

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

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Participants on the Call:

Michele Neylon – RrSG Chair
Paul Diaz - Registrar SG
Robert Mountain - Registrar SG
Simonetta Batteiger - Registrar SG
Mikey O'Connor – CBUC
James Bladel - Registrar SG
Berry Cobb – CBUC
Chris Chaplow – CBUC
Kevin Erdman – IPC
Baudoin Schombe - At-Large
Matt Serlin – RrSG

Staff:

Marika Konings
Gisella Gruber-White

Apologies:

Oliver Hope - RrSG
Anil George – IPC
Michael Collins – Individual
Eric Brown – RY (all Tuesday calls)

Gisella Gruber-White: Good morning, good afternoon and good evening to everyone on today's IRTP call on Tuesday the 9th of November. We have Michele Neylon, Berry Cobb, Mikey O'Connor, Baudouin Schombe, James Bladel, Paul Diaz, Matt Serlin, Simonetta Batteiger, Chris Chaplow, Kevin Erdman.

From staff we have Marika Konings and myself Gisella Gruber-White and we have apologies today from Oliver Hope, Michael Collins and Anil George.

If I could also please remind you to state your names when speaking for transcript purposes. Thank you. Over to you Michele.

Michele Neylon: All right. Good afternoon and good morning and good anything else for anybody who's in another time zone. And welcome to the wonderful world of IRTTP. Paul Diaz has decided to kick off the meeting today by posting into the chat, something which I shall read or do you want to read it yourself Paul?

Paul Diaz: Sure. I'll paraphrase Michele. It's there for everybody if you can't see it in chat. Basically all I'm offering is I believe this working group has done a phenomenal job in discussing issues that are before us and going over the public comments that were received, etc. But I really don't think we've spent enough time trying to develop our own solutions to a lot of the problems.

As such I'm really concerned that the proposed text, the draft recommendations and the final report that's been put before us is really premature and that we as a working group are kind of failing the process in that it seems to me we're punting to staff on almost all of the issues.

So as such I'm just asking that you know, this draft be considered okay a starting point but I would submit this group is not ready to seriously entertain a final report that we have plenty of work still in front of us, things I think we can work through by the way, and would really like to just dive right into that starting with the draft recommendations and work through them one by one.

Michele Neylon: Okay. Thank you. Anybody else have anything to add to this? Mikey?

Mikey O'Connor: Hi all this is Mikey. I guess the question I've got is what the trajectory of this draft is thought to be. I was thinking that Marika had put this together sort of as a talking draft and so I didn't react quite as strongly as Paul. So Michele, Marika you want to kind of fill us in on sort of what your intent was with the draft?

Michele Neylon: I will, Mikey I will let Marika speak to that once I've let James have his say.

James Bladel: You know pretty much the, I'm sorry this is James speaking, pretty much the same question was what is our intention, are we trying to get something out before Cartagena because this feels rushed, that was it. So echoing Mikey's question.

Michele Neylon: Well okay. Before Marika jumps in I'll just say, I mean basically we part of this is to try and get some focus, because we seem to be spending a lot of time talking about stuff at length but we haven't been actually moving forward in a concrete fashion, if that makes some kind of sense to you.

So in some respects this was to kind of, what's the polite metaphor I'm looking for? I can only think of rude ones.

Man: Call to action, light a fire.

Michele Neylon: Thank you. Yeah there you go, that will do. Thank you. Sorry my filthy, dirty mind was getting the better of me and I was having difficulty turning that into something that was politically acceptable or recordable.

Marika go ahead please.

Marika Konings: Yeah. This is Marika. So I need first to respond to James. I don't think (unintelligible) intention to get anything out by Cartagena, the deadline is the 15th of November. You know the intent is really to try to move the group forward and start thinking about the final report.

So maybe kind of first (unintelligible) the draft final report that's on this screen and take (unintelligible) changes that have been made there and then we maybe can talk about the draft recommendations which I you know, put into a (unintelligible) document.

So basically if you look on the document on the screen, you know a lot of the changes there are just, you know, edits marking it from a change from a initial report to a final report.

So basically if you look at the, you know, executive summary of course needs to be updated once the group finalizes its report so that's (unintelligible) and subsequent draft.

Change in Chapter 2 basically objective and the next steps that follow from a final report. The proposal will be for Chapter 3 on Page 11 which is the background to possibly move that to an annex, because I think we received numerous comments over the last month with a lot of background information is put at the front of the report and the main elements are more hidden.

