

**Fast Flux PDP WG Teleconference
TRANSCRIPTION
Wednesday 03 June 2009 14:30 UTC**

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<http://audio.icann.org/gnso/gnso-ff-20090603.mp3>

On page:

<http://gnso.icann.org/calendar/#june>

Present for the teleconference:

James Bladel - GodaddyRRc - Working Group chair

Greg Aaron - Afilias Ry c.

Paul Diaz - Network Solutions

Ihab Shraim - Markmonitor.com

Observers (no constituency affiliation)

Joe St Sauveur

Randall Vaughn (joined after roll call)

Rod Rasmussen (joined after roll call)

Staff:

Marika Konings

Gisella Gruber-White

Apologies:

Dave Piscitello

Kal Fehrer (for all Wednesday calls).

Coordinator: This conference is now being recorded. Please go ahead.

Gisella Gruber-White: Thank you (Louise). On today's call we have James Bladel, Greg Aaron, Joe St. Sauver, Ihab Shraim, Paul Diaz. For staff we have Marika Konings, Gisella Gruber-White. And apologies so far we have Kal Feher. Still waiting to see if Dave Piscitello can join. Thank you.

James Bladel: Thank you Gisella. Good morning or afternoon everyone.

And there has been some healthy traffic on the list but for proposed agenda today, I wanted to - there are a couple of outstanding items very briefly and then we can dive right into the text that has been circulating for Section 5-8, 5-9, Section 8 and Section 9.

So the first thing I wanted to discuss was Marika pointed out to me that we still have not substantiated or inserted - well it looks like we do have some proposed text but we have not inserted any reference to the Mannheim formula.

And I embarrassingly admit that I am not up to speed on where this was raised or where it was proposed to be inserted into the final report either inline or as part of an annex.

So I think Joe somehow, I remember your name was attached to this. Can you give us a little bit of background and your recommendation on where this text fits?

Joe St. Sauver: Yes. Just to recap for folks that may have forgotten, the Mannheim formula essentially goes ahead and looks at the number of ASNs and the number of IPs that are found when you resolve a given fully qualified domain name.

And essentially what it does is wipe those two things to go ahead and get essentially a final number, like let us say 150. One hundred and fifty would actually be over the magic threshold that the Mannheim folks went ahead and determined. And as a result you would go ahead and then say that that domain is indeed a Fast Flux domain.

What is nice about that formula of course is that it is very easy to compute. It is very sort of robust to go ahead and actually evaluate. Very hard for the bad guys to go ahead and actually do Fast Flux without triggering it.

So that was one of the things that we went ahead and looked at during our earlier work. I am pretty sure I went ahead and shipped along info about where the formula came from in terms of the URL and so on. But if we need to go ahead and get that again, I will ship it out again.

And essentially I think where it belongs in the report is where we talk about what is Fast Flux and how can we go ahead and detect it either on an automated or near (automa cluse).

James Bladel: Okay. So it is a detection tool or proposed tool for detection. And you have a URL associated with it that describes it in greater detail.

Joe St. Sauver: I do and I am afraid - I am pretty sure I shipped it along, but if folks are not seeing it, I will go ahead and ship it along again.

James Bladel: I would not trust my records.

Man: Can you reship it again. I looked for it the other day. I could not find it.

Joe St. Sauver: I will go ahead and do that.

Man: Okay.

James Bladel: Joe. And then the question then - posed to the group is, is it sufficient to give a maybe one sentence overview of the Mannheim formula and how it might be employed with the reference to the URL or does it merit its own appendix or annex in the report? Does anyone have any strong feelings that it should or should not be...?

Man: I think we should reference it if we were to want to recommend it just to at least give the reader some background - (tiny) background.

Joe St. Sauver: No absolutely. It is a very important piece of research in the field. So I think we should definitely reference it.

Marika Konings: This is Marika. I think there was something about support as well by (Rod) in one of his posts, but he suggests as well that it should be referenced somewhere in the report.

James Bladel: Okay. And you feel Joe that the most appropriate place is in the definition area or where we discuss characteristics of Fast Flux?

Joe St. Sauver: Yes. Probably just, you know, somewhere talking about how you can go ahead and spot the little buggers because I mean that has really been one of the things I think has been a real thorn in the side of folks for a long time is how do you know when you are seeing one.

