the comment period has been extended as per request. Any issues with that, any queries, any further thoughts? No.

Gabriella Schitteck: Can I ask a question? This is Gabriella for the transcript purposes.

Michele Neylon: Sure.

Gabriella Schitteck: On this - this is my first time in a working group and so I wanted to understand if all these public comment periods are only published in English. And if this is always like this or some cases are also translations available for people to comment and to look at this in other languages.

Michele Neylon: Okay. Gabriella, I'm going to answer - I'm Irish. So I will answer your question with a question. It's an Irish thing. Please don't take it - don't take offense. Do you mean translation of the announcement of the public comment or do you mean...

Gabriella Schitteck: Of the landing page. This landing page when it says locking of the domain names...

Michele Neylon: Okay.

Gabriella Schitteck: ...have (unintelligible) UDRP proceedings and (unintelligible).

Michele Neylon: That's - okay. That - in some cases that has been translated into the UN languages for some working groups. Margie has her hand up. She's going to

now give us the official line on this. But I can say that yes, that has been made available in other languages in the past. Margie, go ahead please.

Margie Milam: Yeah. This is Margie from staff. It depends really on the type of public comment and document that's being posted. Typically if it's a final report for example, we'll try to - we'll try to get some parts of it translated but it is an evolving thing and it's usually after the working group. It tends to slowdown the timing of the public comment period, which is why you see a lot of them not in multiple languages.

And it usually depends on the cost reserved that for either a draft report or a final report as opposed to interim stats if that makes sense. But if that's something that you guys want us to explore, we could certainly take a look at the translation policy and I can certainly circulate that to the list for future activities.

Gabriella Schitteck: Okay. Thank you.

Michele Neylon: Gabriella, it's Michele here. Which languages were you interested in?

Gabriella Schitteck: Well particularly I'm interested in Spanish but maybe there's other people that is interested in other languages as well because I was trying to spread this information onto Twitter and then I felt like it was so complicated to explain and it took so much time for me to translate it, I also wanted to send this to colleagues that I know that are working as lawyers handling UDRP cases and everything.

So I'm sure they know English but it's not the same if you invite someone if this will take them like just two hours to at least know what this is about and it's in another language, then it's not so inviting. So I was just wondering how to make this easier for us.

But maybe it's - maybe this not the right time yet. Maybe it's better to do it afterwards and not spend so much time at this stage. I'm not sure. I was just trying to understand how to get the best of this process for me as a Latin American participant and my first time in a working group.

Michele Neylon: Alan, I see you. I'll come back to you in just two seconds. Gabriella, just I can appreciate - I mean as Working Group Chair of IRTPB, I pushed, motivated, whatever word you're comfortable with in order to have the comment periods announcements made available in as many languages as possible. The...

Gabriella Schitteck: I was wondering more of a summary or some (unintelligible) or some easy way to spread this information to get to the right people and not make them read for two hours before understanding what they have to do. Let's...

Michele Neylon: No, no, no, I understand and I appreciate that. What has - what I've seen happen in the past is that some of the domain industry and Internet industry blogs and online magazines sometimes pick these things up.

So for example I know that a lot of these comment periods and things of that are covered in French and in German. I'm not sure about Spanish. I haven't noticed that as much. But I know some of those have covered them in the past. Alan, you're up.

Alan Greenberg: Yeah. Thank you. In At Large we have a far more - a far larger need to have translations because we're trying to deal with people in the periphery who don't necessary speak English. But I think in all cases it's a judgment call of what goes out in what languages certainly to have just the announcement translated, you know, the announcement of the comment period translated is not particularly onerous and could be done.

It really comes down to if we perceive as a market - a need to reach people who can't handle it well in English. And in our case I guess it translates to how many UDRPs are handled in non-English languages. I've never heard a

number like that - a statistic like that. And that may point us in the direction of whether we need to do more translations or not. Thank you.

Michele Neylon: Thanks Alan.

Gabriella Schitteck: But it's like - may I say something again? This is Gabriella, sorry.

Michele Neylon: Please go ahead.

Gabriella Schitteck: Just wanted to say that that's one of the points that I'm involving this group in UDRP issues in general because UDRP is not really used enough in our region. And at the beginning I also was interested in building a provider for Latin America. So I understood this was not the timing and everything. And so I'm involved in this process just to understand how to make our region participate more in all of these processes in general.