So this might be a way to actually move the working group discussions and deliberations and recommendations more to the front and move the background to one of the annexes of the report.

So moving on to the next chapter where I don't think anything has changed, it's the approach taken by the working group, the only thing changed there is we have added the numbers that join the working group after the initial report needs to be updated to reflect the meetings attendance, which we normally do after the last meeting of the group.

Then look at Chapter 5, deliberations of the working group and on Page 27 what I've tried to do there is on, in a number of the areas include some of the points that we've discussed based on discussions around the public comments. For example in, on top of Page 30 what I've done there is actually just include a place holder to include information in the after market survey, sort of the summary was sent so I can synthesize that and try to include that here, you know just to reflect that for the record.

In Issue B I've inserted some language reflecting a discussion we had based on the comments that were submitted in relation to that issue. The same for the other issue, so there I would just, you know, invite everyone to review that and see whether it reflects the discussion we had and the views of the working group. Some of those elements are taken directly from the public comments review tool that we used.

So then looking at Chapter 6, which is the stakeholder group constituency statements and public comment period, basically what's changed there that I've added the summary and analysis of the comments received on initial reports basically identical to the one that is posted on the ICANN Web site.

And I've included there as well a section on how the working group has reviewed those comments and where people can actually find the review tool, you know once we finalize that and it's posted probably on our Wiki so that is as well referenced there and can serve as a backdrop to the changes that have been made to this document.

So those are the main changes to the report itself to get it into a shape that fits the model that we've used for final reports. So I don't know if anyone has any issues they want to raise now or comments or I don't know if people have already had a chance to review it but again this is a draft and any comments, edits are welcome.

Michele Neylon: Simonetta?

Simonetta Batteiger: I guess I have a question. So from your point of view Marika do you feel that you included the content of what we've discussed in this draft or do you feel that what you've done so far is basically you did format changes and we still need to incorporate what we've discussed.

Because I, when I was reading through this I didn't find all that those questions actually being included in this report yet. And maybe that wasn't your intention so I was just, I'm trying to find out which one it is.

Marika Konings: And this is Marika. What I've tried to do is to include those comments that came from the review of the public comments where we've specifically said, you know this is something we need to reflect in the final report and as well some of the additional discussions we had with ICANN staff participating on the questions in relation to (unintelligible) 6 and 7 I've captured those.

But there again if I've missed something and you know, I'm sure there is, as you said there are some items that you don't see appearing that I would invite everyone to, you know, suggest language and circulate that to the list so it can be added.

Simonetta Batteiger: Okay.

Marika Konings: Mikey?

Michele Neylon: Mikey?

Mikey O'Connor: Yes. This is Mikey again. I don't think this is terrible. You know I like the idea of having a draft because I find it easier to sort of have a stake in the ground and then you know, if there's language that drives people crazy that's fine we can fix it but I agree that it's good to have something to edit rather than kind of continue the discussions that we've had without writing down at least the going in position.

So I think that given the fact that we're not really trying to get this to the council by Cartagena and so on that having a draft is a good thing because it gives us a framework to hang changes and ornamentation on. So I think what I'd like to do is sort of kick it back to Paul and get a sense, Paul given what

you've just heard that we're not really trying to drive this to Cartagena. Are you, you want to restate your concern in this context?

Paul Diaz: This is Paul. No Mikey, it really was not clear to me that this was not a drive to try and wrap something up before Cartagena. And I'm glad, very, very glad to hear that it's not, I don't see a problem in setting a deadline for ourselves to be done with this by San Francisco, you know which will come up fast given the holiday seasons. But you know I say great, it's there, it's in front of us, let's start filling in the blanks where in every case that we can.

Mikey O'Connor: Cool.

Marika Konings: So this is Marika, if I can then maybe continue to the other document, let me just pull this up, and basically what I did I pulled out the draft recommendations as they were in the initial report.

And you know, trying to think of what the group has discussed so far, and also in an attempt to try to move the discussion forward as we haven't really had, you know as Paul said, we haven't really done a lot of work on you know, revising these recommendations or coming up with, you know, concrete solutions.

You know I've put in some thinking of maybe, you know, an attempt to move things forward. And indeed that might not be the approach that the working group is willing to take and you know, the working group might want to put more time and actually developing the concrete solutions but this is just an alternative, you know an idea, a suggestion.

