Fake Renewal Notice Meeting
TRANSCRIPT
Monday 05th December 2011 at 1500 UTC

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http://audio.icann.org/gnso/gnso-frndt-20111205-en.mp3
 On page: http://gnso.icann.org/calendar/#dec

Attendees:
Tatiana Khramtsova (RrSG)
Michele Neylon (RrSG)
Mike O'Connor (CBUC)
Ken Stubbs (RySG)
James Bladel (RrSG)

ICANN Staff:
Marika Konings
Berry Cobb
Glen de Saint Gery
Nathalie Peregrine

Apologies:
Paul Diaz (RySG)

Coordinator: Please go ahead.

Nathalie Pergrine: Thank you for (Zelda). Good morning, good afternoon, good evening. This is the (unintelligible) meeting on the 5th of December. On the call today we have James Bladel, Michael O'Connor, Michele Neylon, (unintelligible). From staff we have Marika Konings, Berry Cobb, Glen DeSaintgery, and myself Nathalie Pergrine. And we have an apology from Paul Diaz.

I would like to remind you all to please state you name before speaking for transcription purposes. Thank you very much and over to you.

Marika Konings: Thanks Natalie. So this is Marika Konings from ICANN staff. And if you happy with that, I'll start off this meeting.

The first item we have on the agenda, we just did the roll call is a reminder that everyone is required to submit statements of interest as a I think, Glen will send you the appropriate link for that. For this group we have almost everyone, everyone already has a statement of interest. But some of you actually have an old version and if you (unintelligible) of the call if you could have a look at the email that Glen sent out earlier and click that link and then please submit an updated version of that. And I'll reach out to Gail to either have him submit a statement of interest or also have some old version on file.

As number two on the agenda I had put introductions of drafting team members. But I think we actually know each other quite well. I don't people would still like to do a little tour and then have everyone introduce themselves or whether we all feel comfortable with each other and that we've seen each other before in previous working group settings. Michele go ahead.

Michele Neylon: Well I wanted to actually start off by saying I've converted to being a socialist. I'm no longer a capitalist.

Marika Konings: Okay noted. Mikey?

Mikey O'Connor: This is Mikey. I have a suggestion, why don't we each pick somebody else to introduce.

Marika Konings: Well...

Michele Neylon: Do we have to go through this seriously?

Mikey O'Connor: Sorry.

Michele Neylon: You're not going to get anything productive or constructive out of us.

Ken Stubbs: Hello.

Mikey O'Connor: I will agree to that only if we also do impersonations.

Ken Stubbs: This is Ken Stubbs joining.

Marika Konings: Hi Ken welcome.

Ken Stubbs: Thank you.

Marika Konings: We just started the call and we're on number two introductions of drafting team members. And I know that basically everyone hear on the call already knows each other. And that might not be a need for introductions. But I don't know that you are new to this working group, we are a drafting team. And we'd like everyone to briefly introduce themselves or your (unintelligible) with all the names that you see listed here as members.

Michele Neylon: Marika I don't think Ken is actually on the Adobe.

Marika Konings: Okay, so can we have him on the call today. Mikey O'Connor...

Ken Stubbs: (This is) Ken Stubbs.

Marika Konings: Ken can you hear me?

Ken Stubbs: Yes, I can hear you.

Marika Konings: Yes, so today we have on the call Mickey O'Connor, James Bladel, Michele Neylon, Tatyana Khramtsova, and yourself in addition to staff.

Ken Stubbs: Okay.

Marika Konings: You want the people to introduce themselves or you're all familiar with everyone that I just mentioned?

Ken Stubbs: I'm familiar with everyone.

Marika Konings: Okay good. Mikey you still have your hand up? Is that an old hand or?

Mikey O'Connor: Oh that's an old hand and I've wondered away from my computer, so it'll stay up...

Marika Konings: Okay, I can take it down.

Mikey O'Connor: That's a really old hand by the way. That's just an old hand.

Man: Now Ken...

Ken Stubbs: Elderly hand is what it is...

Mikey O'Connor: Kettle meets pot.

Ken Stubbs: Yes, 69 years speaking.

Man: Yes.

Michele Neylon: We just refer to each other, have to be referred to each other as more matured and experienced.

Mikey O'Connor: Geezer is the word that I tend to use.

Michele Neylon: Yes, but that's okay for you to use. I can't use it, because that would considered ageist.

Ken Stubbs: You can use old fart if you want. There's no problem with that.

Mikey O'Connor: I'll answer to that too.

Michele Neylon: Old fogey. Will that work for you?

Ken Stubbs: You can say it in Gaelic if you'd like too that'd be interesting to (unintelligible).

Marika Konings: Okay on the that note let's move on to Item 3, election of drafting team chair, even though we have a small group. I think it might be helpful if someone puts themselves forward to take the leadership of this group and run the meeting.

                    I've taken you through the first three items but I would very much welcome if someone would be willing to step in. So this is a call for volunteers.

Not everyone at the same time. Yes James.