So if we only take the number of the cases that we have right now, then that will explain that people are not really using it so much in Spanish. But if we don't make this available and we don't make the spreading and this outreach, then this will never change.

Alan Greenberg: Well Michele, could I have a...

Michele Neylon: Oh, go ahead, go ahead, go ahead.

Alan Greenberg: I think the issue is that if there's a problem that people aren't using it - using UDRP because of language, that is a real issue that needs to be addressed. But I'm not sure those people who have no experience with the UDRP are really the ones we're targeting with this - in this PDP because we're looking for people with live experience and history to understand how it should change.

So I don't disagree that we may have a real problem and if the UDRP is not being used adequately among non-English speakers, but I'm not sure it's this PDP's problem to address that because we are looking...

Gabriella Schitteck: That's right.

Alan Greenberg: ...people who have real experience. So that, you know, it's a real problem but I'm not sure it's ours to address.

Gabriella Schitteck: Maybe you're right. I don't disagree with you - what you're saying. I'm just - that's why I was asking if this is a common practice or if this is in some cases that it's not so necessary and who decides when it's necessary and when it's not.

Alan Greenberg: Well I've rarely heard of an example where ICANN has refused a reasonable request for translation. So it - the onus is really on us to decide whether it's going to measurably help us to get input from people. Because it also means we need to be able to translate the comments back into English. So those of us who don't speak the other language can discuss it. So it's, you know, it's a non-trivial issue. But it's really a judgment call.

Michele Neylon: Thanks Alan. I put myself back in the queue. Okay. I'm trying to work out shall I address this as Working Group Chair or should I take my Chair hat off and address this as my own personal opinion or is it all the same kind of thing at the same time kind of commingled.

Okay. I'm not that conflict to myself. I agree with both what Alan has been saying and what you have been asking about Gabriella. Personally for those who know what - know me and have dealt with me in the past, I'm very much - I personally think there is a huge issue with respect to how ICANN policy is currently developed and decided. Not because of the processes themselves have issues.

I mean that's a totally different discussion and debate but in terms of participation. If you look at the number of people who participate actively at any level in ICANN policy be that through posting comments and in joining working groups, turning up to meetings or anything whatsoever, the number is infinitesimally small compared to the total number of people and organizations that are affected by the policies themselves.

Also as a - a lot of - a lot of the people, a disproportionate number I would say, and as I'm one of them I feel confident in saying so - a disproportionate number of the people involved are English speakers and the voice of the non-English speakers is not as loud as it could or should be.

So personally I'm supportive of the announcements and everything else being provided in the other UN languages. However, Alan does raise a very valid point in that if the announcements are done in other languages and the comments are coming in other languages, then how you handle those comments could - can get more complicated.

Wasn't there a war that was in the 19th century that was started all because somebody mistranslated a letter between Prussia and I think it was France? Somebody with a history degree might correct me. So there is an extra level of complication there. So I don't know. Personally I would be happy to have the comments announcement available in other languages. But again, there's also the issue of how we handle the comments themselves. Thanks.
Gabriella.

Gabriella Schittek: Okay. Just to say something else. This is Gabriella again. That regarding this - the things that we're deciding here are also going to maybe affect the way registrars work. And there's no doubt there's registrars in other countries. And that's also another issue. It's not only about UDRP cases but - and which languages they handle but also that registrars in other places maybe not knowing about this. So - or maybe they are. I'm not sure.

Michele Neylon: With respect to the registrars...

Gabriella Schitteck: All of them are involved. They - I'm not sure.

Michele Neylon: All of them - all members of the registrar stakeholder group are made aware of all ICANN PDPs.

Gabriella Schitteck: Okay.

Michele Neylon: Whether they participate or not is a completely different question but they are all...

Gabriella Schitteck: Okay.

Michele Neylon: ...made aware of all ICANN PDPs. If they are not members of the registrar stakeholder group, then that's their own problem. There's nothing that we can do. I mean, you know, that's a totally different thing but, you know.

Gabriella Schitteck: Okay. Thank you.

Michele Neylon: No problem. Alan, do you want to come back or Margie?

Alan Greenberg: No.

Michele Neylon: Margie?