Again I pulled it out of the document to really make clear that, you know, this is just a draft and for the working group to tear apart, to edit, change, improve in whatever way it thinks it is appropriate.

So I really would appreciate the, I really appreciate the feedback that has been received so far and just noting on the next deadline I think that the group should take into account as well that it doesn't necessarily need to have as a deadline the next ICANN meeting.

Because basically the next step for this report, unless the working group decides that it wants to have another round of public comments, but if the working group is going for a final report the next step would be for it to be submitted to the council and the only deadline there is basically that it needs to be submitted eight days in advance of a GNSO council meeting for it to be discussed or appear on the agenda.

So that, you know, that is a deadline the group would take into account although, you know, if you set yourself a target of the San Francisco meeting of course there's no problem with that either.

Michele Neylon: Just for some bits on the chat there which just wanted to capture was a transcript from Berry, he's just saying that he would like to do a poll to see where the group stands on the seven recommendations across the five issues. Mikey likes the idea of polls and I don't have any problem with polls.

And one thing that James is saying is that we have to, basically we have to be careful about how we draft any questions. I'll take Mikey and then Marika.

Mikey O'Connor: This is Mikey. I was actually reacting to Marika's summary of the document. So Marika if you're reacting to the poll idea do you want to go first?

Marika Konings: Yes. That's fine. This is Marika. Just to comment, indeed it's no problem to set up a poll but indeed if there's strong feelings that there might be other recommendations to be considered maybe we should allow a little time for people to review these recommendations, think if there are other recommendations they would like to propose as part of a poll.

And then have a poll which I think should be fairly flexible where there is an option for people to suggest additional language or changes to the language so you know, it becomes a problem not just voting yes or no but actually a way of capturing the views of the working group that we then can use to actually, you know, model the recommendations according to the consensus of the group.

Michele Neylon: Mikey?

Mikey O'Connor: This is Mikey. I like this document and so I think I'm feeling the same way about the second document, Marika, than I did about the first. I think it's great to have a draft and it's great to have a stake in the ground that we can start working on.

I agree with Paul that I'm pretty confident that we could beat these drafts up and get them in really good shape by San Francisco, I think Cartagena it would be really scary but it doesn't sound like that's an issue, and so mostly just wanted to say thanks Marika and you know, great job.

Michele Neylon: Just with respect to timelines, how do, would people feel comfortable, oh (Rob), go ahead.

(Rob): I'm going to mostly agree with Mikey there. I think the documents are really good and really well presented. I have a few questions and felt there was a word or two missing so I'm busy typing up to get to the mailing list. But overall I think that's an absolutely brilliant job.

Michele Neylon: Okay. Thank you. With respect to timelines is there anybody who has an issue with us looking at San Francisco as being a reasonable deadline for a final report?

Everybody seems, I've got two people agreeing with that idea. Does anybody violently disagree? Okay I have two questions. Chris and then Mikey.

Chris Chaplow: Chris here. Yes. San Francisco sounds, well that's the reasonable one for us. I'm just noting on Page 53 we were by the council were saying to us final report T plus 220 days. If the working group decides that changes need (unintelligible) we should submit a revised timeline to the GNSO council.

So I think we should go for San Francisco and then commit to that by getting back to the council formally and telling them that's what we're doing. Thank you.

Michele Neylon: Okay. All right. Thank you. Marika what's the exact method for doing that since I'm totally unfamiliar with such things?

Marika Konings: Yeah this is Marika. I think that probably would be appropriate to arrange with the council liaison, which I think is Tim Ruiz for this group so I guess that might be an action point for James to discuss with him.

To be honest I think we probably already missed that deadline by quite a bit and I think more groups are in a similar boat and I actually haven't seen any official communications to the council asking for changes to the charter.

But I think it would be good to give an indication and if the group commits to that another thing I would do is we provide before every council call an update on the different working groups and where they're at (unintelligible) to put in there that the deadline for, or the deadline the working group has set itself is the San Francisco meeting to produce a final report.

Michele Neylon: So I normally get an e-mail from one of the lovely ladies about, in a couple of weeks in advance asking for updates, so I could just reply to that possibly? Mikey?

Marika Konings: Yeah this is Marika. I think we've actually changed the system as we, not all the chairs were as responsive, responded (unintelligible) unfortunately so I

think staff has taken up the pen basically for that document and you know, if there are any comments or changes or you know, chairs want to review that before it actually goes out, you know that's no problem either.

