**Fake Renewal Notice Meeting**
**TRANSCRIPT**
**Thursday 23 February 2012 at 1930 UTC**

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http://audio.icann.org/gnso/gnso-frndt-20120223-en.mp3

Attendees:
Mike O'Connor
Tatiana Khramstova
James Bladel
Poncelet Illeleji
Paul Diaz

Staff:
Marika Konings
Nathalie Peregrine

Apology : None


Nathalie Peregrine:     And thank you very much, (Tanya). Good morning, good afternoon, good evening. This the FRN call on the 23rd of February, 2012. On this call we have Mikey O'Connor, Tatyana Khramtsova, Paul Diaz, Poncelet Illeleji and James Bladel. We have no apologies. And from staff we have Marika Konings and myself, Nathalie Peregrine.

I would like to ask you all to please state your names before speaking for transcription purposes. Thank you very much and over to you.


Mikey O'Connor:   Thanks Nathalie. Welcome to the call. Maybe our last I hope. On the screen in front of you - oh I suppose we need to stop for the statement of interest stuff; any changes to statements of interest? Okay.

On the screen in front of you right now under your control is the draft of the report. All hail Marika for getting that pulled together for us. I think it's pretty close. I've got a minor tweak in terms of the sequence of the recommendations but that's just a housekeeping thing.

Marika mentioned that she talked to some folks between the last call and this one and came up with some other ideas for possible recommendations. And since that's most likely going to be the biggest content item I thought I would hand it over to Marika to sort of fill us in on those. And we can fold them into our thinking. You want to take over for a while, Marika?

Marika Konings:    Yes definitely. Thanks, Mikey. So as Mikey said I, you know, had some conversations with some colleagues on this issue and, you know, possible ways forward. On a more general note, you know, I did get feedback as well from Compliance that, you know, based on the discussions we've had they're going to take another look at the complaints they've received over the years and, you know, try to reassess if there's any ground on which they can take enforcement action.

You know, we've already discussed of course there's certain limitations with the current language that we have. And, you know, depending on how certain things are approached they might not be able to do something. But at least they're going to have a look at it again and, you know, possibly that will lead to something as well.

On the recommendations one suggestion that was made as well in addition to, you know, the things we've listed now one thing the drafting team might want to consider is whether this is also an issue to refer to the ALAC for, you know, better consumer or end user communication and awareness around these issues.

Because I think, you know, we noted as well that, you know, there's a lot of consumers that are confused by these notices and maybe if there's a way of,

you know, having some proactive communication on, you know, this is what you should look for and if you receive notices that say this, you know, you might want to check this. Maybe that's something that the ALAC might be willing to work on.

On more specific recommendations someone suggested as well whether instead of maybe looking at the RAA where it might be difficult to really define or make it very narrow or specific on what you're trying to target is to possibly look at the IRTP and see whether that would be a way to, you know, by tweaking it in such a way that it would maybe say something along the lines of, you know, the registrar may not initiate a transfer for any name where the registrar or one of its resellers failed to clearly label the (unintelligible) advertisement without, you know, some mandatory comment notice that it was, you know, just an ad and that they're not actually - it's not actually a renewal as such.

So that was one of the suggestions. And a question then that I actually, you know, briefly discussed with Mikey before we started the call is that, you know, would there be a way as well for someone to raise this issue again with the FTC?

You know, there was a settlement before and but according, you know, what seems like or what we've seen these notices are still being sent so is that a breach of the settlement that was reached with the FTC? And is there a way to, you know, reengage them in the discussion to see if there are, you know, multiple angles especially for if it's indeed just one party that's really engaging in this.

So that's where some of the, you know, suggestions that people put forward and, you know, want to share those with you to see if you think that they warrant any, you know, further discussion or possible inclusion in the report.

Mikey O'Connor:    Thanks, Marika. I was on mute - very eloquent. I'm going to switch over to sharing my screen for a minute.

James Bladel:    Mikey, this is James with a question.

Mikey O'Connor:    Yes and I was sort of stalling you while I...

