

**Inter-Registrar Transfer Policy Part B PDP  
Transcription  
Tuesday 09 February 2010 at 15:00 UTC**

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<http://audio.icann.org/gnso/gnso-irtp-b-20100209.mp3>

On page:

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Participants on the Call:

Michele Neylon – RrSG – chair

Baudoin Schombe – At-Large

Berry Cobb – CBUC

Anil George – IPC

Kevin Erdman – IPC

Mikey O'Connor - CBUC

James Bladel – RrSG

Chris Chaplow – CBUC

Barbara Steele – RySG

Tim Ruiz – RrSG

Michael Collins - Individual

Staff:

Marika Konings

David Giza

Gisella Gruber-White

Olof Nordling

Apologies:

Tim Ruiz - RrSG

Paul Diaz – RrSG

Eric Brown – RY (all Tuesday calls)

Coordinator: Recording has started.

Gisella Gruber-White: Thank you (Patricia). Good morning, good afternoon to everyone on today's IRTP B PDP Call on Tuesday the 9th of February. We have Michele Neylon, Baudoin Schombe, Berry Cobb, James Bladel, Kevin Erdman, Anil George, Barbara Steele, Michael Collins.

From staff we have Maria Konings, David Giza, Olof Nordling and myself Gisella Gruber-White. We have apologies from Tim Ruiz, and Mikey O'Connor will be joining us later.

If I could also remind everyone, please to state their names before speaking. Thank you. Over to you Michele.

Michele Neylon: Alright thank you. Good afternoon everybody. I hope we're all...

Man: Good afternoon.

Michele Neylon: Bonjour.

Man: (Unintelligible).

Michele Neylon: ((French Spoken)).

Man: (Unintelligible).

Michele Neylon: We can hold the meeting in French if you wish. I don't mind. It'll confuse the Americans.

Man: Sorry Americans.

Michele Neylon: Just, okay one thing before we move further on. We got a reply from Tim Ruiz with regard to PDPs. So I think somebody was asking about whether certain parts of the PDP should be included in other PDPs etc. etc. etc. And, so we do have a reply from the GNSO Chair.

The reason we split the IRTP review into multiple PDPs was to make it more manageable by breaking it into smaller chunks. If the IRTP PDP (WG) - oh my God that's enough acronyms for one afternoon, finds that it may be

efficient to deal with some tasks assigned to other IRTP PDPs, and is willing to do so, I personally encourage that.

So, there you have it. So for the (substantive) and possibly assigned to future PDPs, the GNSO doesn't mind us looking at them in this particular PDP. (If a very good) PDP or IRTP, again, (unintelligible).

Okay. Any questions on that? Any problems? Could somebody please put themselves on mute? I'm getting all sorts of interesting noises. Okay let's stop it. Hello?

Man: Michele I hear you.

Michele Neylon: Oh you hear me? I was getting lots of noises of what sounded like somebody walking down a corridor. Okay then. Does anybody have...?

Man: (Unintelligible).

Michele Neylon: Does anybody have any queries about that update from Tim? Is that clear for everybody? I'll take the silence to mean yes. Okay then. So on today's...

James Bladel: Michele this is James.

Michele Neylon: Yes James. Go ahead.

James Bladel: The noise is back. Yes, there was another part to Tim's message which I think that was fairly clear, which was the question of whether a process for urgent returns (could) be developed.

And I think that the response from council was not only were we to answer that question, but also propose what that process should look like. So I think that was an open question yesterday that Tim also resolved from council.

Michele Neylon: Okay. Thank you. I'm sorry. I just - I got completely lost in all the acronyms. So I kind of missed that part, but thank you for raising that.

So the fast return we could - we are - we should be in a position to make some kind of recommendation about that - in essence. That correct James?

James Bladel: The question that we posed to council was whether this was - and someone help me here if I'm misremembering this. But, whether or not this was simply asking our position on this question, or whether we were to go ahead and propose or design what that process might look like. I think that was something that we wanted clarification on.

Michele Neylon: Okay. Alright. So, I think what I'll do is just to make this manageable and so my head doesn't explode. James could you just lead into the next section, because as you were so good as to Chair at the meeting last week. Could you just lead us into the next section that we were reviewing please?

James Bladel: Well, in fact we were reviewing Issue A, whether a process for urgent returns should be developed. We started with the first comments by the registrar stakeholder group.

And our discussion was fairly involved and continued on the list after the call. And while it may appear for transcription purposes that we never really got off of that first comments, in fact many of the topics that we raised during our discussion occur later down in comments - are echoed by other constituency statements.

Michele Neylon: Okay. So we...

James Bladel: I think that we, you know, if we consider that particular topic, or at least the first element of that close - number one, then we can move to 1A, B and C and so forth.

Michele Neylon: Okay. So, so which one did we look - so we're saying that the 1A we haven't looked at? Sorry, I'm getting kind of confused here. We just looked at 1?

James Bladel: (Unintelligible), but I think that, you know, we didn't really - we kind of jumped around a little bit. It wasn't a linear discussion. I'll let Marika.