Michele Neylon: Okay. Mikey?

Mikey O'Connor: I'm fine with the idea of shooting for San Francisco but before I sign on I'd really like to see sort of a work plan that says here are the pieces of work that have to be done and some intermediate dates along the way.

One of the things that drives me a little bit crazy about the GNSO, it's not me.

Michele Neylon: It's my, it's my phone though I have no way of, hold on. Just hold on one second, end. Just, there needs to be a reject button on the iPhone. Go ahead. Sorry Mikey.

Mikey O'Connor: Okay. So I'd just like to see a little work planning done before we commit to an end date because it drives me a little bit nuts to just have a date out there but no intermediate milestones to let us know whether we're on schedule or not, that's all.

Michele Neylon: Mikey this is Michele. Just with respect to that the deadline that I have for the GNSO update is tomorrow, so I just need to, I would just need to go, I mean what I was thinking of doing was just going back to them and saying look this is what we're looking, we're looking at doing this rather than making a firm commitment. Remember I'm Irish so I'm very good at making vague promises to do things. As opposed to...

Mikey O'Connor: Well that's cool. But you know I...

Michele Neylon: But I do think what you're saying about, about actually working on a proper work plan that makes perfect sense to me.

Mikey O'Connor: Yeah. I mean if we've got another public comment cycle that we have to get through, you know, how long are those dates, I just want to make sure that all the work we need to do actually fits in the time between now and San Francisco.

Michele Neylon: Right. Well how about this then, since I'm an evil, vindictive whatever at the best of times would you like to work with me and somebody else to put this together?

Mikey O'Connor: Sure.

Michele Neylon: Okay. And would anybody else like to throw themselves on their sword for this, apart from Marika who's, who has already got enough on her plate? No other volunteers?

(Bob): Yeah Michele I raised my hand.

Michele Neylon: Oh that, okay. Thank you (Bob).

(Bob): Yeah. I'm happy to help (unintelligible).

Michele Neylon: (Unintelligible). Sorry?

(Bob): Yeah sorry. I was going to say I'm happy to help and I was just curious has there, you know have we done something like that before in this work group, a project plan where we you know, we have the milestone dates and all that set up just as a you know, a template that we could use?

Michele Neylon: I could answer you that pretty categorically by saying no.

Marika Konings: This is Marika. I'd like...

Man: We've done that (unintelligible).

Marika Konings: Yeah this is Marika. I've actually done similar work plans for other work teams, although you know, sometimes they're a bit of a challenge because, you know, you're trying to look in the future which is not always easy especially in this context as well as it's not clear you know, how much support there is yet for recommendations, how much work is needed.

Also what I wanted to mention on the public comment (unintelligible) there's no requirement to have a public comment period on a final report but I think what is customary if there are big changes between the initial report and the final report, especially with regard to the recommendations it would be highly recommended that another round of public comment is held so people are not caught by surprise concerning the recommendations that are published.

I mean this might take a different form than the public comment period we do on the whole report, it might just be pulling out the recommendations and saying look, in relation to these charter questions these are the different recommendations the working group is considering, you know, you can look at the draft version of the report to see you know, how we've come to that you know, please give us your feedback.

But (unintelligible) take into consideration but I guess that's (unintelligible) to come clear once there's a clear idea of how the recommendations might look and which ones will get support.

Michele Neylon: (Rob)?

(Rob): Yeah I can, if you give me some (unintelligible) and tell me what you want done I'm happy to volunteer some of my time.

Michele Neylon: Okay. Thank you. Well I think just, for this just putting together something we can kind of work through we don't need millions of people so I think it's really a case of Mikey, myself and I think (Bob).

So I think there's enough there between us because while I appreciate the offer of help too many cooks spoil the broth, I just want to get this done quickly, but it's more important that when we put our things to the group for some feedback that we can try and get something back sooner rather than later.

So (Bob) and Mikey if you want to kind of catch up with me off list after this call and Marika can maybe get, give us a little bit of guidance on what way this should look since she knows what that is. But again I don't want to lump her with all the work.

So moving on, do just with respect to the after marketing people and their stuff and things, is that pretty much done at this stage guys or do you have more to do? (Bob) and Simonetta?

(Bob): Yeah. Michele this is (Bob). I was going to summarize the report and get that out to the group so I think I should have that pretty much done by next meeting so.