James Bladel:    Oh okay no problem. Stall accepted.

Mikey O'Connor:    Yes. Just a minor stall. I just want to get back into note-taking mode so that - now I've completed my stall. Go ahead, James.

James Bladel:    Oh I was just specifically wanted to ask Marika where the suggestion to revisit the IRTP language originated. Was that from staff or Compliance? Where is that coming from?

Marika Konings:    Yes that's indeed staff. I mean, looking at this issue - because I shared with some colleagues mainly from Legal and Compliance who have been, you know, involved in this issue before and some of the, you know, responses we provided to you. So I shared with them the suggestion that we're looking at possibly, you know, maybe seeing if it would fit within the RAA.

And, you know, we suggested some language in the report. And one person there suggested that maybe - because the language I think that's occurring here is very broad, I mean, talking about deception is open to interpretation and, you know, there's no real black and white.

So they suggested there it was at it's mainly related to transfers would there be a way to make it really specific and, you know, very black and white by covering it as part of the transfer policy instead of a more general cause in the IRTP. Because I think the point that the person made as well is that, you know, there is already a section I think in the RAA that says that, you know, registrars need to comply with applicable laws.

So, you know, in theory if someone would really be breaking the law that would fall under the RAA. But I think when we look at, you know, deceptive practices it's, you know, there's a lot of gray in that area and it might not be that easy because I think it's - you know, some people have said as well if you look at the notices and I understand that after the FTC settlement changes were made to the notices there.

So there is small print and there are, you know, certain information is in there. So, you know, the question is well if you really look at those, you know, how can you describe that it is indeed deceptive and falls under that certain provision even if every word in it might not be deceptive as such. That was a (unintelligible) suggestion that came from where in the IRTP it might be more specific to the actual issue than the more general cause in the RAA.

James Bladel:    Okay well, you know, I don't know, Mikey, if it's appropriate to weigh in on these things now or if you want us to hold our tongue for a while while we capture everything...

((Crosstalk))

Mikey O'Connor:    No I think this is the only real content portion of the agenda; I think the rest is largely report mechanics so I think this is the right time to go ahead and have a chat about it, yes.

James Bladel:    Okay. You know, I tend to think that the things that we were discussing relative to the RAA might have a little more - two things, one might be a little more effective surgically targeting this particular practice. And, two, might also cover us so that other types of practices don't arise that take advantage of differences of interpretation or ambiguity in the IRTP.

I feel like the reason we have this now is less about transfers, although a transfer is a required element of this fraud. But for example could expand to

other types of things hypothetically if we were to develop a change of control process that we're discussing in IRTP-C.

So, you know, I just feel like not only is the change to Section 3.3.7 - 3.7.7 of the RAA more generic but it's also I think more surgical and it covers us for a variety of different practices. Whereas the IRTP as we've seen whenever there's differences of opinion or trying to get certain, you know, enforcement mechanisms in place can be a little bit more challenging.

So that's just my personal opinion, Mikey. I think it's an interesting idea; it's something we hadn't considered. But after considering it for all of, you know, eight minutes here I think that - I still think our original has some compelling advantages to our original idea. Thanks.

Mikey O'Connor: Thanks, James. Any other thoughts about - let's stick with the IRTP one for just a minute kind of flesh this out. One option - and I think probably a good one - is to put it in our list of options with some pros and cons and an opinion of the team.

We're not really supposed to be making much in the way of policy choices here; we're mostly just an information gathering and policy choice options development group so it certainly seems like a valid option to me. I don't know what other folks think though. Anybody else want to chime in one way or the other on this?

Paul, you were on the 1700 IRTPs along with the rest of us; what do you think?

Paul Diaz: Thanks, Mikey. It's Paul. I guess I share James's concerns or at least questions - and I think you've captured it in the tool - raising as a possibility okay let the working group decide. We can certainly come up with the - a variety of cons but maybe it is a better way.