And the nice thing about it is, if it finds it, it finds it. If it does not find it, it does not say ah, it is clean. It just goes ahead and says you need to keep looking. And that is sort of an interesting characteristic of it at least that I find quite powerful.

But, you know, like I said, let me send along in a point or two. And if you want I will go right ahead and see if I can draft like a one page annex to go ahead and put into that as well if you want.

So rather than junk up the main body of the report, we can have something pointing to it at the back.

James Bladel: I like that idea Joe. And I would be very appreciative if you would be willing to take that on. We could probably put a (promissory) in the appropriate section...

Joe St. Sauver: Okay.

James Bladel: ...and then a reference to an annex that expand out the descriptions from there.

Joe St. Sauver: That would be fine.

James Bladel: The second item is relevant to myself and the Safe Harbor provisions of the Ryan Haight Act. I did reach out to our legal team. And for those of you who are unaware, the person who presented on this is on a medical leave right now from Go Daddy and it is very difficult to get those materials.

I am still working on it. I have not given up on it. But I certainly do not want it to hold up our report. So I would propose that if I do not have any materials on that by let us say by the end of this week, by Friday, that we discuss ways that we can either mention that, maybe get some alternative sources of information or possibly exclude it from the report.

Just wanted to get the group's thoughts on that since we are having such a challenging time and it is all on my shoulders by the way to get something on that and I am not - it is not coming through on that regard.

So I just wanted to get the group's thought on how passionately we wanted to get that inserted, if it was just something we wanted to take a look at and discuss or if it was something that we felt, you know, absolutely had to be part of the report.

Paul Diaz: James this is Paul. Personally I think it is a nice to know but not a need to know. And if it is going to delay ultimately presentation of our final report I would say let it go.

Marika Konings: This is Marika. I think the only point would be then because I think we have referenced it somewhere in the response to the public comment. So, you know, my (proposal) would be then if we do not have the information, it might

make sense to take out that reference and so we are not stating anything that is either not correct or we do not know if it is correct or not.

James Bladel: That is a good point Marika. Perhaps we can highlight that reference and if we are not able to substantiate it, then we can strike that from the final report. Was that reference in the interim report Marika or is it something that we...

((Crosstalk))

Marika Konings: No it is in the - basically the responses to the public comments. So it is basically in the response to (4A) where it is mentioned.

James Bladel: Okay. And did the commenter raise the point or was it in our response?

Marika Konings: It was in the response. It was I think a response provided by Rod who then pointed basically to you saying well I got the information from a presentation. So I think that is where he got the information from. So, it needs to be verified if - I guess if we want to include it here.

I think Rod already indicated as well it would not be a big deal to take it out here. You know, the rest of the response is still valid and this was just an example I think that he provided or wanted to provide.

James Bladel: Okay. All right. If we can highlight that and I will just see if I can't, just for a couple more days, see if I can't round something up to substantiate that and then if not we will, as Paul suggests, we will just - we will move on without it.

Okay. So that is - wraps up some of the loose ends. And now we can dive into the meat and potatoes of the conversation. There were some draft texts prepared by Paul and I and I think some others as well. And then there was some healthy discussion over the list.

Any opposition to taking these in sequential order or does someone feel that there is a more natural sequence that we should dive into these? I think that we have got about 45 minutes to cover four sections. So I want to make sure that we give them fair treatment, especially if any of them are particularly controversial.

Randy Vaughn: This is Randy. I do not have any controversy, but I just joined the call, sorry for being late.

James Bladel: Hey Randy. Okay. Well let us just dive in with Section 5.8 and thanks to Paul by the way for taking this on, appreciate your help on that.

Paul Diaz: No problem James. Okay, you know, as I said when I - what I did is I went back to the traffic that we had had and literally just cobbled together some draft text based on discussions we already had. I was not really inserting new stuff.

With that said, you know, it is what it is. And there has been obviously a bunch of debate. You know, I do not want to color the discussion right now. I mean what I wrote I was just trying to be accurately reflecting what was on the list, what I could point to and say look this is here.

For what it is worth, I would underscore, you know, the comments sort of in support of the original draft text or the original proposal I put together, (so point as) as opposed to some of the criticism that has come since then.

I defer to the people who are underscoring the importance or the points that were made previously. And without putting them on the spot, I mean I am thinking of Greg, Rod and Dave.

You know, I really trust their technical background and ability to, you know, if they say that things are unworkable or inappropriate or what have you for

technical and practical reasons, you know, we have had a lot of debate about this over the course of the Working Group.