Michele Neylon: Okay. Perfect. All right. Anything else?

(Bob): Yes I'm sorry. That's obviously with Simonetta's input as well, she's been working with me on that the whole time.

Michele Neylon: Okay. Perfect. Actually now that I think of it as well just with respect to next week's meeting I won't be able to attend as I'm at the right meeting in Rome so would somebody else be able to chair in my stead? Don't all rush. Nobody wants to chair the meeting next week?

James Bladel: Hi. This is James. I'll throw my name out there as to help out. I would probably want to get together with you prior just to work out the agenda but that would be fine.

Michele Neylon: Okay. Thanks James. Does anybody have any objections to James chairing the meeting next week? I'll take the silence to mean no. James you're very popular.

Okay then. Moving on to our agenda, I'm actually skipping a couple of things because we kind of got into a couple of other things here. I, Marika I think e-mailed everybody about the meeting in Cartagena or was that just to me since I'm getting confused what's going to me and what's going?

Marika Konings: Yes this is Marika, I think I just sent you an e-mail about that. I have included it here in the agenda that in principle the closed working group meeting that the work group agreed on is tentatively scheduled for Thursday the 9th of December from 9:30 to 10:30 local time.

Michele Neylon: Okay.

Marika Konings: The schedule hasn't been confirmed yet so this is still tentatively and my proposal would be once the schedule comes out that we can review as well which other meetings are scheduled opposite it, I mean the latest version I've seen I haven't seen anything extremely problematic but of course I don't know what everyone's agenda is for Cartagena but maybe then the group can have a discussion to see whether that time meets everyone's schedule.

Michele Neylon: Okay. As far as I'm aware there's one other group meeting roughly on the same time but I think I'm the only person who's in any way involved with this and by any way involved with I'm subscribed to the list, but I'm subscribed to a lot of lists so that's, it's not that important to me, and but we can review that in further down the line.

Okay then. The, with respect to the other items on the agenda, and I just realized as well I was very bold, I didn't ask anybody if they have an update for the SOI/DOI. Does anybody have an update for their Statement or Interest/Declaration of Interest?

I'll take the silence to mean no. Okay. Perfect.

Okay then so we have just reviewing the comments on the initial report.

Marika go ahead.

Marika Konings: Yeah this is Marika. The only thing that's still remaining is the comments received on the proposal for the ETRP. So I think that's partly probably linked together with the discussion on the recommendations whether the ETRP is something that the working group really wants to get into the details on (pair), you know, a detailed proposal.

Or is it something that the group would like to work out a number of principles and hand those over together with the public comments to the next group or staff to develop, you know, the concrete proposal, so that's, you know from my point of view that's the only item I think that's remaining from the public comment.

And as this document is going to be linked in the initial, or in the final report I would recommend everyone to review it and make sure that the comments that are captured there accurately reflect the working group discussions.

Michele Neylon: Okay. Simonetta and then James.

Simonetta Batteiger: I am just wondering it, from my perspective at least looking at the final report draft and the recommendation draft page that we've seen and it sounded as if everyone would like to jump in and actually look at that stuff and work through it.

So I was wondering if it made sense potentially to take a look at this, at these comments and just truly just review them just within, with the idea in mind that we want to understand what they say so we can be aware of them when we

look at the recommendation draft rather than discussing at length every single one of these comments that's made in the comment review tool.

Because then we could spend another four weeks just discussing their comments rather than going into the actual recommendations phase.

Michele Neylon: Marika.

Marika Konings: I don't have my hand up. Was it a question for me?

Michele Neylon: Well kind of.

Marika Konings: I mean it's up to the working group. I mean the working group does have an obligation to review the comments. You know you might just comment (indeed) saying we would look at these in totality, and if we think they are really important, we take them and you know reflect that these have been taken into account for the next step of deliberations on the eTRP.

That we still require looking at the different comments and I guess going through them, but if I'm sensing Simonetta correctly, she would recommend the working members to do that, and look through it, and take that into account when discussing them instead of going through them one by one and providing a response for each of them. Did I understand that correctly Simonetta?

Michele Neylon: Simonetta.

Simonetta Batteiger: That's what I'm wondering about. Do we need to respond to every single one of them, because discussing our response is going to take a lot of time? Or is it more important to understand what the comment is all about and then have this in mind when we actually review our recommendations. I mean the comments are important and they should be taken into account, but I'm not sure if we need to respond to every single one of them and agree on our

response to them or if it's more important to just incorporate them into our recommendations.