And, you know, dealing with something - looking for solutions within a consensus policy as opposed to a contract, you know, at this particular moment that's a very hot-button issue. What is being suggested does it, you know, where does it belong? How broad should the participation be in deciding where it should go and what should be said and all those sorts of things.

Maybe it just, like you've captured here, it gets raised as a possibility and it can be at least it's part of the charter for the working group to determine is it an appropriate place to address it or not. And I definitely share the view - obviously we're a drafting team; we can't get too prescriptive.

But we should do our very bets not to load the language in any way just hold it out there and say it's an option available to the working group and let those participants decide.

Mikey O'Connor: Yes, I think that's sort of where I'm headed with this that we could spend a few minutes tidying up the pros and cons to come up with a view and include it. I'm - you know, quite frankly I'm not sure that I'm compelled either way. It seems to me that at least the fake renewal notice thing is contained within the scope of the IRTP because it basically is slamming; it's basically forcing an IRTP.

And so the nice thing about putting it in the IRTP policy is that it's right in the same spot that all the other policy about transfer is. So I'm not sure that I have a really strong opinion about contract versus consensus policy. Better minds than mine might have to do that.

Marika, go ahead and then James after that.

Marika Konings: Yes, this is Marika. Actually a question for Paul because Paul is referring to the working group should decide. But I think the stage where we currently are is that, you know, we're recommending to the GNSO Council what, you know,

might be our preferred option or, you know, approach to take and then, you know, the GNSO Council can of course, you know, decide differently.

But for example if they would go for, you know, the RAA option it means that they, you know, add that to the RAA PDP. Or if they would opt for, you know, one of the other items it means that they - it would create a working group specifically for, you know, probably along the lines of that specific task.

So I'm not really sure whether - unless of course this drafting team says that these are the options that we suggest; you create a working group that, you know, determines what is the most appropriate approach.

But otherwise it is more likely that the Council will, you know, charter a working group along the certain path and there you might not have the option then for the working group to say oh well, you know, we're looking at the RAA but actually we think this belongs in the IRTP so, you know, or they might not even focus on that.

So just to I think where we are in the process just to make that clear. And I'm not sure about the policies (unintelligible) different. I think that's referring to a working group that might decide on which way to choose.

Paul Diaz: Can I follow up, Mikey?

Mikey O'Connor: James. Oh go ahead, Paul.

Paul Diaz: If I can just follow up? Sorry, James, but Marika has just made the point for me. If I didn't say it clearly I totally agree with what Marika is saying and want to underscore the importance of the language we use in communicating back to Council is so very important because in all likelihood they're going to take a lot of what we say just cut and paste and move it on.

And so laying this out carefully is very important for any future charter. Because obviously the working group when they get to it their range of opportunities, things they can discuss and what not, are bound by the charter that we're helping guide Council towards creating.

I'm sorry that's poor English but, you know, the point is just what Marika is saying, language is very, very - we need to be as specific as possible, as clear as possible because while the Council will go in whatever direction they want to what we recommend will be very, very critically important in the formulation of the marching orders for the working group.

Mikey O'Connor: I'm going to let James talk and then Marika can go.

James Bladel: Thanks, Mikey. I think I probably don't have much to add just to - just to reiterate that, you know, this is a transfer issue but it doesn't have to be in that section of the RAA specifically deals with what registrars may and may not do in their business dealings with registrants.

And I think that that's kind of - just also, you know, while transfers also involved I just feel like that is the heart of this matter here; they're misrepresenting themselves to registrants. So I'll just level it at that and drop back.

I think there's a procedural question where we would probably is, you know, if it is an IRTP issue which one? Can it be squeezed into IRTP-C? Is that even, you know, within, you know, within scope of our ability to do that on that working group or does it have to go to something else?

But I understand that any discussion about RAA is very sensitive right now. So there I'll just drop the subject from there. Thanks, Mike.

Mikey O'Connor: Thank you, sir. Let me just capture some of that - the word. Marika go ahead. Thanks for waiting.