James Bladel: Yes, just to be clear, I'm not volunteering to chair. But I do have a question, do we have any anticipation of a work plan or how long we think this effort will last. I imagine it's not a PDP, so we're not looking at a one-year to eighteen month commitment. So I just wanted to know that might help folks encourage others to jump in to want to chair. Thanks.

Marika Konings: That's correct, I think it's-, you know, looking at the next item while we look at the task for this working team, it's very concrete. It's really to prepare a request and I'm hoping to as well that it would be a short time effort and hopefully a lot of work - we might be able to do that. You know, on the mailing list instead of meeting you know, weekly calls or further discussions like that.

So, like any effort where we think it's very short lived and it kind of takes more time as new issues arise that might require further research or examination. So hard, to predicate to I'm hopefully that it won't require too much work. Michele?

Michele Neylon: How much time are talking about ball park, I mean that's-, I know that you can't predict everything right. Because, I know you are super Marika but you're not all-seeing and all-knowing just yet. But ballpark what would you say? Are we talking finished by Costa Rica or what?

Marika Konings: That's-, I mean I would hope that we're definitely done by then. Because I mean, of course we're looking at well at the second part so I think the first part for the drafting team is prepare the request and ask the right questions. Then that needs to be passed on to the Registrar Stake Holder Group and that might take more time, because I guess they need to gather data and our information might require them reaching out to their members.

So that second part might take longer and then when that information comes back maybe the Drafting Team will need to do some you know, wrapping that up in a way that it's understandable for the Council to look at that. But I definitely hope we're near completion by Costa Rica.

Michele Neylon: Okay thanks.

Marika Konings: And I see in the meantime that Mikey has volunteered. And objections to Mikey taking on the chair role for this group or (unintelligible) for those that are not on the meeting and you know, can't confirm that at the next call or by email if such is required.

Ken Stubbs: This is Ken, I'm fine with that.

Marika Konings: Thanks Ken. So Mikey do you want take over here or do you want me to continue to going through the items for now and you take on the next steps or what do you prefer?

Mikey O'Connor: You know, I think why don't you carry on Marika. I think I thing that I might just do is take some notes and maybe at the very end I'll just flip that up on the screen and share what I've got. But either way is fine with me if you prefer me to run the meeting so that you can concentrate on the presentations that you got to do that's fine as well.

Marika Konings: Okay I can run through the next two items and maybe then you can take over for six and seven.

Mikey O'Connor: Okay.

Marika Konings: And then we'll continue the discussion. And so everyone's fine with that we'll move into the next item. The next two items are really more intended to make sure that everyone is familiar what the tasks of the Drafting Team is and also to provide you with background to the resolution that (unintelligible) by the Council creating this group.

So you see on the screen now the resolution that was adopted by the Council, I think in October of this year which draft a number of the registration of these working group recommendations that were still outstanding. And for in relation to this item highlighted involved basically the Council.

The Council determines that additional information is needed from the Registrar Stakeholder Group with regards to the conditional Fake Renewal Notices recommendation number two. The foreign issue report should be requested of staff. The GNSO Council here in by request that the Registrar Stakeholder Group provide further information and data on the nature and scope of the issue of Fake Renewal Notices to help inform the GNSO Councils and it's (rep) working group deliberations on whether an issue report should be requested.

A small group of volunteers consisting of Registrar representatives and others interested
including former (rep) working group member. Should be formed to prepare
such a request work with the Registrar Stakeholder Group to obtain the
information requested and report back to the GNSO Council accordingly.

And so maybe we can take Item 4 and 5 together because I think it would
help the understanding of the task. Because number 5 basically,
(unintelligible) just to take you historically through for discussion on this item
and you know, that will hopefully explain where the Council ended up with the
requested that assigning this task to this Drafting Team. So if we're happy
with that I'll just move into the next items straight away. Let me just pull up
the relevant document there.

So basically there registration of these policies working group was task by the
GNSO Council to identify which issue if any would be suitable for policy
development in the compact of registration abuse.

So one of the items that (David Scott) was the issue Fake Renewal Notices.
So they did eventually work on that. They provided or they defined the issue
and describe it you know, they provided some background information once
they saw ICANN's role in this. And as a result they actually recommended a
two-step approach.

Where the first step would be for the GNSO Council to request further
information from ICANN's contractual compliance department, to see whether
possible enforcement action was being taken including (unintelligible) misuse
of (unintelligible) data.

And then there were the conditional recommendations that basically said if you know, the
Compliance Department (unintelligible) was to enforce or act against Fake
Renewal Notices abuse. Then the working group recommended that the

GNSO Council when initiate a policy development process that by requesting an issue report to further investigate this abuse.

Well the result of that was the GNSO Council requested ICANN Compliance to provide feedback on the issue. And I circulated this before but it's also up on the screen in the Adobe Connect. And then basically the notice or the letter I think compliance sent to the GNSO Council in that response (unintelligible). Actually to addresses two issues because there were two questions that were addressed (unintelligible) looking at the first one.

Very shortly (unintelligible), ICANN compliance can only enforce if they is something being violated that is part of the REA or if the ICANN accredited Registrar can is directly or indirectly responsible for sending such renewal notices.