Michele Neylon: Okay Marika go ahead please. Save me quickly.

Marika Konings: Yes, this is Marika. So what I've done actually is to re-organize the comments missing on the Issue A slightly, to group all those together that actually spoke about, you know, the TDRP or the creation of, you know, a different process to the comments that we discussed. You know, and James circulated and summarized the discussion of last week. Which basically leaves one comment that was slightly separate from the, you know, TDRP discussion, which is the last one listed in this section that we didn't specifically look at.

Michele Neylon: So that is the voluntary transfer of names in case of fraud. Is that it?

Marika Konings: Yes.

Michele Neylon: Marika?

Marika Konings: Yes. (Unintelligible).

Michele Neylon: Okay.

Marika Konings: We're going to discuss that fax from a voluntary transfer of names in cases of fraud (unintelligible).

Michele Neylon: Okay. So this - so I was looking at this grid and I was getting confused as to what I was actually looking at. So this makes more sense.

So I think we have something written in as we've already done this and the other one we haven't. Okay.

So, okay, we're dealing with (the C). Working groups should discuss best practices and the voluntary transfer of names in cases of fraud. Does anybody have any thoughts on that? James?

James Bladel: Yes. Just a quick question for Marika. What was the difference between this one and the ones that's commented and the ones that came before it? Is it in the inclusion of best practices? Or is that what distinguishes this from the others, or?

Marika Konings: Yes. This is Marika again. The other's one that we're specifically talking about either in mentioning the TDRP or a process for origin of return and, but I think we discussed on the last call, could be linked into the discussion we had on the TDRP and how that may be, you know, might be adopted to address those issues.

So the issue of actual best practices wasn't something that we raised if I remember correctly. So that's why this one was kept separate. But if anyone feels that any of the other comments that are now covered, you know, I'll put together with - in the same context with the TDRP discussions. And, you know, please say so. And if I need to take those out and treat them separately.

James Bladel: But am I correct in assuming that - and this is James speaking again. Am I correct in assuming that if we were to reach a consensus that the TDRP should be modified so that it fits the bill as an urgent return mechanism, than this particular comment should be obsoleted by that? Or superseded by that? Because there's no need for best practices if we actually have an effective consensus policy that's covering the subject. Right? Or maybe I'm getting to far ahead.

Marika Konings: Well, I mean, (unintelligible) if you say it's like the procedure could be, you know, in a escalation case, you might have best practices to try to resolve the return, you know, in a friendly way between registrars before you actually return to (unintelligible) profit. So there might be, you know, there might be (unintelligible) in that context. But again, I mean, it might be as you said, if you come up with a new procedure, you might not need best practices on top of that.

James Bladel: Okay. Thank you.

Michele Neylon: So does anyone have any input on voluntary transfer of names in cases of fraud? Well, I will just throw my one thought in here, which is the first question I'd ask I suppose is how do you decide that it is fraud? I mean, how can you know that it is fraud? That's the first question I'd have. Yes Marika.

Marika Konings: I'm sorry. Maybe I raised my hand too early, because I actually still have a comment to make on the previous discussion - the TDRP, so. Maybe you want to first finish this (unintelligible).

Michele Neylon: No, no, go on. Go on. Go on.

Marika Konings: I don't know - one comment I wanted to make that actually another colleague pointed out to me on the discussions. You know, why or whether a registrant actually turn to ICANN for resolving a complaint or issues. And actually the survey that was done on the ICANN Website was more to do with, you know, do people like it? What is missing? Why do they use it?

And actually that survey, although it was a small group found that I think almost 50% of use of the Website go to the Website because they have a dispute or complaint and they're looking a way to resolve it.

So just to, you know, provide some data around the discussion on (registrants) turning to ICANN for processes or help.

James Bladel: And that was 550% of visitors go to ICANN because they had a problem?

Marika Konings: From those surveys. So that (unintelligible) - I mean, it's not - I don't think it's statistically valid.

But I think out of a group of 280 people that responded to the survey, almost half of them indicated that they were coming to the Website because they wanted to file a complaint or had a dispute that they wanted resolved.

Michele Neylon: Okay. That's kind of disturbing. Anybody else have any thoughts or comments on (this)? Kevin?

Kevin Erdman: Yeah this is Kevin Erdman. I just wanted to sort of reiterate from the stuff I brought up in the list, and just look at it from the registrant's perspective. I think that's an interesting statistic of how many people go to ICANN to resolve the dispute.

I'm not sure if people know how to, you know, direct dial into ICANN's general council office or exactly what they do on the Website. But just from the perspective that I see it, from - when a registrant has a problem, that is they, you know, have one of their main domains that somehow got out of whack. It went to a different registry or had registrant information transferred that has caused their - one of their big domains to go offline or be redirected or whatever.

They want to be able to be in control of the process or at least be able to manipulate it. And I think the reason, in cases that I've been involved with, that were not dealing with the registrar, but just going directly to ICANN.

Many times it's because the registrar that has the domain at the time the problem comes out isn't a registrar that the registrant has a relationship with. Its prior registrar let's say, had a relationship with.