Marika Konings: Yes, this is Marika. Partly inspired by what Paul was saying indeed that the, you know, the drafting needs to be, you know, very specific or at least careful in the way it writes this recommendation because indeed it is typical for the Council to often take those and, you know, just copy and paste them.

So based on that the drafting team actually might want to consider - if it wants to also in addition to the report, you know, put forward a draft motion where it indeed it very clearly outlines what it sees as, you know, what the Council should decide based on this report.

Because, you know, in most cases otherwise, you know, the Council will look to staff to, you know, translate the report then into a motion and then, you know, the leadership or one of the Council members, you know, can put forward.

But I think it would be much better if that would come directly from the drafting team together with the report that would basically say look based on this report this is what we think, you know, you might want to consider as a next step. And, you know, it could, you know, as we've seen it could go in many different directions.

But I think it would really be helpful to possibly have it on the table as well as part of the discussion. Or indeed outline the options if you think there should be further discussion among the Council, you know, based on what is being put forward. So that might be something that the drafting team may want to consider, you know, producing too then with the report.

Mikey O'Connor: Okay. I see my goal of this being the last meeting slipping away but that's okay. I think I want to head back to the drafting team view. Let's beat this up just a little bit. Need a statement of what we are proposing as the next step in this option which would be to include - this is going to be running parallel to the - oh dear. Similar to this one or this one.

There - what that one was. Hopefully it wasn't important. Taking failure - isn't there prominent notice language already in IRTP? I didn't remember that right off the bat. Just something we would need to add to it.

James Bladel: Prominent notice of what, Mikey?

Mikey O'Connor: Well in the note I captured this prominent notice idea. And I was trying to remember if that was, you know, I was sort of getting into note-taking mode but I wasn't capturing the things very well so I couldn't remember what the context of that was.

Marika Konings: Yes, because I think - because I mentioned that I think it was yes as well that there should be some, you know, prominent notice that was in, you know, application to transfer the domain to a different registrar not just a renewal invoice so it kind of, you know, calling it out on the...

James Bladel: Yes.

Marika Konings: ...notice itself. I think that's probably...

James Bladel: I don't see anything like that in the IRTP, Mikey. But, you know, I mean, I think that this is probably along the lines of what the FTC was saying. If you have to put something in that's where they bury the fine print.

Certainly FTC or groups like that get very specific about the font size. It can be no smaller than the size used for your contact information or pricing or, you know, it just gets, you know, you split hairs and then you split the hairs of the hairs.

Mikey O'Connor: Why don't I say - back up in there. That's I think redundant. I think this could be figured out by the IRTP team so I'm going to remove. You know, and I'm sort of down to the drafting team view. And at least for me one of the

appealing things about going into the IRTP is that we sort of kill several birds with one stone by going through the full - by putting this into the consensus policy cycle rather than the RAA negotiating cycle.

We avoid the sensitivity with the RAA. We also get back to the open transparent policy-making process. We also wind up with a group that's already pretty good at drafting tight complex language and knows how to do it.

It is pretty targeted to the, you know, this came out of the IRTP. It's a pretty rational parallel destination that says yes it came out of the IRTP and it kind of belongs in the IRTP. So go forward and fix it.

So I could get persuaded that this is a reasonable approach to handling this. And it avoids some of the landmines of the RAA discussion for sure. So I'm curious what other people think; James, Paul especially. Go ahead, James.

James Bladel:    Yes so it's really only a landmine type of discussion if it's perceived by registrars to be controversial. I know it wouldn't be necessarily for us but, you know, I don't know that we speak for the entire stakeholder group on that.

Mikey O'Connor:  Right.

James Bladel:    You know, I guess if it's going to go through IRTP then we need to find a way to most expeditiously include it into the existing or immediately upcoming IRTP. I'm concerned that it's going to get tacked onto IRTP-Q or whatever is 22nd in the sequence of, you know, the never-ending saga.