And (unintelligible) you know that they normal investigate on the case by case basis. Although there's not a policy in place at the moment there's nothing really much that they can do.

So based on the feedback then the GNSO Council continued a discussion and for that I actually sent you the transcript of that discussion and that was held in Singapore and several of you participated actively in that discussion.

The pages of relevant are Pages 4-29. I think for the discussion I think both James and Michele were taken taking active role in that debate. I think it became clear that some further information gathering needed to be done to really understand the scope of the issue. And also be able to determine rather that this would actually be an issue that is suitable for a policy development.

So as a result of that (unintelligible) the GNSO Council basically resolved that the small group of volunteers should be formed to try to flash out these issues and ask the right questions and try to work with the Registrar Stakeholder

Group to see if more valid information could be obtained from there. And based on feedback received from the drafting team the GNSO Council is expected to reconsider again whether an issue report should be requested or not.

That is where we are today. So I don't if there's any, are there any questions on the background to this issue or the task that has been assigned to this working group. (Unintelligible)

If not, Mikey can I maybe hand it to you then for Item 6, proposed approach next step.

Mikey O'Connor: Thank Marika, can you do me a favor Marika and make me a Host or a Presenter on the working group.

Marika Konings: Of course.

Mikey O'Connor: Because I've started taking notes and I think the easiest thing to do is just share my screen as we carry one.

Ken Stubbs: Are we going to get Adam's and molecules?

Mikey O'Connor: Not one, not a single atom or molecule. I am onto a new toy, Ken. Ken, you'll be wanting to join us in the Adobe room in general on these calls. Because I go crazy with Adobe and a lot of what's going on it not going to make much sense without being able to see your screen.

Ken Stubbs: I will, I'm in a car right now so.

Mikey O'Connor: Yes, no worries.

Ken Stubbs: But I will be in the future.

Mikey O'Connor: Marika, I may need to get promoted one more notch because I can't...Oh there we go, nevermind.

Marika Konings: Now you're okay? I can otherwise make you hostess well -- okay

Mikey O'Connor: Yes now I have the (unintelligible) Yes I now have God-like powers which is what I really covet, is God-like powers in general. Here comes my screen, back I'll make it bigger in a minute.

Okay, so here's the-, that's not it. Sorry to flash your screen like that. There that's what we want. So let me start a new thing called Approach. They appear, they kind of have the outlines for that already. Let me just build on that. Seems to me that the big deal is thing frame request you know, starts basically here. We've got to a frame request and questions to the Registers and then sound like Marika; correct me if I'm wrong. But is it in scope for us to help the Registers' obtain and format that information after the request goes to them? So that in addition to basically...

Marika Konings: It's actually Registrars, it's not the Register's it's the Registrars. I think the Charter says you know, work with though so I think it (unintelligible) you know, whether the Registrars welcomed that or not.

Mikey O'Connor: I guess the question is whether the collection and analysis. The collection and analysis of that information is in scope for us or just framing the framework that they Registrars use is in our scope. Could you give us a reading on that Marika?

Marika Konings: I mean there are the resolution stands report back so I'm assuming or I mean it might be something you want to clarify with the Council when the comes. Assuming they Council would like to see us one some kind of recommendation from this group on what the data means or what can be deducted from that. That would be my assumption.

Ken Stubbs: Mikey?

Mikey O'Connor: Yes Ken go ahead.

Ken Stubbs: Why don't you frame some of these questions that you kicking around here shoot an email off to the Registrar. I don't remember who replace Mason but you may be able to get a response from the Registrar (exec comm). You don't have to go through all of this time delay waiting for Council meetings or something like that. Because I think basically you've been empowered to deal with the Registrar constituency to some extent. It maybe we can save this and if necessary we could always prepare a status report for a Council meeting to send it off to the Council. But I hate to have to wait while Council deliberates over something...

Mikey O'Connor: Oh yes.

Ken Stubbs: ....Not significant in terms of our process.

Mikey O'Connor: I wasn't thinking of going to the Council. Actually we've got a couple of pretty good representatives Registrars on the call. Ken, oh Michele jumped into the queue go ahead Michele.

Michele Neylon: Just to clarify some for Ken, the new chair of the Registrar Stake Holder group is (Grey Chinner). Just so you're aware. (Grey)'s with dining, Dine.com. That's the (unintelligible) and if Mikey needs his contact details either myself or Marika should have them. Well I have them definitely, I don't know if Marika does or not. James does, and he's a nice lad.

Ken Stubbs: I got a feeling that Mikey has probably to because I think Grey was on the (BI) working group or at least worked a lot there.

Michele Neylon: Yes.

Mikey O'Connor: So I'm starting to stick little chunks of stuff into our report. Clearly there's a series of questions that goes to the Registrars. Then the Registrars answer them and collect some data. Michele, James what do you think?

Do you think this is going to be greeted with great angst or you think they'll just jump right in and we can sort of wait around for a little while, get some data and pull it. Where do you think they're at in this point?

Michele Neylon: Mikey?

Mikey O'Connor: Go ahead Michele.