And again, the text that I have tried to put together is just echoing what has already been said or written on the list. So long about way to say, for 5.8 at least, you know, I would like to go back to the group and say can we start with the - what was originally proposed?

And I guess I am not taking Mike Rodenbach's changes as a, what would you call it, a friendly amendment. I would like to leave it the way it was and open the debate up from there.

James Bladel: Okay. And am I correct Paul that with regard to Section 5.8, and I am setting aside the TTL discussion, that thread for right now, but with the discussion relative to 5.8, I see he said that he was in favor of, or supported your language except for the last sentence. Is that correct?

Paul Diaz: I believe so, but do not want to put words in somebody's mouth.

James Bladel: Okay. I just want to - I am actually not asking you to characterize my position just more, you know, where is the cut off between Section 5.8 and Section 5.9 because I think that (George) kind of blend together on that traffic. So I was just looking here at one of his messages where he had some concerns about the sentence, the last sentence, which said that also solving for hijacking domains is a separate problem outside the scope of this Working Group. And that was part of something that you felt should be - should remain in Paul?

Paul Diaz: Again, drawing - that particular sentence is drawn from a post that appeared on the list.

James Bladel: Okay.

Paul Diaz: And I think it really just drives at the heart of a registration versus use of a domain name debate.

((Crosstalk))

Paul Diaz: Probably the context that it was intended to or was making reference to.

Greg Aaron: And this is Greg. You know, hijackings involve a whole other set of issues which includes, you know, how does a registrant get that name back. That is I think out of the scope of what we are trying to do here. That also includes hatch domains, hacked registered portals etcetera, etcetera. It is out of scope for us.

James Bladel: Yes Greg, and that is a good point. One of the thoughts I had was that hijacked domains to me opens up a whole litany of possible problems where we have discussed, if I remember correctly, the word we used was compromised domain where someone had something - compromised domains or compromised Web sites.

But I think that that is a good point is that this starts to open up work ongoing right now in the RAP and then several other issues. I mean, it could even conceivably be part of the menu of the IRTP work.

Greg Aaron: Yes. And by definition, Fast Flux domains are not compromised or hacked...

James Bladel: Okay.

Greg Aaron: ...names. They have to be owned and operated by the bad guy basically, so and again, two different issues entirely.

Paul Diaz: You know, James, and for the group, I think it is important a lot of the discussion on the list was posted under or in response to Section 5.9.

James Bladel: Right.

Paul Diaz: But the whole TTL issue and what not, the text in 8, I mean obviously 5.8, 5.9 follows. And the way it was laid out it needs to be taken kind of ballistically. The two cannot be separated. Pardon. And for the, you know, for the discussion now and for the focus of the group, I mean we do need to come to some sort of consensus on what we say about TTLs and then, you know, the first sentence proposed in 5.9 is really just a reiteration or summation of what was said in 8, i.e., that these possible options, limitations, what have you, none of them were deemed appropriate or viable.

So, you know, I do not want to, you know, just reiterate the debate that has been on the list, but, you know, rate limiting for TTLs throughout the course of this Working Group has been, you know, addressed and basically rejected.

And, you know, at the eleventh hour now it is being, you know, resurfaced by somebody and, you know, suggesting creating a white list and expanding ICANN, you know, saying ICANN would be responsible for matching this and what not.

And, you know, I think in the context of the Working Group, we need to identify, okay, where is there - is there rough consensus, is that a minority opinion of one? If so, you know, let us describe it that way and change the text to say, you know, where the group basically stands on this and move on because, you know, from my view I think it - the body of comments that have appeared on the list, there is great consensus around the idea of great many TTLs is not a practical approach but it does appear to be a vocal minority that feels that, you know, this could be and that is what the report - that is how it should be reflected.

If I am getting ahead myself, please somebody jumps in...

Man: No.

Paul Diaz: ...but if that is the way it works okay, let us change the text and say it that way, that most of us felt this but there was, you know, a minority that felt pretty strongly this way and, you know, draft it up so that it reflects the positions of the Working Group participants.

James Bladel: That is a good point Paul. Thanks for bringing that up. Is there anyone on the call, and I am going to start this by asking just a couple of questions. Is there anyone on the call today that has not been exposed to this thread on TTL rate limiting?