((Crosstalk))

James Bladel:    And I just kind of - I kind of go back to the same reaction we had when we were discussing like thick versus thin registries and how we were saying, you know, about the PDP process. And we had a couple of folks I think very

astutely point out that if we're just talking about one issue and one organization, you know, the PDP starts to look like using a machine gun to kill an ant.

Whereas, you know, if you were to just, you know, take a targeted action towards that one situation or that one topic or that one organization you can do so with, you know, a much more lightweight process.

But, you know, if I'm the lone holdout on this then I don't - I'm not really going to make an issue out of this. I just - so there's my two cents or maybe I gave you a nickel, I don't know.

Mikey O'Connor: Yes that's a nickel. I find that compelling as well. I think that what we could do...

James Bladel: But only if it's viewed as noncontroversial because if the registrars start to take issue with it then, yes, I agree with you we've got to go the PDP route.

Mikey O'Connor: Right. And so maybe what we need to do is modify this to say...

James Bladel: Well...

Mikey O'Connor: ...if...

James Bladel: ...can I phrase the suggestion - I'm sorry for jumping the queue to...

Mikey O'Connor: Yes.

James Bladel: Well maybe Michele and I we did kind of hem and haw a little bit earlier because it was kind of the hot issue. But Michele and I need to finally raise this - raise the topic with the registrars that - we've talked about this issue and although the RAA is an open wound right now, you know, we'd like to talk -

get your feelings on including something like this into the section that governs business dealing with registrants.

And see how much, you know, how restless the natives get. If they want to, you know, fire up the torches and pitch forks then maybe we pull back and say this needs to go through a PDP.

But if they say, you know, when compared to all the other things that other folks are trying to shoehorn into the RAA this one is very noncontroversial. Then maybe that's a much faster or expeditious route to getting something that Compliance can push off on. But, you know, so maybe this is the sub - a consequence of Michele and I being shy to introduce this when it first came up.

Mikey O'Connor: So then what...

Paul Diaz: Shy?

Mikey O'Connor: ...I'm going to do is put this in the front of the RAA one. And if - (unintelligible) - sort of had it - that clause. I think I'm going to take that out and do this as a two-step affair. First determine whether it's noncontroversial; maybe make that a more positive statement.

And then we could put that as our number one choice. I stuck Marika with an unsequenced list so I'm going to sequence this list this time. And then if that doesn't pan out hearing - is that change to the IRTP might be our Choice Number 2. That our Choice Number 3 is add it to the PDP on the RAA - an exclusive PDP about this second to the last and that this is our last really. Let's take a look at these two.

How are we doing on time? Yikes - oh no, we've got another half hour. I was thinking we were. One of the ones that Marika mentioned was refer this to the At Large. Let's beat this one up a bit.

Well in that case let's see our first step - yes, step (unintelligible). View - sorry. Now that I've got the (jars) ready, James go ahead.

James Bladel:    Oh so I don't think that the At Large can solve this issue but I don't believe that they can make it any worse. So I think, you know, it would be a good idea to refer to them.

However I would caution against any sort of a response that any kind of outreach or communication requires significant outlay or budget, you know, on the part of ICANN or the, you know, anything like that to support that effort because I think that now we start getting into the - I just feel like there's no bottom to that - to that well that you can pour money down that and still not really move the needle on this issue with your communication.

So there's just my personal opinion.

Mikey O'Connor:    Okay Paul, any thoughts? Go ahead, Paul.

Paul Diaz:    Yes, Mikey, I was raising my hand. Sorry, coming off of mute. A couple things; totally agree with James. At Large and budgets are always very complicated so while seeking their active contribution is a great idea always appreciate their inputs we just need to make sure we do it in a way that doesn't in any way burden them with some administrative costs or whatnot that they wouldn't be able to bear.

If I can just take a step back and ask as we were drawing this up this tool is really so neat to see, you know, ideas written down in black and white. But as it guides us in drafting the report and whatnot I just want to make sure that a lot of these options, recommendations, these things are not necessarily listed as an either/or or one necessarily must follow the other.