Margie Milam: No. I think it's (right). I mean those are all valid points that yeah, I don't think there's really anything else to add. I'll try to get a copy of our translation policy for future reference.

Michele Neylon: And could we have the simple version of the translation policy please Margie? The one for those of us with short attention spans.

Margie Milam: Sure.

Michele Neylon: Thank you.

Alan Greenberg: Michele, it's Alan. Gabriella's last comment I think is - that is registrars will be affected by this. It's probably a pretty good reason why our interim or preliminary report when it comes out should be translated. But...

Michele Neylon: The entire report or the announcement Alan.

Alan Greenberg: I suspect that - the report.

Michele Neylon: Okay.

Alan Greenberg: I suspect that will - would have been done in any case. But it's something to remember at that point.

Michele Neylon: Okay. Thank you Alan. Do we have any other comments on this? Okay. I'll take silence to be no. Perfect. Moving on. Okay then. Gabriella, with regard to the - just to finalize this thing on the translation and everything else. If you want to, you know, reach out to myself or to Alan or anybody off list as well to try and assist you or anything, you know, please do so. I'm more than happy to answer emails.

Gabriella Schitteck: Okay.

Michele Neylon: Okay then. Back on to the continuing review of (several) responses and discuss. I think we've covered pretty much all of these at this stage, haven't we? Did we have any other - did we miss - have we missed any?

Berry Cobb: Michele, this is Berry. No, we've reviewed through the responses from both a survey as well as the additional responses required per the service providers.

So really I'm not sure how the working group wishes to proceed but we can either continue back into these in detail or move on to the next.

Michele Neylon: Okay. Kristine, go ahead please.

Kristine Dorrain: Thanks. This is Kristine. I just wanted to announce my apology for not getting my additional response in. I do have the data. I just haven't consolidated it. I hope to send that to the group by tomorrow. So my apologies for that.

Michele Neylon: Thank you Kristine. Okay then. Now we also had - I believe we've had one more public comment. Is that correct Berry or were there a whole load of them in the last 24 hours or so?

Berry Cobb: I just checked and I think there are two that have been added in the last day or so.

Michele Neylon: Oh, so we're up to three public comments here.

Berry Cobb: Yeah.

Michele Neylon: Well that's (unintelligible) we're getting huge amounts of feedback. Sorry I'm a little bit cynical because the volume of public comment sometimes can be very, very low. But though in this case it is extended to September so there is more time for people.

If you want - if people want to see the comments that have been submitted so far, I've just pasted the URL there into the Adobe Chat or you can get to it via the announcement page for the public comment period.

So far to date we have had three. We've had one from William Clarke. One from Rebecca Sandland who's representing - what do they call themselves - FI is it FL or FI - it's FICPI...

Alan Greenberg: FICPI.

Michele Neylon: ...Federation of Intellectual Property something and we also have something from IHG Hotels. So there we go. So we've had three comments so far. And of course members of the working group are also welcome to submit comments on this and encourage anybody and everybody they can to submit comments. Anything else on the comment period? No. Okay.

Okay then. So moving on. The - have we had - did we send out the survey already to the stakeholder groups or am I getting - confusing working groups again? Berry. (Is he gone)? Hello.

Berry Cobb: Yeah. This is Berry. I don't recall that we specifically sent the survey out to the stakeholder groups.

Michele Neylon: Or am I confusing working groups? Sorry, it's just I seem to - I seem to be - I seem to be moving between several working groups. I'm confusing two or three of them, which isn't helping things. So we didn't - we haven't done that yet specifically have we?

Berry Cobb: No. Or they may have reviewed some of the results but as I understand it, the only two survey taking groups were the service providers and registrars.

Michele Neylon: Okay. Perfect. Sorry. This is just me being confused. Okay then. Thank you. The other thing as well is that we need - we should also - and this is my fault but - this is my fault. I will need to follow up with Berry on this afterwards and also with Alan is that we need to try to put in place a better - well a clearer work plan in terms of timelines and then get sign off on that from the working group.

It's something we haven't done so far in terms of timelines presented for deadlines of presentation of various different aspects of this. And the - and Marika is back when is it, next week or the week after?

Berry Cobb: She returns the 24th and then she'll be part of the group meeting that will be scheduled for the 30th.