I know that several of us participated in that thread, but I just want to make sure that the folks that are on the call today that did not participate at least were keeping up with that discussion. Okay. I will take that as everybody is on there.

Now is there - I think that, you know, Mike has made his views expressed on the list. Is there anyone on this call trying to determine what level of support we have for recommending that that be explored further or stating that it is just not a viable approach.

Is there anyone on the call that, since Mike is not able to join us, that feels that they share Mike's views and that it is something that we need to look at as a potential way of mitigating or changing the economics of Fast Flux?

Okay. I think I am going to take that then as rough consensus that most of the call feels - most of the participants on this call believes that that is something that has been reviewed fairly thoroughly throughout the report throughout the deliberations of the past year and that we do not feel that that is a path that we want to recommend as a group.

However, that said, Marika, maybe you and I can reach out to Mike and invite him to write up his thoughts so we can include as a separate insert in this

Section 5 probably 5 point - well we will have to figure out whether it belongs in 5.8 or 5.9, but give him an opportunity to submit an alternative viewpoint that defers from let us say the rough consensus that we have established here.

Does that sound like a good approach Marika?

Marika Konings: Yes. And we could maybe use the same approach as we have done in other parts in the report where we basically indented and put it in smaller font to indicate that it is alternative viewpoint.

James Bladel: Okay. If you have an example of that that we can - Mike and say would you like to, you know, express your thoughts on TTL rate limiting in something like this and then just see what his response is.

Marika Konings: Okay. I can send him a note.

James Bladel: Okay. And Paul does that means your concerns relative to Section 5.8 or 5.9 and just trying to establish where the support or where the rough consensus lies for that issue of TTL rate limiting?

Paul Diaz: Yes it does James. And what you just touched on, use the whatever format we have used previously, whether in this report or in other Working Groups because, you know, ICANN, GNSO in particular has really tried to make a point of demonstrating if there are differences of opinion, what those are and making it explicit.

And so what you and Marika have just laid out makes perfect sense. Let us just be consistent, however we have done it in the past. Give Mike the opportunity here. And obviously once it is ready, share on the list, you know, what that will look like so that if there are others who might be lurking and just tracking the list, they might want to weigh in and it becomes more than an opinion of one. It might be a genuine minority opinion.

James Bladel: Exactly. And Greg, I hate to put you on the spot, but you were also pretty active on this issue. And I want to make sure that this is a binary question, that there is a, you know, an opinion that this is a viable solution and that there is the less consensus that this has been explored and ruled out.

Is your opinion fit within that construct or is this a separate opinion, or - I just want to make sure there are third and fourth options we want to touch on as well or would you be happy with Paul's text the way it reads?

Greg Aaron: I am going to have to look at Paul's text again.

James Bladel: Okay.

Greg Aaron: I mean, as far as the - I mean I - as far as the TTL thing (is covered)?

James Bladel: Yes.

Greg Aaron: I mean I think it is something that the group has discussed at length. I tried yesterday to lay out briefly the core issues again. Nobody has ever really refuted or had any issues with the material that I put into the registry constituency that explains how the TTLs work technically.

I mean, my personal opinion is that limiting TTLs is out of scope for ICANN. And on top of that, it is a bad technical idea. And it is also probably an unviable idea for a variety of other reasons. And for those reasons, I mean my recommendation is that the group not make recommendations that we explore it or to say that it is an option, etcetera.

I think that we have - I think there has been some consensus on the topic in the group in the past. I think that if somebody feels differently, they should write it - they should write their own statement about it and maybe include it as you say as a minority opinion.

James Bladel: Hey thank you Greg. So would you say that Paul's text for 5.8 is compatible with the registry position - the position of the registry constituency statement and what your thinking is on for TTL (what)?

Greg Aaron: To me, let me - I am looking at Paul's.

((Crosstalk))

James Bladel: Okay. Well we will give you a chance to - on that.

Paul Diaz: Yes. I do not want to put you on the spot either Greg. Just again, to be clear, there was not a lot of new writing on my part. I was just lifting stuff that came from elsewhere.

Greg Aaron: Yes. I mean I am looking at it right now just to refresh my memory.

Man: Okay.

Greg Aaron: I thought that your language accurately reflected the statements. I agree with your language for 5.8.

Rod Rasmussen: Hello hello. This is Rod. I have been on the call for a little while now. The language that was originally proposed, is that what you are asking about for 5.8?

Man: Yes.