For example I don't see any reason why At Large as an option, you know, there wouldn't be reference to them for communication in the end user community no matter what path the working group goes down in its other processes. I assume that these things are complementary not exclusive but I just wanted to make sure of that.

Also just to ask when we were talking about the depending on the perception of how controversial an issue getting the approval of the registrar stakeholder group to pursue a certain course, you know, I just caution I think we need to remember that that is really dependant exclusively on which forum you want to try to insert these issues.

If it's RAA it's necessarily a registrar-driven item but as we've seen already there are many other members of the community that believe there should be a lot more input into that process then just the contracted parties, i.e. ICANN staff and registrars.

If it's to go down the IRTP amendment route then necessarily that's consensus policy and I just want to make sure again that this tool is not interpreted to mean we need registrar's approval to pursue that course. That wouldn't make sense because now we're talking about a community-wide consensus policy change.

Obviously everybody is involved; everybody is a participant there. So just set me straight with this tool that it's - that I'm not reading too far into it that we're not setting these things up in very stark black and white.

Mikey O'Connor:    There's always the concern that - especially when we're using a tool like this that we overlook something. That's one of the reasons why I think it's so useful to go out to a report before we actually go final.

Because, you know, when you see it rewritten in prose you often can catch things like that. But it's always good to try and catch them in the minute. I couldn't agree more.

James, go ahead. You're maybe...

James Bladel: Sorry, a little slow on the mute button there. Thanks, Mikey. I just had one other thought on the ALAC avenue which was I think this is a con but I'll leave it to you guys to decide.

But I do believe that perhaps putting this type of a - kind of a, you know, fraud alert activity into the hands of the ALAC would reinforce this idea that ALAC is sort of the consumer protection branch of the ICANN community.

And I don't know that that's necessarily the role that they're trying to cultivate for themselves. And I certainly know that not always the role that other segments of the community see ALAC taking.

So I just wanted to put that out there that, you know, we can't on the one hand say that that's not a role that they want to be in but then continuously hold them up there as the gateway to, you know, some sort of a consumer protections for registered Internet users.

That's probably the - well that is the role they're looking for, I don't know. But I just - I feel like we need to get that settled before just assuming that role for them. Thanks.

Mikey O'Connor: Sounds like a good thing to stick in there. Paul, go ahead. Muted. Still muted. You're really muted. You broke your phone, Paul.

Paul Diaz: I'm sorry, Mikey.

Mikey O'Connor: There you go.

Paul Diaz:        Better? There we go. Thank you. I just wanted to highlight Marika's comment in the chat.

Mikey O'Connor:  Oh I didn't see it.

Paul Diaz:        That the drafting team might want to consider whether the report recommendation should be put out for public comment to obtain community input or perhaps that could be a next step for the Council too.

I think that's an excellent, excellent idea here since we are dealing with some kind of creative ways to address issues and we probably would benefit. I would just suggest that in the interest, you know, this has been recognized as an item worthy of consideration. It's a pain point for those when this does become an issue.

I would just like to strike the very last T-O-O- there - too - in the sense of two public comment periods only because if the drafting team puts it out we get comments then we feed it to Council and they decide more comments this issue isn't even going to kick off as a working group for what realistically another four or five months.

I mean, it just seems that that would be an open invitation to unnecessary or at least extensive delay. I think it's a great idea. I think maybe we ourselves decide to forgo since it's our prerogative a public comment here but we make an explicit suggestion to Council, let them come out with it.

And ideally after they've perhaps tweaked it a bit and sort of given a sense of what direction they'd like to go after some deliberation then get the community input then move forward on working group and the actual heavy lifting.

Again great idea but I think if we have two public comment periods just on the pre-issues report level we're in trouble.

Mikey O'Connor: Yes, I didn't interpret the - yes, Marika came back with the way I read it so I won't - Marika said I meant it as well as either/or not both. Yes, I think that's right.

So take a first crack at this. So in that scenario the Council would publish the report that we've done, get some public comment on that. And then make their choice on the next step. Is that the way this is framed? Marika, did I capture that right or is that not quite what you meant?