Michele Neylon: Okay. Perfect. Right. And right then. So that's fine. Just with respect to those of us who - those people who are on the call at this stage, are most of you kind of done with your holidays, vacations, ((Foreign Language Spoken)) or I can't - I've run out of languages I can do that in. Or are several of you going to be disappearing between now and the end of the month?

Okay. So Gabriella's saying there's no holidays over that side at the moment. As it - I know that a couple of the other working groups have had to actually cancel a few meetings because a lot of people were on - between people being on holidays, people who couldn't make it because of other conflicts and I don't know what else and there's a lot of fun.

Okay then. Let's see then - okay. We've got the comment period open (along). We've had a couple of comments in from that. And ah, see this is something handy to know. Kristine, what is - what dates are we looking at for this long weekend?

Kristine Dorrain: The holiday is September (unintelligible) out Labor Day here. And so everyone will be off just that Monday but a lot of people - because school starts on either side of that for their kids, a lot of people will like spend the holiday either ahead and take extra days off or the other side to take more days off. So we've got about a solid week in there maybe between like the 29th and the 5th where it's hard to reach people in the U.S.

Michele Neylon: Okay. Good - always good to know. Let's see. I noticed this because it means these are days when those of us in Europe are able to have much quieter inboxes. It's wonderful. I love the 4th of July. Okay. So that's the first weekend in September. Okay.

Right then. So there's nothing - so we should move forward with regards to our own work on this whilst waiting for people to send in comments and everything else on the open comments.

So if you'll look there on the screen on the Adobe there's a number of points there...that we are meant to be considering...and now one of the questions that I would see as being one that we've keeps on kind coming around even in the couple of comments we've received already is the definition of what a lock is.

Whether so if you look at the, excuse me, if you look at the list there 4A whether what constitutes a lock to main name should be defined.

(Four) B whether once a domain name is locked pursuant to a UDRP proceeding the registrant information for that domain name be changed or modified.

So looking at 4A. For those few of you who are actually on the call today what is your feeling about this? Should the concept of locked be defined? Or do you feel that it is understood?

Kristine Dorrain: Hi this is Kristine and I think it is not well understood. I think we get when we request certification and we ask put a lock on and we sort of our request over the years based on feedback from ICANN.

We get a lot of different responses back saying the registrar hold or it's on registrar not auto renewal or it's placed into a certain account.

And I think I mean there are I don't under like I think there maybe some links internal procedures that maybe were being advised about this probably superfluous.

But I think there's also a misunderstanding maybe even between us and the registrars as to what constitutes a lock and what are these things that can't be changed pursuant to the lock.

And I know that bears some registrars allow there was information to change pretty much at any point as long as the domain name can't be transferred.

Some prohibit everything including changing, you know, the content on a Webpage.

Some of them I don't know how they do that. I not educated about (unintelligible). Some of them say oh they're not going to be able to do anything even update the Webpage itself.

So think it would very helpful to have sort of a, you know, minimum requirements what you have to do and if you want to do more than that's even better.

Man: Okay thanks. I'll come to you in just two seconds. I will just answer you very briefly as a registrar not as the working group chair.

The I think the problem might you one problem I would see as (unintelligible) the registrars are responding to you speaking EPP or speaking internal process but not answering the question in terms of what can or cannot be done with the domain name.

Alan over to you.

Alan Greenberg: Yes thank you. My recollection is when we ask registrars, you know, what do you mean by lock or how do you lock it? We got a number of different answers which means registers some registers are doing different things from others.

So, excuse me, I don't see how we can avoid either defining it or defining what the minimum requirements are for a lock.

I think that's central to our the whole question that we're asking because the whole reason we're locking it is to prevent bad things from happening whatever, you know, however we define bad things.

And if people are doing a variety of different types of locks it's conceivable that the minimum one is enough and the rest are just overkill but that's probably not likely.

We know some registrars will change Whois content says as it was just pointed out. If you look at the intercontinental hotel comment, you know, they say nothing should be able to change, you know, including revealing who the beneficial owner is if it was done through a privacy service.

So I think we have to be more specific and we may in fact have to, you know, I as I was reading the intercontinental note and saying well how could we do this?

How could we say we will not change Whois at all and yet we need to know who it is that's actually going to be defending the name?

And that almost demands a yet another set of fields in the Whois of who the beneficial owner is as opposed to the owner of record is or something like that.