Michele Neylon: Oh James has got his hand up now. When it comes to Fake Renewal Notices I would have a certain amount of data as a Registrar because I'm aware because people complain to our customer service staff about us. And also because I've actually been instructing my staff to collect any of the ones that were sent to our offices.

However, in many respect I would suspect that an Non-Registrar Stakeholders might have a better idea of the number of problems, the volume of these Fake Renewal Notices because they are being sent them or have been receiving complaints. That's just my own view, I mean it's I don't know if what James is going to say. (Unintelligible) conflict I mean, well anyway I'll leave him be.

Ken Stubbs: Well one of the things you want to think about you know, this is drafting team Pre PDP. You might think of this as sort of a very fast tour of the top level of the data and then if there's fire underneath the smoke then during the PDP maybe we can go out to the Non-Registrar's as well. That's another way to finesse that.

Mikey O'Connor: James, go ahead.

James Bladel: I'd like to think, you know, in the past we're pretty reluctant to share specific data on a lot of topics. I don't know that this would be one of them. I think that we can explain you know, why we feel that most of noise around this issue is probably from just a few entities and what we do to prevent them access to our system. And then you know, possibly what we do is that we could give you some indication. Standardize indication of what's this means for us in terms of customer service and transfer reversals and things like that.

So I think that we would want to help. I know that we are not in favor of this practice but I we want to make sure that in doing the right thing by stopping this issue that ICANN does not inadvertently step on our ability to produce legitimate marketing efforts. And to conduct our business you know, without one hand tied behind our back.

So that's kind of where we are coming from. I think we want to help but I think that any data that we share will be standardized. Thanks.

Mikey O'Connor: This is Mikey again. One of the things they we did in DSSA working group. The DNS Security and Stability Advisory working group is develop a little process to protect what is extremely sensitive information that's going to be coming into that working as get a little further into our work.

And I might just circle back to that next time and give you a little briefing on how we're going to do it and see if that process might work for us here too. Marika go ahead.

Marika Konings: Yes, this is Marika in relation to the comment on seeing where there is other data available I think (Larry pointed out to me in a separation email conversation. That in one of the discussions actually I think IT mentioned that they have data as well. I would be happy just to reach out to them, because if they already have something you know, off the self that they have already to work on this. It might be helpful to take that a part of you know, the working group, I mean drafting will be looking at even though it's not specifically within

the past to reach out to the IBC but if they have something ready and available maybe that's worth looking at.

Mikey O'Connor: This is Mikey. That sounds great and I stuck you down for doing that outreach. I think that would be very helpful. Maybe what we could do, if they've got it handy is feed it into the front of our process. And so we could maybe put it up here. Not that way, and then they can see it and rather than put on the spot. Simply say yes, we in fact see that too. That might take some of the pressure off the sensitive information conversation. That might be another way out of that.

Let's go back to Approach just a little bit and just see if we've got all the big bases covered in this list. If we sort of digest it, the recommendations just a little bit. See if there's anything-, I think this is out of order. I think what we want to do then, is send a little time not a whole lot of time framing a request of the questions for the Registrar's.

I think sort of bounce back and forth informally, maybe with (Grey) to just get a sense as to where the Registrar's feel about this. And we'll come up with our little request work with the Register's to get information pulled together. It sounds like we've got a little bit of analysis job here.

So, let me just shape up. And then develop a little report where we framed, where we tell them the questions, we get the answer back, we show them the analysis we did and then develop some recommendations to proceed.

Does that kind of cover our Approach? Is there any giant thing missing that we can think of that? (Unintelligible) -- if we were to back up, if we were to say that the target for the report to the Council, by Costa Rica. That's March, right?

It seems to me then that what we would have to do have our questions framed maybe before the year then the, registrars maybe give the registrars about a month.

If we gave the registrars about a month to digest all that is that a reasonable thing given that this is not a PDP so we do not have to go through all of rigmarole with formal process within the registrar constituency?

I'm sort of looking at James and Michele again on that. If we set a target by end of January to get that back do think that's realistic?

James Bladel: It's James speaking (unintelligible).

Mikey O'Connor: That's all right. Why don't you finish up James and then I'll...

Michele Neylon: Just go on. You started so you can finish.

((Crosstalk))

Man: Yes I mean you started it. You...

James Bladel: Personally yes. I mean there's a lot of things going on and then the holidays are of course going to take everybody off-line.

Mikey O'Connor: Right.

James Bladel: You know, I think the more time the better. I think if we can even give, you know, an extra week or two into early February it'll probably be good but I don't know if that gives us enough time in the backend.

I'll do everything I can to expedite. And what will happen is we'll probably go to the registrars whether it's (Gram) or the ExCom or whatever we'll probably get approval to proceed.

And then the folks who brought this Michele and I will be tasked with doing it.

Mikey O'Connor: Yes.

James Bladel: So, you know, I mean so I'm just speaking at my own schedule your and I let Michele speak to his.

Mikey O'Connor: Yes. Michele go ahead.

Michele Neylon: Hi. Sorry I'm in a really silly mood today. And I just consent a totally spurious threat of legal action by some idiot.

The how quickly we can turn the thing around depends on what we're being asked realistically.