Michele Neylon: I'm actually having difficulty fully understanding what you're asking. I mean okay you're saying that we should read for comments and react to them, but you don't want us to reply to them or...

Simonetta Batteiger: No, I'm wondering - I mean what we've spent a lot of time doing is going through each one of these comments and actually responding to every single one of them so far, and we left the piece in the middle completely aside. That is about what we're actually supposed to be working.

So I just fear that if we keep on doing that and we go through the rest of these comments at the same speed that it took us to go through the ones that we have reviewed so far, I don't when we're going to get to the actual draft and the recommendations there.

Michele Neylon: Oh, I see. Oh, okay. Now I see what you're kind of meaning. All right, James, Mikey. James.

James Bladel: Hi, yes, I think I understand what Simonetta is proposing and I agree that we shouldn't (iteratively) go through each of the comments, but I think you know going back to something Marika mentioned earlier. I think that the eTRP in particular is an excellent candidate for an idea that should be flushed out for testing of consensus either through a poll or through maybe perhaps a dedicated call.

You know I think that what we're hearing in the group and in the comments is you know, we like, we hate it. Actually, that's not true. I don't think anybody completely likes it. But you know I think that maybe we should take a look at some of the elements that are proposed in the eTRP draft and test them individually on a component level for consensus before we can move forward and as Marika said recommend whether this becomes work for a second

group, whether it becomes work for staff, or whether it's thrown overboard entirely.

And I think before we can even make a determination in that regard we need to tease it apart and look at some of the components before we can come to that kind of decision.

Michele Neylon: Okay, thank you. Next up we have Mikey. And Paul Diaz, if you use atoms and molecules of this working group, I will kill you.

Paul Diaz: My bad.

Mikey O'Connor: Oh, I haven't seen that. That's lovely.

Michele Neylon: Dude, that gave me such a headache the first few times that was used, but I think it was started by a bunch of engineers or something, and I'm not an engineer and my poor little head was practically exploding.

Mikey O'Connor: This is Mikey. I think I want to sort of build on what James was saying, which is - and also sort of fold in Simonetta's point, which is the eTRP discussion is one that we've got sort of several clumps of stuff that we need to consider. We need to look at (Bob)'s and Simonetta's results from their research; we need to take a look at this pile of comments. We need to break this into the principles that James is talking about and get a sense of how that all fits together.

So you know if we could wave a magic wand and all be in the same room, I could imagine a bunch of whiteboard work to sort of figure this all out. But I really agree with Simonetta's point that if we go through every single comment at the speed that we've gone through the other ones, we will be at that for quite a long time.

At the same time, I think Simonetta would agree with me that we want to fold those comments into the analysis that we do somehow. And it could be that - James I don't know if this where you were headed. I mean one thing we could think about is using that meeting in Cartagena as the analysis session to try and crash through all of this stuff. Is that where sort of you were headed, because I think that would maybe work.

James Bladel: Possibly. I wasn't really thinking of the logistical particulars, but that's a good idea.

Mikey O'Connor: And so maybe the thing to do is have another little subgroup sort of go off and huddle as to what we could do in terms of preparation for that meeting so that then when we got to that incredibly valuable moment when we're all face to face you know we could really get a lot done.

It seems like a big opportunity, but I think it would take some planning. I think it would be a bad idea to just take these clumps of information and sort of not do any get ready kind of work and go into a face-to-face meeting. I think we'd spend the whole meeting just figuring out what we were going to do.

Michele Neylon: Okay, thank you Mikey. Simonetta.

Simonetta Batteiger: I just want to clarify. I meant of course to look at these. And we have to understand what they say because if we don't understand what the comments say, we can't make sure that they are reflected in our recommendation either. But I don't think we need to discuss and come to consensus on every single one of these points before we look at the recommendations, because we have to discuss it in that light again.

Michele Neylon: Okay, Marika.

Marika Konings: Yeah, this is Marika. Following off on James' comment on maybe polling on the different (items) of the eTRP, another approach could be indeed to poll on

the different (items) of each eTRP to see whether there's consensus. And also add to that poll the different comments that have been made to see if there are certain areas where there's a large consensus from the working group that those comments should be included in the eTRP. And that might be a way as well of you know reflecting or reviewing the comments, because it would require the working group members to actually look at the comments and make sure they understand them to see if they agree or not with the suggested approach.