Rod Rasmussen: Yes. I did not really have much of an objection to it either. I think it was pretty accurate for what the group was reflecting. I am going to try to reach out to Mike a bit and see where he is at on this. I share Greg's opinion and especially about viability. It is just impossible given the way that the Internet works to limit TTLs as a policy without changing the way we do everything

because of the lack of control that there is no central authority for running DNS distributed system. So, I do not know where we can go with that beyond that.

James Bladel: Okay.

Randy Vaughn: This is Randy. I also agree that restricting TTLs is really not going to be an effective solution. And it is really only a part of this - part of this Fast Flux network. So I do not really have a problem with that.

Maybe the wording might be changed, but I do not really see any reason to do that, to change wording.

James Bladel: Okay, thank you Randy. Any other thoughts on the topic of the TTL rate limiting and our path forward that we are going to pursue. We are going to reach out to Mike and see if we can get him to write up a statement that encompasses his thoughts.

But for the bulk of the Working Group report will essentially sign on to the text that Paul has. And of course we will get one more chance to review this in our next week's call prior to Sydney.

And but I just wanted to make sure that there were not any other issues on TTL or if there are any other topics within 5.8 and 5.9.

Man: This is - I am sorry James. Go ahead. The only ques...

James Bladel: No - good.

Randy Vaughn: The question I had was about hijack domains. And unfortunately I had a class conflict with spring meetings on the phone and I do not really remember those specifically being brought up. If that is - if they were then fine. But I really fail to see how those even factor into this - into the equation.

James Bladel: Okay thanks Randy. I think that was what we concluded here a little bit earlier so that is great.

Okay. So aside from the TTL issue that we have already discussed, I think that we can go ahead and incorporate Section 5.8 and Section 5.9 in their appropriate places in the report with the understanding that as we discussed last week that we will have a read through of all the deltas from the interim report and we will go through those next week and make sure that if there is any additional words missing that folks would prefer that we get those taken care of then.

So that brings us then to - 8 Section 9. Section 8 and 9 we talked about consolidating these. I am still open to that but I just wanted to take what was already in the report and sort of flush that out a little bit more. Weren't any wholesale changes, but I did try to incorporate some of our discussions since receiving the last round of public comments.

I notice there was less traffic on this particular text, but there was an alternative version submitted by Mike that contained a few changes. I do not feel that any of them are particularly controversial. Maybe there is one deletion that I would like to get some clarification on what his thinking was on deletion there.

But does anyone have any thoughts that maybe they did not have a change to express on the list or relative to Mike's version or the original text that I prepared, or does anyone have any strong feelings that there is something missing from this - from these two sections or can we start to look at possibly including them in their appropriate points and do you want to discuss them line by line? I am just kind of throwing this out to the group on how they would like - how much time they would like to spend on Section 8 and Section 9.

Greg Aaron: Hi this is Greg. I have not had a chance to relate them and Mike's comments that he sent out yesterday. So I am going to have to take a look at his document markup.

James Bladel: Okay thanks Greg.

Rod Rasmussenn: Oh this is Rod. I just want to make sure that the comments - I have not had a chance to check my email. Did my comments actually make it through late last night?

James Bladel: Yes. I did see something like that Rod. Just a moment while I pull that up.

Rod Rasmussenn: Okay. I just wanted to make sure because I am doing my morning thing right now so.

James Bladel: Yes. We are - your comments if I am reading this correctly, and the synopsis was something relative to the practical implications of whether a truly automated detection system could be effective or whether it would also require some form of human intervention. That's the right topic?

Rod Rasmussenn: Yes. That was - yes, I had a few different things on there. I wanted to get a couple of particular examples in as well, but yes, that was - the first one was basically - I think we did reach the group of consensus that any automated system would require some sort of human component as well to truly make a call on a Fast Flux malicious - Fast Flux domain.

James Bladel: Okay. And what other - there was some other topics as well?

Rod Rasmussenn: Yes. I had a bit about - I am trying to remember all what I did right now. A bit about the - an example of - mid - oh, I was talking about mitigation. And, you know, identifying Fast Flux and malicious Fast Flux is one thing. They still, you know, you - once you have done that, you still have to do something about that.

We really did not come to any consensus I do not think, at least that was my impression, of who has to do what or who should do what or who will be in the best position to do what because of the various, you know, various number of people that could be involved.