So I think we're going to have to tackle the question. I don't think we can avoid it, thank you.

Man: Okay thanks Alan. Anybody else have any thoughts on this? I mean I'm seeing some stuff on the (chass), which I will put say just for the record.

Gabriella's suggestion is that maybe meet a legal and a technical definition to have both to be coherent in terms of practical purposes okay so taking both sides of us.

Since I don't see any other hands up I will answer my own personal preference is it were I would prefer to focus on the functionality of what the lock does as opposed to what, sorry, what the lock status and inverted commas allows or does not allow as opposed to getting too technical with respect to specific EPP statuses and everything else because let's say for argument sake if I move a domain name that is subject to a UDRP from the client's account into a special black nights UDRP holding account or some kind.

That will have exactly the same impact as outlying certain locks. In APP or doing other things using other methods because ultimately the user won't be able to access it.

And personally as a registrar and being conscientious of how other registrars, you know, like to do things or the different ways they do things we need to have that flexibility and from reading the comments I've seen from various people who interact with UDRPs.

It needs we they, you know, if they want certain things not to happen. I'd also agree as well.

I mean this thing about the Whois thing but this again is me speaking personally there's a line I agree with, you know, that if for example the Whois data is completely wrong which it could be it needs to be updated.

I disagree with people saying that oh the Whois data cannot be changed because if the Whois data cannot be change why are you asking us to verify it? That makes no sense to me.

Presumably you want to reach the beneficial user off the domain name and if that means you have to as a complainant you may need to amend your complaint well so be it.

But there's no point in continuing a complaint against a person who has no knowledge of the domain name.

Alan over to you.

Alan Greenberg: Yes I don't object at all to what you were saying that is we specify what the functionality is. But I don't I would not want to see it worded such that it precludes the kind of thing I mentioned the other day.

That is of the red of the lock being done at a level other than by the registrar if we can arrange it.

And I think at some point, you know, for the URS that's likely how it's going to work.

So I don't think we need to specify the mechanism now but as we go forward with this we may end up coming up with a mechanism, which is which may be preferred to the (more) generic definition.

So I think I'll...

((Crosstalk))

Alan Greenberg: ...I'm straggling the fence and saying I'm happy with what you're saying now I'm not sure that's going to be the endpoint.

Man: Okay I'm just somebody who is more expert on UDRP ins and outs at the moment it's my understanding that the UDRP provider be a WIPO and, sorry my brain's really not working, or the check court or and whatever the, sorry.

Sorry, they come with the entity you work for Kristine the you are it's part of UDRP policy that you have to ask the registrar that's specifically specified in the policy isn't it?

If it was if the lock or freeze or whatever you want to call it was being applied by another entity would that not mean that there would be a change made to the UDRP policy to allow this?

Kristine Dorrain: Hey this is Kristine. The UDRP the re-questions that are listed in the verification emails that's sent by NASS and I think, you know, based on what I saw from David's presentation David Roache-Turner's presentation and where were we just?

For the estimate. Anyway...

((Crosstalk))

Kristine Dorrain: ...wherever that was hit, you know, we I think we ask pretty similar questions. And those questions come from the UDRP but it's not specifically listed. The providers shall request from the registrar.

Man: But it does it is the registrar that is specified?

Kristine Dorrain: Yes it says that the -- we have, you know, since it's a domain name cannot be transferred in policy paragraph (H).

And then it says in rule two that the provider has to serve at a certain information certain addresses as shown by the registrar's database and as supplied by the registrar to the provider.

So I...

((Crosstalk))

Man: Okay so (unintelligible) Kristine just trying to keep this narrow. So what I'm trying to ascertain very simply is all the language refers to registrar there's no reference to registry?

Kristine Dorrain: That's correct.

Man: Okay. That's fine that's exactly what I wanted to understand.

Alan Greenberg: Michele it's that one. But that is the current UDRP we're in a position to change that...

Man: Yes but...

Alan Greenberg: ...if we feel...

Man: No we're not Alan.

Alan Greenberg: Why not?

Man: Because we're the UDRP is not allowed to be changed until two years after the delegation of the first new TLD.

We are tasked with a very narrow operational tweak or clarification to the existing UGRP.

Alan Greenberg: Okay I would dispute that view. If we feel there's a change necessary to enable locking to be done properly then I think that's wholly within our scope.