And too, that for whatever reason, the registrant doesn't feel that the registrar is, you know, going to be adequately responsive to their needs. I mean, if they, you know, the general management of domains, you know, take a couple days (unintelligible)...

Michele Neylon: Kevin just one question here just to clarify.

Kevin Erdman: Yeah?

Michele Neylon: In this instance here, is the registrant contacting the registrar first? Or are you going direct to ICANN first? I'm trying to understand this.

Kevin Erdman: That I really don't know. You know, I - speaking from the lawyer perspective, and particularly on the outside council, I don't always have direct access to the IT staff.

And if a business person comes to me and says fix this problem. I, you know, I as the asset lawyer have absolutely zero leverage with a registrar, but I have some clout with ICANN. So therefore, that's where I would go. And...

Michele Neylon: Well what - so even if you know which registrar is the sponsoring registrar of record for a domain name?

Kevin Erdman: Right.

Michele Neylon: You go to ICANN instead of going to the registrar. Is that correct?

Kevin Erdman: That's correct. Yeah. Because, you know, the problem is that you don't have any...

Michele Neylon: I'm just trying to understand.

Kevin Erdman: Yeah.

Michele Neylon: But if you know...

Kevin Erdman: Typically - well, and typically it's a registrar that's not located in the United States.

Michele Neylon: Well that's helpful. Thank you. I'm located in the United States.

Kevin Erdman: Yeah. Because we can't (ship) to right away, you know.

Michele Neylon: Beg your pardon?

Kevin Erdman: I said, for a US lawyer, you can't sue somebody that's hanging out in Ireland.

Michele Neylon: Well why can't - why'd you - okay that's. That doesn't make any sense to me either. You want to resolve an issue, but your first reaction is you want to sue somebody.

Kevin Erdman: Well that's the tool that the lawyer has.

Michele Neylon: No, no, no, no, no, no. You want to - the thing is you're - my understanding is you are trying to - you're paid by your client to resolve an issue.

Kevin Erdman: Yes.

Michele Neylon: But you're saying that instead of trying to resolve the issue, your instant reaction is you want to sue the registrar.

Kevin Erdman: Well what's I'm saying is - no. The instant reaction isn't that I want to sue the registrar. But the reason that lawyers generally will have some clout with third parties is because there is that ability to sue somebody - to start a legal process.

And from being a (registrant)'s representative, the TDRP doesn't provide the opportunity for, you know, to act for the registrant. As opposed to for instance the UDRP.

That if somebody over in, you know, Istanbul has a domain name that's infringing a client's trademark, I can't sue them in the US courts, but I can invoke, you know, the UDRP - file my complaint with (EPO) to satisfy the client's needs.

And if there's a case of let's say fraud - of a fraudulent transfer and that the registrar is in the United States, I can send a nasty letter that says, you know, to suspend this fraud case you need to rectify it. Here's why. And if you don't we'll sue you. And that's the leverage.

Whereas if it's a registrar in Korea, if I send a letter like that it will get no response. Because, you know, I as the US lawyer, they realize I have, you know, absolutely no ability to...

Michele Neylon: Let's hold on a second. Okay, but the thing is this. You're working on the basis that - it sounds to me like you're working on the basis that the registrar - that all the registrars are bad actors, which I find a bit odd.

I mean the fact that you could - I mean, if you sent me a legal - a proper legal letter. Are you saying that I'm going to ignore it because I know that you're going to have difficulty suing me?

Kevin Erdman: Well, that - yes.

Michele Neylon: Okay. That's fine. Okay. That's fine.

Kevin Erdman: Because generally, by the time it has - a dispute has gotten to the lawyer's office, there has been some communication. You know, for instance, let's say

oh our IT guys have emailed this registrar, you know, three times and gotten no response.

And it's been, you know, 18 hours now that we've lost, you know, we've been offline for, you know, two days and get this fixed. I mean, that's sort of the scenario that we're looking at.

Michele Neylon: James?

James Bladel: Yes hi. This is James speaking. And a question for Kevin, and I'm guessing that perhaps the scenario you described, while I'm sure it's occurring.

It may not be difficult in that I think a registrant, especially an individual user or small business may not initially engage the assistance of their lawyer, but instead try to work a problem out themselves.

And then - and they may - and we would hope that they would reach out to the registrar first when they notice that something is wrong or the domain has been high jacked or has been compromised.

And perhaps - so I think that if it were an effective policy for (registrars) or if there were an effective urgent return anti-hijacking tool - whatever we want to call it.

We could mitigate the need for a lot of those folks to, you know, to escalate that to ICANN. And then possibly also provide a different tool that was a cross jurisdictional tool for folks like yourselves.

So when it does land on the attorney's desk they don't have to, you know, send out the nasty letters. They can actually invoke a particular proceeding to get that going.

But again, all of this is not meant to imply that the registrant invokes the urgent return. It's the registrant that raises the issue with a registrar who's now losing a customer.