But I wanted to point out there were a couple different efforts to address abuse in general and malicious domain registrations in general that are under way or have been done either contractually at the registry level. I think that is an important example.

And, you know, efforts like what the (unintelligible) W has been working on. So those are the areas that I wanted to touch on because it was kind of the - looking at potential recommendations especially coming out if this because there has been other work done on this concurrently to what is going on here.

James Bladel: Okay. And what you describing there, going back to your first point about automated detection methods or automated mitigation methods is part of the section that Mike's version is deleted, or that he is proposing to be deleted. So I think that that is definitely on topic for today.

Aside from some other words missing, he did mention something to the effect of a neutral expert determination on whether or not any complaints of malicious Fast Flux exploits were valid. No further discussion on, you know, who that might be or what body might take the lead on that. But is that somewhat of a component of this idea that there would be some sort of intervention required?

Greg Aaron: Our report says that Fast Flux is a domain name use issue. So, the question arises is this idea in or out of scope for GNSO policy making, having an authority that can mandate stuff I think is out of scope.

Now if you want to volunteer to, you know, be in a program as a best practice, that is an entirely different issue.

James Bladel: Okay. And I think that we discussed here ICANN facilitating best practices - necessarily we do not use the word through policy or mandates, we use the word facilitate or serve as a coordinating body.

Greg Aaron: And I do not know what that means, and therefore I am nervous about it.

Marika Konings: And this is Marika. This is something that I think as well the group should consider, you know, the section on next ideas as I think it will be important to make clear there whether these are recommendations just suggestions because the council will be looking at, you know, what this group tells them to do.

And if these are recommendations, it is a normal or logical step for them to take that further and, you know, commission further work on these issues. So I think it is important to clarify what this section means.

Are these the recommendations - consensus recommendations? You know, is there support for more for some than for others? Is it really just ideas and there is no overall support for, you know, which one should be taken further. So, I think that is something that will need a bit of clarification.

James Bladel: Okay. And Marika to your knowledge, is there any - well I will skip that thought for right now. I wanted to go to let Greg with the mentioning that your concern Greg is that if we include language that either recommends or suggest that ICANN facilitate and coordinate industry and community groups to address the issue, that that could open the door to other negative or...

Greg Aaron: I think one of the issues is that I have never seen a mechanism at ICANN for doing such things such as propagating and writing best practices. I mean

there have been kind of but, I mean there is some (idean) guidelines for example.

Man: Right. Right.

Man: I usually have - is that a big issue for ICANN to have a start or a brand new way to look at things rather than the normal common practices that we have seen in the past? And not to go back to the TTL idea of course, we are all agreed not to have it, but that is why some of these ideas will never evolve to mature where we can tell ICANN to own something and I think they should somehow become the leaders in the future...

((Crosstalk))

Man: ...policy or at least aggressive recommendations. To keep it open as is - and I am speaking here in general, we should somehow push them toward at least putting some recommendations, making these groups, and then it will evolve and mature into policy making and the like.

Greg Aaron: And I think that this might actually be an issue for GNSO improvements and reform because what ICANN is set up to do is deal - there are structures in place to deal with policy creation. And those are fairly well understood and well defined, although there is also a set of efforts under way to improve that and revise it.

There - I do not know if there is a mechanism, you know, Rod was asking well is there a way that ICANN kind of, you know, create, help, you know, facilitate the creation and dissemination of best practices.

Well not in an organized fashion. You know, (SSACK) will say here are some things you ought to do and they will do a paper. Overall, I do not know what the mechanisms are and to ask - if you ask ICANN to do something, I think

you should be doing it within the context of something that is effective and is supported.

Marika Konings: Greg just to comment. I mean, following, you know, the presentation that (Margie) provided as well on scope and policy making, you know, even though something has not been done before, it does not mean it cannot be considered. And I believe there is a strong recommendation as long as an issue is within scope for GNSO policy making so within ICANN's mission and, you know, related to gTLDs, I think it is if there is, you know, a recommendation for that, it will be considered. And then so of course...

((Crosstalk))

Greg Aaron: Yes. And what I am saying is this is stuff that is not within policy making scope but it might be best practices.

Marika Konings: Yes. It might not be in scope for consensus policies, but it doesn't indeed mean that that cannot be, you know, recommendations for best practices, or, you know, any kind of other collaborative...