Man: We may need to if others fear that we may need to address that and seek clarification from the GNSO.

Alan Greenberg: We may want to do that.

Man: But I...

((Crosstalk))

Man: ...but since we've been getting along so well up until now Alan let's not do that just today.

Alan Greenberg: Okay. I mean bottom-line is what should come out of this PDP is locking if no longer a problem issue...and it's something.

((Crosstalk))

Man: Yes but it's yes but this PDP is specific to the UDRP and not to a nonexistent could exist in a future URS policy.

Alan Greenberg: I wasn't suggesting I was just pointing out at someone else pointed out that the concept of the dispute provider doing something with through the registry to enable locking is a concept that has been explored before already and it might be something we want to explore also.

I wasn't saying we should take something from the nonexistent policy just it's an intellectual exercise that has been proven to exist already.

Sorry that doesn't make sense.

Man: Okay. Thank you Alan, I think. Brian I'm not sure, do you have your hand up or did I...

((Crosstalk))

Brian Beckham: I did have my hand up and now it looks like I have a microphone whatever that means. But sorry this is Brian Beckham.

I just wanted to say not so much by way of disagreement with Alan I think the point he's making is that whatever comes out of this group should lead to a consistent practice for everyone involved parties to the cases and registrars.

But I wanted to just state for the record that WIPO does not support the idea of opening up the language of UDRP itself as being necessary to accomplish this goal.

And as it stands now UDRP is actually it refers to an agreement between the registrar and the registrant. So if you look at UDRP it says you will not do XY&Z and that's where we get the idea that the registrant will not change certain information during the course of proceedings.

So we think there's sufficient leeway to come out with whatever it is the best practice or recommendation within the existing confines of this working group without opening up UDRP wholesale.

Man: Okay, thank you. Alan I will politely bounce that back towards you and hope you say and hope to hear the words that's fine or I'll come back to this later.

Alan Greenberg: I'll come back to it later 15 appropriate at that point. You know, I raised the issue originally because it may well address the problem that we've been told is significant in that the delay from the time the dispute provider asks for the lock to be put on until the lock is actually put on is a kind is a potentially dangerous time in that changes can happen in that window and I was trying to find out figure out if there was a way to eliminate that delay.

Other than that I have no interest in changing things for the sake of change.

Man: Okay but one the question okay just bouncing this back to you sent just to clarify your understanding well your thinking more. And what kind if in a

hypothetical I don't want to explore this too much but just to see where you're coming from.

In a hypothetical what would involving a registry impact that isn't impacted by the registrar?

Alan Greenberg: The only reason the registry came into the discussion is if we were to bypass or eliminate the delay of notifying the registrar and register having to take action that could be done in my mind and it's a simplistic point of view in two ways: either the dispute providers are given an electronic communication method with the registrar to enact the lock whatever lock means in their particular case.

And that of course means they have to communicate with hundreds upon hundreds of registrars and there's an inherent problem associated with making that work and making it work reliably.

Especially if we have registrars who, you know, may be working well with people who violate UDRP rules.

The other alternative is to create a registry lock...and have the dispute providers deal with the registry directly.

Man: Okay I follow...

((Crosstalk))

Alan Greenberg: But that was the logic behind the original thing. It was just a method of getting something done to the domain name without having to deal with the distributed registrar community.

Man: Okay the question I have...the how is that going to help with Whois?

Because for common for dot and for nets the registry has no visibility on the Whois data.

Alan Greenberg: No but that doesn't mean there couldn't be a flag which...

((Crosstalk))

Man: Does they have no visibility on that Alan and that's not going to change?

((Crosstalk))

Man: There's absolute no visibility on what is in Whois?

Alan Greenberg: No they have no visibility but that doesn't preclude -- again we're trying to design something which we haven't even said the concept as has merit.

Man: Okay.

Alan Greenberg: And so I think that front but in my mind the fact that the Whois data is created by and stored by the registrar doesn't mean there can't be a flag saying you're not allowed to change it. That's kept in the registry database.

Man: Yes but the registry has no interaction with the Whois data...

Alan Greenberg: No.

Man: ...(uncommon).

Alan Greenberg: All I'm saying is one bit...saying registrar's are not allowed to change it. There's already registry locks which imply that.