And I think that if the process is effective, and it's certainly going to be attractive to registrars, and I believe they will pounce at that opportunity to save that client.

Kevin Erdman: And I - this is Kevin Erdman again. I agree with those sentiments exactly. That, it's not key that the registrant be involved, but it's key that the registrant has some mechanism that will, you know, allow them to feel that they have some control.

You know, it may be something to the effect of if there's a form of a complaint would require supporting documentation that the registrant can put together - put in the hands of the registrar and say here. This is the problem. Here's the mechanism to fix it. Go fix it.

I think James is right. The, you know, any decent registrar's going to say hey. The client, you know, the customer wants this. I got this and they're right because they've given me all the stuff I need. Therefore, they'll, you know, invoke a procedure. I think that's a good goal to try to develop.

Michele Neylon: Okay. Anybody else have anything to say on this? David? Since I love picking on you. What's ICANN's staff and compliance view on this? In terms of say what Kevin was talking about - about registrars ignoring things?

David Giza: From the contractual compliance point of view, you know, we would, you know, certainly prefer that both a registrant, you know, and or its legal representative, you know, contact contractual compliance through the Web site - obviously to file a complaint.

And then give us the opportunity to work with the registrar and with the council for the registrar to pass that information on to the registrar. And then to help facilitate, you know, some sort of review, investigation, some findings, and maybe a constructive conclusion. You know, short of, you know, the time that will be wasted if you're not, you know, essentially communicating with the correct parties.

So from our perspective, you know, perhaps there's a way to just better inform again and educate folks on our Website on how registrants and their representatives want to proceed in the event that they have, you know, complaints that aren't being resolved through ICANN.

But more importantly, how to get complaints resolved through ICANN when it's necessary to involve ICANN in the process.

Michele Neylon: Okay. Anybody else have any thoughts on this? Okay. Should we move on then to the next thing on the list? That was still TDRP though wasn't it? Where we initially talked about fraud? Or have we? Thought that we had. Nobody had any thoughts on that.

Okay. So Issue B - I think we're moving on to that. Whether additional provisions are ongoing, inappropriate transfers are needed, especially with regard to disputes between a registrant and an admin contact.

The policy's clear that the registrant can overrule the (AC). But how this implemented is currently influenced with (unintelligible) with the discretion of the registrar. So does anybody have any comments or thoughts on that?  
Michael Collins.

Michael Collins: Yes. I do have a comment. And I think that - first I'd like to say that because the registrant isn't always disclosed, especially with some of the thin registries. The only way for a - one often times - the only way to really be able

to determine if someone has the rights to a domain name is to ask them to prove a transfer to a different registrar.

And there is an important industry of buying and selling domain names. And I think that it is important for us to be able to know - find some way to be able to identify whether someone has the right to sell a domain name.

And if they can transfer it away, it's been commonly used as proof that they have this right. And if that transfer away can be reversed, it causes a problem. It causes a lack of confidence.

And I'd like to be able to make sure that we consider a policy that would allow the registrant to over rule the admin contact, but only before the transfer occurs, not after. That's all.

Michele Neylon: Okay. Thank you. Oh it's all gone crazy here now. Mikey?

Mikey O'Connor: Hello. It's Mikey. I'm on the call now. Sorry I was late.

Michele Neylon: That's okay. I'm sure you'll make up for lost time. Don't worry.

Mikey O'Connor: I always aspire to live up to your aspirations Michele.

Michele Neylon: And expectations.

Mikey O'Connor: And expectations. I'm going to push back a little bit on Michael's position. I think it's true that the industry of buying and selling domain names, the (industry and) has lots of (needs). But I am not totally convinced that we need to completely bend over backwards to accommodate that industry.

And it makes me nervous that the registrant can't - might wind up being in a situation where they couldn't intervene after a transfer has taken place.

Because I think that's exactly the situation that Kevin was just talking about in the last one. And so, that makes me edgy. That's all.

Michele Neylon: Michael Collins.

Michael Collins: I guess there's another option that I would - that would seem just as preferable to me. And that's just to end the - to discontinue allowing admin contacts to approve a transfer. Just only registrars could approve the transfer would be just equally acceptable.

But we've already talked about the difficulty in gaining registrar acquiring the registrant email address. And I think that would be back to that problem again. That's all.

Michele Neylon: James.

James Bladel: Michael finished exactly what I was going to say so I'll lower my hands. In the thin registry we would not have visibility to the registrants (unintelligible).

Michele Neylon: So basically what you're saying is that all our problems with (RSVP) and (PEDNR) and all the other working groups would be solved if wasn't a thin registry?

Mikey O'Connor: That's what I raised my hand to say (dang nab it). This is Mikey.

Michele Neylon: Okay Mikey go ahead.

Mikey O'Connor: I'm done now. You said it first.

Michele Neylon: Okay. Right. Do we have anything more to say on - okay there's a couple of comments here. Current policy's clear. The policy (unintelligible) to ICANN should consider providing additional guidance in the form of an advisory. Recommendation to implement a consistent policy - James go ahead.