Man: That's not fair.

Michele Neylon: No I mean it depends. I mean if the question - if it's like, you know, two questions do think there's a problem with X then it's, you know, a binary answer yes or no.

If the question is very, very detailed or specific then, you know, for some people it'll be easy to answer it and for others it won't be.

I mean the entire problem of course is James has pulled it out so, you know, how on earth do you how on earth do you restrict the scummy practices of what is essentially one company?

I'm not aware of any other companies that cause these bloody headaches without risk putting a ridiculous restriction on the rest of us who aren't doing anything wrong most of the time at least not intentionally? You know, how do you actually get that balance right? And that's the problem.

Mikey O'Connor: I don't think that that's our job though.

Michele Neylon: No maybe not but...

Mikey O'Connor: I think our job is just to see if there is fire underneath the smoke. And so I think that the questions unless I'm mistaken on this, I think the questions or basically do you see this yes or no and preferably how many of them?

And, you know, it may be that we can fold in some of the ITC data and...

Michele Neylon: Yes this being - I'm looking at - I'm looking beside my desk here. I could send you a photograph of a pile of these things.

Mikey O'Connor: Yes see I think that...

Michele Neylon: And we're a small registrar. I've got like - well it's like I've got two, three I've got three with - three on my desk.

Mikey O'Connor: Yes.

Michele Neylon: And that was without moving.

Mikey O'Connor: So I'm going to circle back to Marika for just a minute. Oh and you got your hand up so may be ahead of me on this. But Marika could you kind of clarify what you think these questions are?

Marika Konings: Yes this is Marika. So I think indeed the first one is on data, how many are you getting. But I think another question would be where are you getting these from?

Because I think part of what we're trying to establish and what the GNSO Council at the end of the day needs to assess is this an issue where ICANN potentially can develop policy?

And so I think we've discussed this before it's all these fake renewal notices are only sent by parties that are not linked to ICANN in any shape or form it

might be, you know, we can develop a great policy on this issue but it wouldn't be enforceable because we don't have a contract with those parties. So I think that's, you know, one of the data elements we will be looking for.

Mikey O'Connor: Okay. So I think that this could be, you know, this doesn't need to be exhaustive. This just needs to be enough to say yes, a PDP, an exhaustive piece of work is required.

Here as anecdotal evidence Michele's got three of them on his desk James has got, you know, 5000 of them in a pile in a warehouse. The IPC has seen a pile of them. I think...

Ken Stubbs: Mikey?

Mikey O'Connor: Mikey's seen a few blah, blah, blah. Ken go ahead.

Ken Stubbs: Yes I'm sorry I'm about ready to boot up into Acrobat. But the question becomes are these being sent from a specific domicile?

Are they coming from the US, Canada, China, some place where we can deal with regulatory authorities if ICANN decides that there's no way they have the ability to reach out?

Mikey O'Connor: Not it's a good question. I think we add that to our pile.

Michele Neylon: The answer Ken is yes.

Ken Stubbs: What country are they coming from Michele?

Michele Neylon: They come from Canada, the USA, and the UK. And they're - and 99% of any I've ever come across all come from the same entity which is a Canadian entity.

Ken Stubbs: Well it would seem to me that it may be worth it for those of us who may have contacts. I can't remember Tim's last name. He used to work for (Tucals). Do you know what I'm talking about?

Do you remember Tim? Oh God does somebody remember...

Mikey O'Connor: I do remember a Tim from...

Ken Stubbs: Okay there is a guy years ago who worked for (Tucals). He was their...

Man: Okay.

Ken Stubbs: ...policy person. And he is now a Deputy Minister in the Canadian government in areas that control that.

And with the - your permission what I would do would be to possibly Mikey, put you in contact with Tim and just kick things around with him kind of off-line to see whether he may have some ideas as to how this could be approached.

Because if we acknowledge first of all that there are issues and we acknowledge the possibility that ICANN may not have this scope -- I'm sorry all of it's going to hell here -- may not - the scope to do anything about it, you know, then we're better off at least trying to figure out if we can (chomp) it, you know, if it makes sense?

Tim Denton, Timothy Denton. Google him if you want Mikey.

Mikey O'Connor: D-E-N-T-E-N?

Ken Stubbs: D-E-N-T-O-N. But I know he was just appointed by the Canadian government to either to manage an agency or something (unintelligible).

Oh I'm sorry, I'm not trying to tie the group's time up but I mean we are - we're trying to figure out, you know, it's not going to be a response to a developer a solution that can't be managed by ICANN in one way or another.

And if we can at least create some awareness either going up to the GAC or even directly to something, I would think it's - any way of removing the irritation of people like James and Michele and so forth have to live with dealing with these things because I'm guessing it becomes incredibly people intensive on these things.

You can't just send out a form letter I'm guessing and get a lot of requests. And I'm guessing that GoDaddy's customer service must get swamped with these things. He's getting thousands of them. So it's costing some service personnel time. Am I right James?

Mikey O'Connor: That's right. I think that, you know, our job as the Drafting Team...

Ken Stubbs: Yes.