Marika Konings: Yes, this is Marika. No that's exactly right. I mean, what might happen is - and I think it's something that the drafting team can discuss in Costa Rica is that, you know, depending on the number of comments that come back, you know, the Council might say well, you know, drafting team, do you mind having a look and seeing, you know, evaluating these comments and see if they line up with your recommendations or whether you feel that based on the input that has been received, you know, you feel you should make changes to, you know, your recommendations or the order of the recommendations.

So that might be something that I could, you know, foresee but that would depend on the comments received. But again I think this might be, you know, a good discussion point for the meeting with the Council. Say look, from our point of view we think it might be helpful, you know, to get community input.

We've outlined our preference but, you know, we were just a small group, you know, we don't have representatives from all the different stakeholder groups and constituencies necessarily so maybe there's something you want to do as a first up. And we're happy to weigh in or look at whatever comes back and, you know, help you make up your mind based on that.

Mikey O'Connor:   Okay. Let's just do some pros and cons real quick. Thoughts one way or the other? Pros and cons of this one? I think that part of it gets back to our charter. It's nice to have the charter right up there. And this would fall I think within that that says we've got some more information for you from the registrars.

And we think it would be useful to get information from the broader community for your decision making. I think that one way to view our job in its most simple form is we were sent out with the mission of going into the registry - the registrar constituency to determine whether this is a real problem or not.

And if the registrars had all come back and said no this isn't really a problem then I think our job would be done. And if the registrars came back and said yes this is a problem, something else needs to be done at its simplest and most crass we could go back and just say, yes, the registrars think this is a problem back to you GNSO Council.

I think we are doing them a huge favor by fleshing out a whole bunch of options for them to consider but these options and these recommendations are to a certain extent outside of our charter. And I wonder if when we start getting into a process like this we aren't essentially building work for ourselves back - we don't need to.

You know, in a way this is kind of appealing because we could just say yes there seems to be a fire. We think your next step is really to go find out how broadly this fire is being felt in the broader community. And once you've got that information you'll have a lot better basis for making these decisions.

And oh by the way here are a whole bunch of other options that you could consider and here are our views about them. And then sort of draw this to a close. I don't know that was sort of a ramble. But I am starting to feel like

we're creating a lot of options and doing a lot of work that's sort of outside of our charter here. Wondering what other people feel about that.

One way to do this would be to - let me just shrink this down a little so we can see all the options - is to clump these. Say (unintelligible).

Paul Diaz: Mikey, it's Paul.

Mikey O'Connor: Oh go ahead, Paul, sorry I was...

Paul Diaz: Hey just before you clump it and whatnot do we have another choice here in that, you know, a lot of good thinking has been done. No need to lump things together and whatnot. I mean, perhaps this could be included in a - I'm thinking out loud now but something akin to an appendix...

Mikey O'Connor: Yes.

Paul Diaz: ...or whatnot where if we go back and say look, you know, once we got into this we realized we were exceeding our mandate as a draft team so here's what we've come back with specific to our charter. But please advised we did all this other thinking and whatnot and offer this up as, you know, hopefully a head start for the workgroup that will undertake the heavy lifting on these issues.

It seems like you've got a lot here; I'd hate to see it, quote, dumbed down, for an arbitrary reason. We've done it let's provide it to folks. But I do - I am sensitive and agree with you I think we may be getting beyond what we were asked to do. And, you know, that's kind of a cardinal sin usually in these things.

Mikey O'Connor: Yes. I mean, you know, part of the reason that we breezed through this on such a short schedule is because that charter is actually a fairly narrowly

framed question. Go out to the registrars, find out if there's a fire. Come back
and tell us if there is.

I think the reason that we're tip-toeing around this is because the normal
solution is issues report which is the beginning of the PDP process. And
we're all a little edgy about launching that.

And we could even frame the introduction to these options that way and say
here are some things for the GNSO to consider but recognize that this is
really outside of our brief we are thinking led us to this and we didn't want to
lose it. But it's really back to you.