James Bladel: No I didn't want to interrupt you. Please continue.

Michele Neylon: No, I'm reading off something off of the screen James. It's perfectly okay to interrupt me. I actually welcome it.

James Bladel: Well okay. Then, you know, with regard to the dispute between the admin contact and the registrant. Have we decided or has it been established that the registrant does over rule the admin contact, so silence on the part of the registrant is (assent) to the transfer? Is that - am I understanding the process correctly?

Michele Neylon: Silence from the part of the who is an (assent) to what? Sorry?

James Bladel: The (recipe) - since both the registrant and the admin contacts can initiate the transfer.

Michele Neylon: Okay.

James Bladel: Or receive the form of authorization. But in cases where they do not concur, which is I believe the topic that we're on. Correct? Okay.

So in cases where the registrant and the admin contact do not agree to the transfer, either before or after the transfer actually taking place. Has it been established either by policy or, you know, by procedure or practice that the registrant over rules the admin contact in those cases?

Michele Neylon: David?

James Bladel: Or is that the question we're being asked to examine?

Michele Neylon: Yeah I think that's pretty clear. Let's - yeah. David you're - I think this is one for you really.

David Giza: Well I thought that was part of the question we were being asked to, you know, to review. But is there some additional, you know, background on that James that you need from staff?

Michele Neylon: The policy is clear. The problem I think James has is that it's not clear. Unless I misunderstood James.

James Bladel: Yeah, no. That's correct. The policy is clear that the registrant can overrule the admin contact. But how this is implemented - okay. So I guess I'm just re-stating the problem in a different way.

But what I'm getting at is that in many cases of transfer, let's say where the transfer is initiated by the admin contact. The gaining and losing registrar are treating silence on the part of the registrant as agreement to the initiated transfer by the admin contact. Does that make any sense?

So by not intervening they are lending their agreement. And I think that's where possibly the security vulnerability comes into play. Because they don't have to actively approve the transfer. They can passively approve the transfer.

Michele Neylon: That's correct.

James Bladel: So I think that that's possibly what we're getting at. And I'm speaking completely theoretically here, because I certainly haven't thought of all the downstream implications of this.

But one possibility would be requiring two forms of losses - of authorization. One from, you know, the registrant and the admin contact. So this is kind of the analogy of the guys in the missile silo where they both have to turn their key at the same time or nothing happens.

You know, something along those lines that would require the registrant to be more of an active participant in the transfer process.

David Giza: From a contractual compliance point of view, you know, we would certainly support that. I think it would provide not only benefits for the registrant, but it would also facilitate our work in terms of being able to, you know, to monitor and then intervene in some of the, you know, disputes that are being, you know, alleged or complained of, you know, to ICANN. So, it seems to make sense.

James Bladel: Well, you know, and again, I'm speaking in hypotheticals here. Because, you know, I'm sure I have developers back in Iowa and Arizona that are - that would pull their hair out if they listen to the transcript, so.

But then, another thought would be - and I just wanted to put this out here. We're talking in cases of fraud or security vulnerabilities. But really, I would speculate that the most common occurrence of this is when a small business hires a Web developer or an IT employee who registers names in their own name, the business is the registrant, the employee is the admin contact or vice versa.

And then there's some sort of a separation. Either they, you know, they quit, they get fired, whatever. And then there's a dispute over who actually controls the registrations.

So I would say, you know, looking aside from outright fraud or theft on the secondary market and all those other things. They are important considerations. But I think the most common occurrence is when two people or two entities share a name and then part ways.

Michele Neylon: Okay. I have Mikey and then Michael in the queue. David do you want to come back on James first?

David Giza: No. Let's go through the queue first.

Michele Neylon: Okay. Mikey?

Mikey O'Connor: Thanks Michele. This is Mikey. I just want to chime in in support of James's idea, because I think that it solves a whole bunch of problems. I'm quite delighted that he's signed up his developers in Iowa and Arizona to toss that to them.

But I think that's a great approach to this. And also touches a little on (PEDNR). Because that's one of the scenarios where post-expiration things tend to go off the rails. So, just a nod and support from me.

Michele Neylon: Okay. Michael Collins? Anil George?

Anil George: Yeah. This is Anil. That sounds like a good idea. I'm just curious in terms of practice. Would you envision something where the registrant identifies itself by proving some type of email or letter from - signed by an officer? Or an employee? I guess we should just think about that.

James Bladel: Yeah. Anil this is James. If I could respond Michele?

Michele Neylon: Yeah. Reply.

James Bladel: Okay. Anil honestly, I had not thought about that at all. But I was thinking that, you know, right now the current process does require a form of authorization, and usually that's the auth info code. And it's sent out to - the same code is sent out to the, you know, to the registrant and the admin contact.

And one possibility would be using something like - key cartography where two keys are sent out. One portion of the key sent to the registrant email address. One portion sent to the admin contact email address. And the registrar - the gaining registrar has to assemble both parts of the keys.

You know, it's - the technical implications start to give me headaches. And I certainly don't want to go far down the road.