Mikey O'Connor: ...isn't probably to reach that far down. But, you know, I think what we could do is document that is a resource...

Ken Stubbs: Yes.

Mikey O'Connor: ...and, you know, circle back to that. It might be good to have sort of an informal conversation with the guy and just sort of see.

But I'm not thinking that our job is to actually create policy. Our job is just to decide whether to proceed with a PDP.

And it would be good to try and make an assessment to whether a PDP, you know, whether there is a policy that would actually address the problem because if it turns out that there isn't one then we could just report that.

Marika is that a - an old hand or new one?

Marika Konings: No it's a new hand but it's actually on a different issue. So I don't know if James's comment is related to the discussion we're having now he should go first.

Mikey O'Connor: James?

James Bladel: I believe it is. But I'll let you be the judge. How's that?

Mikey O'Connor: Okay.

James Bladel: So yes I think, you know, Michele's right, the -- most of these are probably focused in the wild and woolly hinterlands of Canada is where the domicile originates for some of these entities or one of these entities believe - one of the major offenders.

I think that one of the questions, and I don't even know if we want to open this can of worms but I think that is at the heart of what we're talking about here is the inconsistent manner with which registrars govern their resellers.

I say this knowing that that is a very raw nerve in some discussion circles. But I'm holding this out as, you know, GoDaddy has a wholesale registrar a long list of names we're affiliated with.

And we are very aggressive about keeping these types of folks off of that reseller network. And they sneak on there sometimes, you know, they give us some, you know, they call themselves something else so they set up a new PO Box or whatever and they get on there.

And then as soon as we find them we shut them down and it's just kind of this whack-a-mole type of game. But I think that there are a lot of folks out there,

registrars that are not quite so diligent about who is taking their accreditation out at night and running around town with that.

And I think that that also goes for the Cross TLD scam that we see Michele's posted and I think that Berry mentioned in our AP entry (just in) that circle which is becoming more and more of a problem in my opinion.

But it's so focused on country codes I don't know that there's anything that can be done about it.

But so I think that, you know, if we were identifying questions I would hold out to the group that if there is a way we can in, you know, in a noncontroversial and constructive and non-alarmist way discuss the fact that these folks are resellers of accredited registrars and that those accredited registrars probably through no bad intentions of their own but are just maybe a little asleep at the switch when these folks come and jump on their network and what can be done about that I think that, you know, think that might be a worthwhile discussion to have if we can do it in such a way that it doesn't turn into, you know, another one of these controversial black holes. So thanks.

Mikey O'Connor: Thanks James. I stapled it into our notes. Michele are you on the same topic or can I go to Marika yet?

Michele Neylon: I'm on the same topic.

Mikey O'Connor: Go for it.

Michele Neylon: Just with - in relation to the cross TLD scam this is one I think that was - it may have come up in the RAP but it's also come up in the ccNSO as well.

I think it's one of those things where it may not - well obviously wouldn't fall into kind of ICANN compliance, ICANN contract, ICANN policy.

But ICANN is probably one of the only organizations where you have a lot of ccTLD people. You have a lot of registrars so I mean ICANN would be as a kind of structure might be a good place to facilitate some kind of let's just for lack of anything else let's just call it a discussion even if it's just a case of, you know, a people kind of meeting and having a cup of coffee and going hey where are we - what are you seeing with this?

I mean the cross TLD thing we see quite a lot of us I'm sure pretty - I'm sure James's people see a lot of us.

The fake renewal thing, I pasted a link into the chat there. It's well worth spending an hour or two actually downloading all those PDFs from the CRO Web site and having a look because they've managed to tie up - they've managed to get a lot of the data on connecting all the various entities and people that are involved in the Brandon Gray thing which is the one which is often known as Domain Registry of America, or Domain Registry of Canada, or Domain Registry of insert country here who would be the main culprit. Thanks.

Mikey O'Connor: Well maybe an extract of that would be a good thing to staple into our report. That mighty give us meat to our data bones even if we didn't collect it from within.

James are you still on this topic or can I go to poor old Marika? Oh you're muted.

James Bladel: Sorry my hand should be lowered. I stepped away from the keyboard for just a second. I'll get back to that.

Mikey O'Connor: Okay Stubbs are you on this one or (Beck) can I go to Marika?

Ken Stubbs: Why don't you go to Marika and then I'll come back - you can come back to me...

Mikey O'Connor: Okay.

Ken Stubbs: ...if you want. I just was saying I posted some information on Tim Denton. He's also on the board of ARIN so he still has relationships with ICANN.

So in some way or another it may be a good idea to try to get in contact with him and see. He's very, very well versed in the main policy and had worked with (Elliott) for many years.

So he - it's not like you're going to have to kill yourself to bringing him up to speed. And he may have some constructive suggestions.

If you're uncomfortable doing it I'll call him but I think it would be better if you did. That's all, a little tip off.

Mikey O'Connor: Well I scraped all that stuff off. Now Michele's posted something cool in there. Oh this is another background link Michele, the one on the asa.org?

Michele Neylon: Yes. asa.org.uk is the advertising standards authority for the UK. And I'm sure you have the same thing in the US and probably in - I presume you have in the Netherlands and in Russia.