Marika, go ahead.

Marika Konings:   So this is Marika. You know, I just typed in the chat that I think, you know,
because there's been such good thinking around this that I think there's
(unintelligible) than hiding it in an annex.

You know, because in reality I think if you would have just come back to the
Council saying well this is what we found, you know, registrars are
(unintelligible) something - something should be done; others, you know,
seem to care less about it they probably would have come back anyway and
said well but what do you think we should do then.

So, you know, even though I think it's good that you presented with saying
well, you know, maybe you didn't ask for this but we thought it would be
helpful to share I kind of suspect that, you know, they would welcome this
because it gives them, you know, some more (meat) to, you know, actually
take the discussion further and decide on how to move forward on this issue.

So, you know, I'm hoping that, you know, indeed you won't hide it away and
definitely present it as something that, you know, the working group has put
thought in but also recognizing indeed that this might be the part where for

the community input might be required through a public comment forum so others can, you know, express their opinion as well based on, you know, the drafting team's thinking.

Mikey O'Connor: What about this, what if we took all the stuff that call it an option and we include it in our report because, you know, I agree this is really good stuff and deserves more prominence than an appendix.

And we called them something like options for community discussion. And we said to the Council, dear Council, there is a fire, here's our report documenting that there's a fire. We went ahead and thought up some options as to how to proceed to put the fire out.

But we think that's a conversation that's worthy of a broader discussion before you decide - you, the Council, decide so that our recommendation is that the next step is to take this to a broader audience to get comments and then the Council decides after that. How about that for an approach?

Well something like that. Paul.

Paul Diaz: Yes, Mikey, I was just going to say I'll support your approach. I mean, I guess the worst that happens is that we find somebody on Council who takes an extremely narrow view of how drafting teams are supposed to conduct their work and they don't want to accept anything beyond a very, very narrowly interpreted - interpretation of our charter.

I agree with Marika, I think there's a lot of good work. Unfortunately annexes tend to - inclusion of an annexes might tend to diminish the work and so finding another place, laying out the way you did hey the worst that can happen is they come back and say you guys went too far and they shunt it aside. It's far more likely it seems to me they would have come back with follow on questions that we're addressing anyway.

Mikey O'Connor: Yes, I think that's right. I mean, we're doing more than they asked of us. And the reason we're doing it is because this is just where the conversation led us. The worst they can do is say thanks but you're outside your brief and we're not going to pay attention to it.

It makes me more comfortable to do that because that way I think we could - we could even go so far as to eliminate the - well no I guess I'd leave the drafting team view in there - I was going to say eliminate the drafting team view but I even - I'm comfortable with that because it makes it clear that it's just a view of a small drafting team; we aren't chartered to make policy, we aren't going to be doing anything that's binding.

And it would give people some things to think about that we've already thought about. So I guess, yes, I'm fine with that. James, what do you think? You've been real quiet recently. You're also on mute.

James Bladel: I am no mute, yes. I don't have strong feelings on this. I think that's fine now we're to the structural stuff.

Mikey O'Connor: Yes okay.

James Bladel: I was admittedly interrupted here just a moment ago so I'm a little...

Mikey O'Connor: Oh so you're...

James Bladel: ...caught me off guard there by putting me on the spot so...

Mikey O'Connor: Yes, sorry about that. But, you know, that's what we Mid Westerners do to each other.

James Bladel: I know well and I should expect no less when there's a working group with three people on it.

Mikey O'Connor: Yes. If we were to - oh gracious we're right down to the end of the call. I think maybe what we'll do is we'll just mark this as one that we - I don't know that that's the right mark. Oh I don't want to do that either. I want to do this. There. We'll just come back to this one.

Now I've got a schedule problem. Maybe Marika and you can hang on the phone with me for a minute. We're definitely going to have to meet again next week because we're going to have to - yes, I get that, Paul.

Go ahead and drop off, folks. Thanks a million. We're definitely going to have to do another weekly call next week so we'll see you then. And have a great rest of the day.


END