Michele Neylon: Okay, anybody. Simonetta.

Simonetta Batteiger: I think what we could do is we could go through these comments and A, each comment one by one figure out do we understand what it says and do we think that it needs to be part of our final recommendation. And at least that way we would identify which are the items that we need to make sure are taken care of in the final recommendation report and do we understand what people were actually saying.

Michele Neylon: Okay.

Simonetta Batteiger: I think those are the two things we need to get out of these comments, and we don't need to come to a full agreement while reviewing that.

Michele Neylon: Okay, well I'm just looking at the eTRP comments and there's quite a few, but some of them I think are quite easy to deal with because they are pretty damn obvious.

Like for example one of the first comments for (charter question the eTRP), Comment Number 4, "Need for clearer terminology in relation to the eTRP." I mean you know okay that's clear enough feedback as far as I'm concerned. Does anybody have any issue understanding that? No, okay.

Some of the other things are a similar kind of thing. They are kind of - they are soliciting more information. In other words, just more a case of us you know instead of just putting in like one or two words, maybe just expanding a little bit what is meant by a particular thing so that people can understand exactly what it is. And there's other ones there again, which is just - it seems to reinforce the idea of clarity as to what it covers and what it doesn't cover.

Then when we get into the other comments, there's a mixture of sources. The - some stuff from (Peter Stephenson), George Kirikos, and Andrew Allemann - (Allerman), (Allermond). So while in some respects it can be a little bit daunting, at the same time the summary of the comments probably covers most of what we need to capture or at least react to.

So based on the time, so it's a quarter to the hour. Do we really want to get into this now and try to do one or two of these and just see if people have any reactions to them or anything else? Should we go ahead and start moving through these?

(Rob): Yes, (that's) my opinion.

Michele Neylon: So let's move forward. So what's - I kind of hear you whispering something (Rob).

(Rob): Sorry. I would prefer we get started on it even if we don't get very far. That's just - otherwise (unintelligible).

((Crosstalk))

Michele Neylon: I do ask the members to speak up. I know damn well from meeting you in Brussels you are not afraid to speak your mind. Don't go mumbling. I am going deaf.

(Rob): I shall keep that in mind.

Michele Neylon: Thank you. Thank you. All right then, okay need for clear terminology in relation to the eTRP. That's pretty clear. I don't think we need to discuss that any further. Does anybody have anything else to add to that? No, fine, moving on.

Next one. Is a separate policy required taking into account other options available such as an injunction, and does the incidence warrant a new policy?
Paul.

Paul Diaz: Thanks, Michele. Last time I checked, injunction is a legal term. And unless somebody deemed us judges, we are not a court, so injunction is - does not apply. I don't know what was really meant by that.

Michele Neylon: I think it could be something (in relation to) if this court - if the civil actions involving the domain names as well are in parallel or something I think. I could be wrong. James.

James Bladel: Yeah, hi Michele. James speaking. And you know I think that this question or this comment gets right at the heart of the first charter question, which we should probably you know deconstruct a little bit and put it out there to test consensus. But is there - you know unwrapping it a little bit or unpacking some of the things in here, do the existing remedies suffice? You know that's a good question. I personally don't think they do, but I think that others may have some other opinions.

You know then the second part of that would be you know does that mean that we need a new policy. I think that probably is dependent upon your perspective on the first question. And then the second part about - the final part here. I'm scrolling down as fast as I can. I apologize.

You know there's another part there just about whether or not you know this is the right policy. This is you know a completely valid question and I think

that would probably be where the heart of the debate is. But I think if this gets to the point of do the existing mechanisms and leaving injunctions and Paul's comment off the table and just looking at for example the tDRP, does it suffice? Is it functional? What about the incidence? Are we really solving the problem that exists? I mean these are at the heart of charter questioning.

Michele Neylon: Okay, Kevin.

Kevin Erdman: Yeah, I just wanted to clarify. When we talk about injunction, part of the eTRP relates to injunctions, but not totally. Just to clarify, an injunction is like non-monetary relief. That the court does something - makes an order about what you have to do that's within its power to grant. And then in the context of ICANN's ability to do stuff, they can certainly do stuff with just about any domain name registration.