I mean it's a recognized body that, you know, as it kind of acts as a watchdog for, you know, advertising really.

We have one in Ireland which would be a similar name. And this is from two years ago when three complaints against Domain Registry of America were upheld.

What - I bring your attention to it because you have to go through it and have a look and see on what grounds they were able to uphold the complaint. It's

interesting because it's the misleading aspect of the advertising that's the problem, not the advertising itself.

So the idea being that I mean this is the thing that needs to be - we have to be very, very careful with which James mentioned is that you don't want to end up in a situation that coming at the far end of this that your people kind of saying oh, registrars can't advertise because that's not what this is about.

It's about a registrant, an end user of medium - to medium intelligence being able to understand what is being advertised to them.

So for an example if I'm as a customer GoDaddy receive emails from GoDaddy with them trying to sell me products well that's fine. You know, they're trying to sell me something. They're not trying to give me something that they couldn't actually give me access to. They're not trying to mislead me is what I'm saying.

Ken Stubbs: Can I ask Michele a question Mike?

Mikey O'Connor: Sure. Go ahead.

Ken Stubbs: Yes Michele you've quite familiar with privacy laws in the UK I'm sure - I mean in the EU. Is a solicitation of this nature a violation of some sort of privacy law?

I mean you know I mean we had...

Michele Neylon: It would be. It would be. I mean this is where it starts getting interesting. Like the first thing is how do they - you know, direct mailing, direct mail to private citizens, you know, there is a certain amount of legislation in that area and it varies from country to country.

Ken Stubbs: I know that's what I'm thinking. And I'm thinking that I know Canada has very strict laws, privacy laws.

And I'm guessing that Ireland and probably a lot of the EU countries have pretty strict privacy laws. It may get easier at some point in time because I have a strong...

Michele Neylon: Yes but they what...

Ken Stubbs: ...feeling they're not so...

Michele Neylon: Yes but the problem you see is that let's say for example you - let's say for me for example. If I register a domain name am I registering that as a private individual or as somebody who is a professional in (avertacommas)?

So...

Mikey O'Connor: I'm going to slow us down here because we're about...

Ken Stubbs: All righty.

Mikey O'Connor: ...five minutes from the end.

Michele Neylon: Sorry.

Mikey O'Connor: We've captured a lot of this.

Ken Stubbs: Sorry guys.

Michele Neylon: I mean it's - I think it's something that we can go into maybe further in somewhere further down the line. But for the purposes of this conversation it's a good question is there a privacy issue?

Ken Stubbs: Yes and I've got that captured.

I'm now going to go to long waiting patient Marika.

Marika Konings: Thanks Mikey. This is Marika. Actually on the issue of cross - the cross TLD registration scam I just want to (unintelligible), you know, go on the group that this might actually be an issue that will be added to the list of items that you'll be looking at.

Because it's an issue indeed as Michele says, it was issue discussed by the Registration Abuse Policies Working Group as based on their recommendation. It was then also discussed with the ccNSO.

And as there seemed to be, you know, some commonalities between the fake renewal notices, the council has now been discussing, you know, what to do with that issue. Is there a need to do further research, should, you know, should we just leave it as is and wait until further data becomes available.

And one of the suggestions I've made is maybe to see whether, you know, it would make sense to add it to this working group as we're looking at gathering further information and data.

So I think the council is expected or supposed to discuss it again at its meeting next week. So possibly after that it will become clear whether some specific item that will be added to the group's tasks.

Mikey O'Connor: Thanks Marika. I'm going to take a second here to sort of wrap up. Ken is your hand up as a new one or an old one?

I'm hoping it's an old one because we're running out of time. Let me kind of summarize where I think we're at on our approach.

I think if we can get this series of questions framed up by the end of the year and get back some information from the registrars and elsewhere by early February that we would at least have a pretty good outline of a report.

I don't know that we'll have a final report that's all sentences and paragraphs but it seems like we could come back to the Costa Rica meeting with a pretty good sketch of what we've got and where we're headed and get a course correction from the council.

So I - that's sort of my take on this one. And it doesn't seem like it's going to take a whole lot of work. There's clearly a ton of information out there.

We've already flushed out, you know, all this background information. I've put all those links that people came up with. I'm sure there's more. There's probably some summarizing to be done.

Marika, Berry, sense from you guys as the, you know, if we tasked you to sort of go off and pull a summary of all that stuff together with sort of the highlights could you have that ready for us in a week, just super sketchy...

Marika Konings: This...

Mikey O'Connor: ...outlining kind of stuff?

Marika Konings: Yes this is Marika. You mean of the three documents that are listed there, just a summary of the background information, correct?

Mikey O'Connor: Well yes but then I also snuck in the one at the top there. This one - oops clicked on it and opened it up.

This one from Michele, actually these two from Michele where, you know, they're actual summaries of the situation.

Marika Konings: Okay. I can have a look at that and yes that should be possible.

Mikey O'Connor: You know, just a really sketchy outline summary I think would be really helpful for our meeting next time just to see what's already done.