But just thinking in broad strokes, it seems like one of our problems is that admin contacts can initiate a transfer and run that process end to end without any involvement from the registrant.

And that's - can either mean that the registrant is in agreement with it, which we've always interpreted that to be the case. Or it can mean that they are completely unaware that this is occurring, and that's where we get into the issues, disputes and un-dos.

Anil George: No I think it's a wise idea to really think about. We should just make sure if the admin is the person who kind of handles the registration, that he or she is not involved in identifying the person who is - who speaks for the registrant as well. We just have to think about those issues.

James Bladel: That's an excellent point. Another problem that I could foresee besides all of the practical challenges with this would be that this does somewhat diminish the registrant's ability to unilaterally transfer the registration, which they can do now.

The registrants by current policy is not subject to admin contact over ride. And in this model they would be. So that's another problem.

Anil George: So I think for that it should be if the admin is the person initiating the - then the registrant should provide a key so to speak, so that they're both consistent. But if the registrant is doing it on his or her own, then they shouldn't be required to probably have the admin provide a second key I think.

James Bladel: Yeah that's a possible approach. Yep.

Man: Michele? (Unintelligible).

Michele Neylon: Guys you're breaking EPP.

Man: Oh that's just a technical problem.

Michele Neylon: That's just a technical problem.

Man: I mean you may be right. I'm not disputing that. I'm just - how?

Michele Neylon: Well, I mean, it's - the problem - like I understand exactly where you're coming from James, and I don't disagree with what you're saying in theory.

The problem is that to kind of get into that kind of multiple key type scenario and assembly and all these other things would involve a huge re-working of how the entire EPP thing works at the moment, from my understanding of it, and this just from being the cat herder of the developers who run our back end.

And, I mean the other thing as well is - I hate to keep saying this. If the registry was thick, then it wouldn't be of much of an issue.

It's with the thin registries it's hard in a lot of cases just to get the email - to get all the email address contacts because they're not always all published which causes problems, so.

I mean (unintelligible). I'm just a bit concerned about people getting too tied up on it.

James Bladel: Oh yeah. We should discuss it in broad strokes and not necessarily do any coding on the (unintelligible) is where I'm coming from.

Michele Neylon: Yeah. No, it's just because at the thing I'm looking at it's the kind of thing that if I presented it through some of our programmers, or if you presented it to some of your programmers, they'd probably want to either A, lynch us or B, or go off into the corner and just solve themselves to sleep or something. But that's just my take on it.

James Bladel: Most definitely that would be the case. Now if you pitched it to the customer service folks who continuously try to untangle these issues when they do arise, maybe you might get a little more support, but maybe not much more.

Michele Neylon: Well, yeah. It depends on how technical your customer support people are. I won't even get into that. I won't even get into that. Okay. Can we move on to the next (guarding)? Okay. What was this.

The (menaces) - are there any other - does anybody have any specific comments on any of the comments we received in this section?

I mean it's all down to the same basic topic regarding a conflict between the registrant and the admin contact. Does anybody disagree with any of the comments we received? Is there anything that anybody wants to throw in there? Michael Collins?

Michael Collins: Hi. I apologize. I may not be answering your exact request. But I was off the call for quite a while, so I missed a lot of what James and Mikey said. I missed all of what Mikey said and less of what James said. I apologize if I'm out of sequence here.

But, I did want to remind everyone that my recollection is that before the current IRTP policy a domain transfer required the registrant to approve it at the losing registrar.

And at the time, this was before we had Dave working on, you know, at ICANN I believe, and before we had a compliance team, I think is doing a much better job today.

And when the IRTP rules were written, it was changed to allow the gaining registrar to do the approvals, because so many losing registrars would just not, you know, weren't performing. They weren't allowing registrants to transfer out. They weren't allowing them to approve a transfer. And it was quite of a bit of a problem.

And so I just want to remind people that - I think today it might not be as big a problem. We might have, you know, we might be able to get compliance to allow this. But back in the day there was a problem. And that's the reason for the current policy. That's all. I'm back online again by the way. Thanks.

Michele Neylon: Okay. Chris Chaplow.

Chris Chaplow: Hi there. Yeah. I just want to come in and just underline this point again from the point of view of small business. Because that's sort of very much of the world that I see down here, the stockholder or the empire as it were.

Lots of small business setting up - Web design companies coming and going. And I come across lots of cases where people have let go. They've registered the domain. It's not necessarily been registered in their own name. It's been in - ended up the registrant's Web site. But I know that's not quite the issue we've got at the moment.

And I often say to people that come to me with a problem, you know, if you bought a car you would never let the number plate registration - you'd never treat it in this way, you know.

And so many small businesses (rightly or wrongly) do. They don't keep records of emails. They let accounts close down. It's just quite a mess the



way people are cavalier about the ownership and the appointment of admin contacts on their domains. And from where I see it it's a big problem.

Michele Neylon: Okay. Mikey?

Mikey O'Connor: This is Mikey. I'm responding to Michael's comments about the fact that the world may have changed since this policy was written with the arrival of David and his team and, you know, a better functioning compliance organization. And I think that may be indeed the nub of the issue.