((Crosstalk))

Greg Aaron: And I think everything that is outside of, you know, the existing Working Group and PDP processes is pretty fuzzy.

Marika Konings: Well but a PDP is not limited to contractual changes. You know, it can only make proposed contractual changes related to issues that, you know, are within the picket fence.

But if PDP can have as an outcome as well, you know, recommendation for clarification of a policy for example or, you know, for further research or, it doesn't necessarily have to make recommendations for contract changes if,

you know, if they are not in scope or it feels that another solution might be more appropriate or more practical or more feasible.

Greg Aaron: Right. Right. And then - yes. And I certainly think as a practical matter, that GNSO has to start to consider how to support those or not and how many, you know, probably there is also the question of how many activities are underway already under the GNSO on whether they can be supported period.

Marika Konings: Yes, that is another question, definitely...

((Crosstalk))

Greg Aaron: That is a question for the improvements process.

Marika Konings: But again, I think that should not limit necessarily the recommendations that this group feels are appropriate.

Man: Yes. Yes. We have always...

Marika Konings: I think maybe that is another question on how you can implement it. It might be a question that the (unintelligible) say well we cannot do that now. It needs to wait or but I think this group just needs to think about what it thinks is the best solution, if any, for the issue at hand.

Man: To circle back, I mean we have always said yes, we can make recommendations that we - best practices be developed. I think the question in front of us is the language about how we ask for that.

Greg Aaron: Well what are we asking? So James remind me. What is the language that we have down on paper so far asking ICANN to something or other.

James Bladel: Let me get to that Greg. It says...

Man: Which section is that?

James Bladel: This is in Section 9 and in fact it is the very last one. And it depends on whether you are looking at my changes or Mike's changes, but the paraphrasing is something to the effect of going forward ICANN can explore whether it can practically facilitate - this is (roots) response to a Fast Flux Data Reporting System - or serve as a community coordinating body for industry and community groups to operate the Fast Flux Data Reporting System.

But hearing the discussion Greg, one of my thoughts was - and I am just put it on the table for the group to discuss would be that we extract some of these issues of scope and what it is that we are actually asking ICANN to do and put that into a separate bullet point which is entitled something like the role of (ITN) and alternatives to policy where we can be a little more specific about what the expectation for ICANN's role in this area would be, and maybe get some concrete examples or parallels from other industries of how it could maybe not generate or require different actions to take place, but help, you know, by putting time on a schedule or, you know, making (ESSEX) sources available etcetera to allow these groups to form and develop their own best practices and then disseminate them within the ICANN community.

So, I mean that might be one alternative to pulling this issue out of really out of several sections of the report and then highlighting it in the next (step) section.

Marika Konings: Maybe that is actually more than a highlight because I am looking now indeed at that chapter. It actually does not talk about the best practices. It just talks about, you know working with other groups and the data reporting system.

But it doesn't actually specifically talk about that the recommendation might be, you know, to gather or compile best practices that that will not be communicated or disseminated or encouraged, therefore (endoption) or

something like that. So that might be something that, you know, the group wants to consider as well hearing your discussion now.

Man: We can consider like an evolution of these groups to come up with these recommendations and then ICANN can push these best practices. A step process rather than not doing anything, just to leave it open like that. I mean we always give an exit to ICANN. I have a lot of respect for ICANN, but we give it too much exit without having any liability. They - everybody has to be somehow liable of the Internet to improve things and to solve problems.

James Bladel: The proposal that we are discussing would not necessarily let them off the hook but would in essence ask for ICANN's support in terms of resources, time and leveraging their communication channels and their, you know, membership in all these various structures within the ICANN community and saying, you know, now I can help us bring these folks together.

You know, we are not interested in ICANN developing the best practices itself, but, you know, this group then can develop the best practice and ICANN can then help disseminate those throughout the community, but not necessarily take an active role in authoring them.

And I think that you are correct in saying that, you know, we want to make them accountable and give them - make some recommendations on what their role could be and not leave it open ended.

But on the other hand, I think that there are some on the call, and I am just being somewhat in a personal capacity here that would be nervous about giving ICANN clear cut instructions or marching orders on what it should be doing in this area because they will just turn around and turn that into future policy and perhaps other obligations for different parties in the community.

Man: Do we all agree that if it is materialized to a policy that helps the Internet it will be good for everybody? And if that is one of our goals, then we should pursue it somehow or at least discuss pursuing it.