You know, especially if there were numbers in either of those two. Oh and then the IPC information it would be also very helpful to get that back.

I think that would be if we could have not - you know, not all summarized, not all pretty but just a sense of, you know, what we've already got.

Because if we've already got quite a lot of information maybe we don't need to go to the registrars for a whole lot and put them on the spot. We could just run with what's already there.

That gets me to a logistical question. Is this meeting time going to work for folks if we just made this the standing time?

Did we Doodle this is a standing meeting or a one-time...

Marika Konings: This is Marika. We actually I think Doodled it as a one-time meeting but maybe with the intent of continuing.

But just to note because (Paul B) has actually responded he has now a conflict at this time.

He indicated that, you know, maybe Ken could be the registry rep or alternatively, you know, working group could consider another time if they would like to have him on. Or one of the times he suggested that would work for him is the same time but on Thursdays.

Ken Stubbs: I would prefer Thursdays as well but I also will...

Mikey O'Connor: Let's do this. Let's meet this time next week because we've got everybody pretty lined up for this just to keep the ball rolling.

And in the meantime we'll do a Doodle to see if we can move it to a better day after next week.

Ken Stubbs: Yes Mike?

Mikey O'Connor: Yes sir. Go ahead Ken.

Ken Stubbs: Yes I'm concerned leaving it on Monday for a couple of reasons just given in the next few weeks Monday being Christmas and New Years are both on weekends so Mondays tend to go to hell after those two holidays.

Mikey O'Connor: Yes.

Ken Stubbs: So either we should push it away from that or just acknowledge that no one's going to really have the enthusiasm level that we need to get much done during that time.

And I think ICANN's offices are closed during those weeks anyways.

Woman: Correct.

Mikey O'Connor: Yes I think that's right. Yes I think that's right. Well I'm pretty flexible on Thursday. I've got a DSSA meeting early in the morning but other than that I'm fine.

So Marika...

Ken Stubbs: And the fields are covered with snow aren't they Mikey?

Mikey O'Connor: Yes they are. You want to see a picture? I'll show you a picture. We're coming up on 10 o'clock.

Marika Konings: So Mikey I can work with you to see what times work for you and then we can, you know, set up this Doodle poll for - but then assume that for next week we still meet on Monday.

And we can - so I'll include the same time to see, you know, it might be that for everyone else this is the best time but...

Mikey O'Connor: Yes.

Marika Konings: ...you know, we can provide a number of options.

Mikey O'Connor: Well and it's such a small group that we may be able to just scoot it out to the new time next week and get it all squared away.

I just - I don't want to have no meeting on the calendar next week just to keep things rolling along. But if it turns out that Thursday works for everybody.

Just a quick poll on the call, if we did this at not this hour because this is coming right off of the DSSA meeting but an hour later than this on Thursday...

Marika Konings: Yes that wouldn't work for me. I'm sorry.

Mikey O'Connor: Okay. So we'll have...

Michele Neylon: Thursdays did you say Mikey?

Mikey O'Connor: Yes Thursday is what I was saying. But...

Michele Neylon: It would be okay for me.

Man: Works for me.

Mikey O'Connor: Yes it's tough on Marika though.

Man: Okay.

Mikey O'Connor: Marika could we lean on Berry to be the lead staff on this one and let you kind of goof off a little bit?

Marika Konings: I think Berry already has already a full plate. So maybe we can look at some other options and, you know, if that doesn't work out we can still see if someone else is available.

                        But maybe for now we can just have it through the poll and provide as well some other options and - in that time. Will that work?

Mikey O'Connor: Yes that works. Berry of course has no talent. That's probably why he's stuck with such a full plate.

                        Okay it's...

Ken Stubbs: Mike one more thing.

Mikey O'Connor: ...one minute after the hour.

Ken Stubbs: Yes I assume we're going to get copies of the chat and also a copy of any relevant item that was put up like your notes that you've been...

Mikey O'Connor: Yes.

Ken Stubbs: ...throwing up?

Mikey O'Connor: Here's my routine with these Ken is that I'll post three forms of this screen that you're seeing. I'll post the actual file for those of you who actually use this program. But then I'll post a PDF and a Web page version of it.

And my habit is to just post it after each call so that the latest one is always available. And then Marika I think given the fact that we are beating the chat pretty hard on this one we probably should go ahead and get in the habit of doing a chat transcript after each call along with recording.

Marika Konings: Okay.

Mikey O'Connor: If it's possible this is wizardry - oh but Nathalie's on the call. Nathalie knows how to do this. If it's possible to get the - I'll tell you what, I'm going to let all of the non - all of the constituent types drop off the call.

I'm going to hang on with Nathalie and Marika for just a minute and do some logistical stuff if that's okay with you two?

Michele Neylon: Thanks Mikey.

Mikey O'Connor: See you (kids).

Michele Neylon: Bye.

Ken Stubbs: Goodbye.

Man: Thanks bye.

Nathalie Pergrine: So (Yvette), you can please stop the recordings. Thank you.

Mikey O'Connor: Nathalie have we - I had an idea that I wanted to try out on you on the DSS...

END