That if we could understand whether the world has indeed changed enough to warrant switching back to the way it used to be, where the registrant and the losing registrar had to also approve the transfer.

Maybe that's the core of the recommendation. And then sort of waive our hands at the technical details. Presumably in thin registries, once upon a time, that was something that could be done and maybe it can be reinstated.

Michele Neylon: Anybody? James?

James Bladel: Yeah I just wanted to be the voice of extreme caution when we talk about going back to previous (ones). While I completely agree that we have a better compliance approach right now, there were a whole host of other issues that were involved in the previous one - the previous methods.

And, you know, I think that the rule of un-intending consequences definitely applies here. Particularly when we - when we're discussing things that have to be approved by a losing registrar. We have to assume that they won't, you know.

It just - I would want to be very very cautious when we talk about going back to a different method. I think if we're going to go that far and propose such

radical changes to the policy, then we should possibly, you know, take a look at it top to bottom.

I believe Tim and some others a few years ago proposed an idea that was modeled - called a push transfer. Which, you know, gave the registrant and admin contact the keys that they could then take anywhere.

You know, but I think when we talk about going back to the previous one, now we're talking about issues of do they still - how is it sold? Do they tack on the extra year to the expiration date to offset that sale? And all kinds of other issues now come into the table that I think are a little concerning.

Michele Neylon: Just on the push thing. So, you'd be talking about something similar to the (nominate way)? Is that what you're talking about?

James Bladel: If I knew more of the details I would be able to answer that Michele. But I just remembered that there was a different approach that was ultimately not selected in terms - in favor of the model that we have today.

Michele Neylon: Okay. That's fine. Alright. Anybody else have anything further to say about - on this? I'm just going back to what Chris was saying about the small businesses. Just for the record James put up a great big green tick that he agreed with a lot of what he was saying. And I'd also say the same thing.

Chris we deal very similar customer types as yourselves. And yeah. Most of them haven't got a clue who's in charge of the domain. And that causes lots of pain and headaches, and drives us all to drink. And I think James is probably agreeing for a similar reason.

Chris Chaplow: Chris here. Just to imply. Parts of what we're thinking, not just the policies. It's going to have to be education as well isn't it?

James Bladel: Yes.

Michele Neylon: Yeah.

James Bladel: And this is James speaking. I just wanted to say I agree and really appreciate Chris's metaphor of the Department of Motor Vehicles of the license plates for a car.

I mean you certainly wouldn't put your mechanic's name on the title to your vehicle and not expect that to come back to haunt you at some point down the road. So I think that metaphor is something that really most people can relate to immediately.

Michele Neylon: The problem I have - and this is the one I can't seem to find a solution. And I don't think there is an easy one. Is now on earth can we actually get this information to people? In a manner - so to actually do away with a lot of these headaches? I mean how can we effectively do it?

I mean I can tell my clients. Chris can tell his clients. Berry could tell his. James could try and tell his. I mean we could all try to tell our clients. But what can we actually do to get that kind of message out there? Mikey?

I'm not saying that you're going to have an answer to me - for me, but you've got your hand up.

Mikey O'Connor: Yeah. Well I was going to say something very similar to that. And that is sort of just in time education notion. It's - the other tricky bit to this is that scenario for the small business is that in fact the registrant, the true small business owner, very often isn't in any way involved in acquiring the domain.

And so, delivering education, you know, let's say that the scenario is that the Web developer uses their own name as the registrant. So there's no way to find the true owner of the name.

So it's almost - in the license plate analogy, it's almost as though it's a chauffeured vehicle that passenger thinks they own, but in fact they don't.

Michele Neylon: That's a good analogy.

Mikey O'Connor: So it's - no one said this one was easy.

Michele Neylon: Oh easy would be no fun. James you had your hand up. Do have your hand up - sorry.

James Bladel: Yeah. Just very quickly and Mikey you're right on about that. And in some cases we try to emphasize to folks that, you know, think about besides the domain name, think about your customer lists, your financial information or the keys to your office.

You would expect to have some sort of arrangement where if you separated with an employee that you would get those back if, you know, if you were to separate that relationship. And you should treat the domain name the same way.

If an employee leaves and leaves their name associated with the registration - it's the same as if they kept the key to their building, or made copies of all your customers lists. It's, you know, it's a similar concept. It has a similar potential for harm, and you should treat it, you know, you should treat it equivalently.

Michele Neylon: And Chris is - agrees with you. Okay then. Now, I don't think we'll - I'm a strong believer in keeping these meetings as short and to the point as possible. Now by my reckoning, we've got about three or four minutes left. Are there any other issues anybody wants to raise at this juncture?

And I noticed Berry put something on the chat which I thought was something which is kind of interesting. The idea of maybe of ICANN sponsoring some

kind of educational/learning videos on how transfers work. Any thoughts on that idea guys? And girls?

David Giza: This is Dave. Speaking from contractual compliance point of view, we would definitely support, you know, something like that in an effort to, you know, put things in plain English.