Marika Konings: James, just to comment. I mean, ICANN is not in a position to unilaterally propose any kind of policy. If any policy would be developed in this area, it would have to be a consensus policy, so supported by all parties. So I just want to make that clear.

Ihap Shraim: I just go back and when all these techniques, Fast Flux and the like evolved, I remember these registrars not knowing what is hitting them. And when you speak with them, they all give you the same answer. Well ICANN did not tell me to do this or that or, they hide behind excuses.

And having, you know, I know ICANN's best interest of course is to manage, you know, these TTLDs and (six) TLDs better on the Internet, but I think it will put them in a better position if they were to adopt some of these digressive practices.

We are suffering from these problems because nobody wants to own the problem. Everybody is pushing it away from them. And the best suited probably organization at the moment to tackle at least or confront some of these problems without enforcing them, at least via recommendations is ICANN.

And as Rob just said, no one owns DNS. And this is a problem because no one owns it and everybody has its own caching methodology etcetera. So, the problem will always mushroom to another problem because there is no sense from ownership.

And probably the only central ownership that I see today is ICANN at least from the perspective of domain name.

James Bladel: So what would be your recommendation then lhap, in terms of additional language how we can express that concern, you know, saying that that is a position that is necessarily shared by everyone on the group, but looking for a way to boil that down into something that we can include in the report or discuss and modify so that it achieves some sort of consensus.

lhap Shraim: I mean something like we are, you know, due to the leadership of ICANN on the Internet, we are recommending for example to establish these groups and these groups will jointly put their recommendations for, you know, forth to ICANN and ICANN will publish best practices which will - where we hope eventually - maybe we do not probably have to say the last part which is the policy part, but that is where we are guiding ourself to have some sort of order in the future.

And that is done by policy. And ICANN is in a very good position to do that. They deal with all the registrars and registries and so forth.

Now they may not be equipped at the moment. We know that. But it has to be equipped in the future to face other problems other than Fast Flux. Fast Flux is only an outcome of a certain protocol behavior that is allowed on the Internet and we are going to see many of these in the future.

James Bladel: Okay. Can I ask that because we are running down to our last five minutes here, could I ask that you maybe put together some thoughts on the language that we could discuss on the list and your suggestion on where it could be included in Section 9 that would...

((Crosstalk))

lhap Shraim: I would be happy to do that.

James Bladel: ...that would describe, you know, specifically what we are - what your idea for how ICANN can be more active and more accountable and more, you know,

basically on the hook for this issue and that we can get that at least out on the list for description.

And, you know, and if it is something that we can modify so that it is supported by the bulk of the group, we can get it included. Otherwise we can certainly offer a recommendation that is shared by, you know, half or part of the group.

Ihap Shraim: Okay. I will take care of that.

James Bladel: Okay. Well we are running into our last five minutes here folks, but I think we have covered a lot of our items for today.

So as far as takeaways, I know that Joe was going to put together something on the Mannheim formula.

Joe St. Sauver: Working on that now.

James Bladel: Oh multitasking huh? We taught you. Then Ihap was going to make some suggestions relative to Section 9 and possible next steps for ICANN.

I would encourage everyone to please take a look at Section 8 and 9 if you haven't already. And if you have - if you feel very strongly about a particular section or if you feel very strongly that something is missing, please do so.

Take a look at Mike's message on this because that incorporates both of our changes. I think my changes are in red. His changes are in blue. And what we will probably be doing then by the end of this week is beginning to pull all of these last few items together into a draft that highlights the changes from the interim report that we can discuss comprehensively next week during our call, but also hopefully on the list, you know, at the beginning of next week, and that we can have some sort of agreement on that.

And in the meantime, this is not really something, an action item for the entire group, but I will work with Marika and anyone else who is interested in developing a draft motion that we can put together and be prepared with that to be circulated and reviewed by the group as well.

Man: Great.

James Bladel: Any other items you folks would like to see covered today? Okay. Well thanks for your time everyone. And, you know, let us - we are very, very near the end here. Let us keep pushing forward and let us keep eyes on the prize.

And thank everyone for their time and definitely for their contributions on the list. It has been a real spirited exchange this week and let's keep it up for another week.

Ihap Shraim: Thank you very much.

Man: Thanks James.

Man: Okay thanks James.

Man: Thanks.

((Crosstalk))

Coordinator: Thank you participating in today's conference call. You may now disconnect.

END