Man: Okay.

Alan Greenberg: And I get but we're designing something that we haven't even talked about the merits of so I think we're...

((Crosstalk))

Man: Okay I'll let's we'll move on. Mass has a common for you is the mass is the assumption that there won't be any wedge, sorry, is the assumption of (unintelligible) registries they are slow to react as the least responsive registrars?

Okay that's an interesting question. So are you assume basically are you assuming that all registries are fast?

Alan Greenberg: No I'm assuming this would be an EPP type interaction that is done by the computers and not required manual intervention.

Man: Okay so what you're saying so what you're talking about there is that WIPO check the check courts and NAFA I keep getting that thing wrong, sorry Kristine it's not intentional.

Would send something to the registry be that new star or affiliate or VeriSign or whoever...

Alan Greenberg: Or one of 2000...

Man: ...and that would be the notification for this kind of lock is that what you're saying?

Alan Greenberg: That's correct. What I'm saying is as soon as the provider recognizes a lock must be applied they can in fact put the lock on by means of, you know, the appropriate authorized command.

Man: Okay.

Alan Greenberg: Which okay enough said.

Man: Okay thank you. I give notice that it clarifies what you're talking about. Thank you. Does anybody else have any thoughts on this?

Michele Neylon: I think you had fascinating that, you know, it certainly merits discussion to talk about the provider putting actually putting the lock on itself.

I mean that wouldn't necessarily stop the interaction though because we still have to receive the billing address from the registrar according to the UDRP.

So there may still be some need for interpersonal interaction. And additionally I would be interested in hearing more about sort of what the technical requirements are because we, you know, we don't work in the EPP we're all the we privy tech savvy as we can.

And we hear at NAFA are very interested in, you know, getting as much technology as possible but be interested in hearing more about the, you know, what that would entail for us as well.

Alan Greenberg: Yes Michele it's Alan. I'm certainly not an EPP expert and I'm not going to pretend to define that. I was just coming up with the concept.

But what I was suggesting was the lock is enable is put in place by means of some action to provider takes that doesn't you certainly have to have interaction with the registrar but you're not waiting for them to put the lock on this year.

You're still asking them for confirmation and what else.

Michele Neylon: Oh great thank you, Alan.

Man: Okay. I'm try I'm biting my tongue here...personally is that okay?

Alan Greenberg: I'm really not on a hobby horse to push this. It came up the other day and I simply added Michele when you were suggesting at this point we don't try to define the mechanics but the end result I was simply saying let's not preclude our coming to a decision at some later point that we may want to change the mechanism.

Man: Okay. I'll okay. Okay then and so all right then. Let's see.

If we were to look at as a definition of lock status quo frozen, actually I like the concept of frozen personally because I think that's, it's you're kind of the idea of actually freezing it but I think the term lock does not appear in the UDRP it refers to status quo.

So I like the term frozen personally. So dealing with functionality. Is there anybody who'd be willing to come up with a very rough definition before the next meeting possibly via the mailing list of what's we mean by this lock status quo frozen concept?

And then we can rip it apart a bit. In other words looking at the functionality not how we arrive at this.

So not specifying (DPP) statuses or anything like that but literally what people understand and would like to see being possible or not being possible within this.

Any volunteers? Okay Gabriella is asking she would like to see a UDRP provider definition under registrar this definition and compare them. I was wondering is that much too much to ask?

My answer as a registrar is I think were there aren't that many registrars on this call. So I'm not sure who's going to come up with it apart from me.

Are there any other registrars on the call today? Or am I all alone?

And the provider a provider definition okay. Well there's providers and registrars on the main list so my answer will be if somebody wants to come up with a basic definition they're bound to get input from both sides.

So that would kind of answer it. And okay since nobody else's...

((Crosstalk))

Woman: I could take a stab at a definition that would be fine.

Man: Okay thank you. Consider yourself volunteered then thank you.

Woman: All right.

Man: It doesn't have to be very long I mean preferably not too long and then if there's people who disagree with it or want to add to it or amend then can work from there.

Okay we're nearly we're running out of time here. Does anybody have any other issues or any other things they would like to raise at this juncture?

Going once going twice okay then I will give you back a couple of minutes and speak to you all in a couple of weeks. Thank you.

Man: Thank you.

((Crosstalk))

END