So that, you know, registrants have a better understanding of why we believe the policy is clear and how the policy is supposed to be applied.

And what happens when, you know, when things go astray, so that registrants have a better understanding quite frankly of who to contact and how to resolve those issues if the gaining or the losing registrar, you know, is not responding appropriately.

So, I think it's a good idea. And it's probably going to be - or should be one of the recommendations coming out of the working group.

Michele Neylon: Thank you. Just before I go to you James, have any of you seen the videos being produced by - I think it was (Center), did one. And - (Center) did one on (DNS).

And one of the internet - exchanges did well on how an Internet exchange works, which was kind of aimed at normal people, between inverted commas. Not many of you saw those. James?

James Bladel: Yes Michele. And those are good videos. And I just wanted to, you know, reemphasize the idea that ICANN should be - there's a vacuum here, and that ICANN should step into a - help educate the community.

I realize it's a huge task, but you know, we have to start somewhere. I'd rather see that coming from ICANN than from contracted parties.

Because Michele although you and I are very friendly on these calls, you know, in reality we are engaged, you know, in a competitive market place, and...

Michele Neylon: It's called (warfare) James. It's called (warfare).

James Bladel: Exactly, so. I think that if it were - I think ICANN in some cases David, and forgive me for being so blunt.

But I think that they have somewhat advocated this responsibility to the contracted parties, who naturally have stepped in and instead of necessarily putting together an unbiased educational effort they have wrapped it in a marketing pitch.

So I think that, you know, there is a role for ICANN to play in community education here. And in some respects, some of these roles can only be played by ICANN.

David Giza: Yes. This is Dave. I agree. And James you are forgiven.

Michele Neylon: And James don't forget, I do take pleasure in taking domains from your accreditation and you know it. Marika?

Marika Konings: Yeah. This is Marika. I just wanted to mention that now we are in the process of - from the policy department side of setting up like an e-learning portal that I think will be integrated in the ICANN Web site.

And I for example, already recorded a pop cast on the IRTP. But then more in the content of policy development. And I'm happy to take this idea back of doing something more about like, okay so how does the IRTP work?

And maybe have something in combination with a couple of slides to explain to people how it works and what the different requirements are.

And that might be something that can be built into that e-learning portal, and maybe might be used as well for some other policy areas or issues where we see that there are a lot of questions or lack of understanding from, you know, registrants respective on some of these issues.

Michele Neylon: Marika I mean no offense, but I think what we're looking for really is something much much much simpler. I mean the - even using the term IRTP is beyond the grasps - the grasp of most registrants. I mean most people don't seem to know how domains work at all.

Marika Konings: No, no I understand. And it would be more like how do you transfer your domain name? Or how do you get, you know, how do you get from registrar A to registrar B?

I mean, and obviously it wouldn't be a high level - one of IRTP, but more (unintelligible) focused. So, what do you need to do if you want to transfer your domain? And what are the obligations of the registrar? What are your responsibilities?

And a more - I think what they're doing as well in the compass of the (RAA) to try to make it - boil it more down on the basic points so it's easier to understand what you need to do in order to get it done?

And what are the things a registrar's supposed to do? And which are the things that I'm not allowed? Or where you have, you know, the ground to complain, or work around certain issues.

Michele Neylon: James how's the idea of hiring a firm, making a (unintelligible) - dude where's my domain? Which I approve of. Mikey and then Chris.

Mikey O'Connor: This is Mikey. I just wanted to chime in in support of the idea of the education, but also raise the cautionary flag, that a lot of what we're going to be

educating about has wildly different processes depending on which registrar, which TLD, etc.

Michele Neylon: Thick or thin.

Mikey O'Connor: Thick or thin. Yeah. You know, blah, blah, blah - all that stuff in the (PEDNR) thing that I did. So be careful.

Michele Neylon: Okay. Chris?

Chris Chaplow: Yes. We are doing something from the side of the communications work team and the new GNSO Web site. And they'll be a section in the new GNSO Web site called Basics, which I think Scott's going to be - Scott Pinzon's going to be offering.

It's sort of some of this material, but really aimed at the laymen. And I think also possibly doing some work with Marika on these broadcasts. I'm not sure. But, so there are - there is movement. But I think it certainly needs to happen at all levels. Thank you.

Michele Neylon: Okay. Does anybody else have anything further to say? Chris? Is that from before?

Chris Chaplow: Yes. And before. It's gone out.

Michele Neylon: That's alright. It's okay. It's okay. (Unintelligible) the Avatar DVD has been leaked onto BitTorrent already. I don't want to upset IP lawyers on the conference call.

If nobody has anything further then I would suggest that we adjourn until next week, since we've had - we've gone just over an hour. Unless anybody wants to add - throw in now?



No? Okay then. I'll take your silence to be agreement. (Owe) my ear. And I'll speak to you all next week then.

Man: Bye.

James Bladel: Thanks Michele.

Marika Konings: Thank you.

Man: Thank you bye.

Man: Bye. Bye. Bye.

Man: Thanks bye.

END