And so for instance the uDRP - they are able to cancel or transfer domain name registrations as part of their inherent powers. They are not capable of awarding monetary damages or giving any other sort of legal relief. And so one of the things I think is problematic is this idea about building something that can protect against use and misuse. You know I think we tried to address that somewhat, but a lot of it depends on you know what technological (measures) are feasible and et cetera, et cetera. That's my few cents.

Michele Neylon: James, is that hand from - or do you want to go again?

James Bladel: That's a (relic). I will take it down.

Michele Neylon: Okay. All right, Comments 6 and 7 are both to do with the abuse and misuse. Number 7, abuse or misuse of the eTRP should be strongly penalized. And then the other one, 6, is are there sufficient safeguards built into the eTRP that protects against abuse/misuse, e.g. what proof needs to be provided to determine the concerns of hijacking, how to avoid/deter the system being

used by registrants to get the domain name back after a sale has been completed.

I think that - I kind of pushed 6 and 7 kind of together. They are dealing with the same thing. Lots of excitement here. (Bob), James, then Simonetta.

(Bob): Yeah, this is (Bob) speaking. In our aftermarket survey, this came through loud and clear. Probably one of the strongest you know sort of consensus points was that concern about abuse. Concern that there really weren't specifics in the policy you know other than - there should have been agreement (directionally) that it needed - they needed to be there.

But you know one very large domainer was actually you know in favor of eTRP if this particular point around preventing abuse could be sufficiently structured. So I will tell you this is a real red flag. I attracted a ton of attention, and I think we need to really focus on this one to - if we are you know to get support for this. So thank you.

Michele Neylon: All right, James and then Simonetta.

James Bladel: Yeah, this is James. That's good to know, (Bob). And if we can crystallize some of the objection - I think I agree most of the objection I've heard is on this specific point. Which probably leads us to the design of a second poll question, which is something to the effect of is it possible to create a mechanism as described in Charter Question A that does not turn into a de facto disputer resolution policy?

Because I think that's what we were trying to avoid, but I think what we're hearing from the comments is that you know we (stepped) in that. We (stepped in) the dispute of commercial transactions by trying to resolve a technical operation, and you know can those be separated and would that then solve the abuse problem.

So I think that's possibly a second question. You know can - is it possible to design an urgent return mechanism that doesn't you know become misused and to see a resolution or a dispute creation mechanism.

Michele Neylon: Okay, Simonetta.

Simonetta Batteiger: Yes, I just wanted to also voice what (Bob) has already said. That this was really the point where people had most concern in aftermarket. That there is - it wasn't clear how this was done. That you collect sufficient proof that it is actually a hijacking situation and not a case of seller's remorse or something else.

And the other point was that everyone was asking for a way to respond to this action, which basically is exactly what James was just saying. You just create a dispute resolution situation and then we're back to what we currently have, which is - then it raises the question do we need something else other than what we currently have. And if so, what does this need to look like.

Michele Neylon: Mikey.

Mikey O'Connor: This is Mikey. I think that there's a fair amount of consensus in the group around a couple of things.

I think I would certainly support the notion that this thing has to have sufficient safeguards against abuse - seller's remorse category. I would also agree that we want to stay if we can away from becoming another dispute mechanism. So it may be that we've set ourselves on an impossible task, but I'm not ready to give that up yet.

So you know I think the main point is that in terms of results that (Bob) and Simonetta - you guys came up with. I don't think that there's anybody in the group that designs this that would disagree.

Michele Neylon: Simonetta.

Simonetta Batteiger: I'm really wondering if this is possible to have a mechanism that is so foolproof that it will never be abused and then no recourse to that. I don't think - I mean maybe I'm just lacking creativity here and there's something we can think of, but this is really what - I think we have to answer that question. Is it possible to come up with a catalog of requirements that are so foolproof that they don't need a response from the other party? And I can't - I don't know. Maybe I just don't know what that would look like, but I can't think of one right now.

Michele Neylon: Okay, (Bob) and then James.

(Bob): Yeah, this is (Bob) speaking. I guess you know piling on to the whole dispute mechanism the other question that seemed to come up numerous times was what's the response to eTRP. If I get eTRP, what's my mechanism to go back and contest that? So it just makes it that much more complicated.

You know I guess the other question I had through the process was I think it's difficult to crowd source some of this stuff, so you know is there a way where you know we do a breakout where you know people come up with suggestions. Or is there a smaller subgroup that you know works on some recommendations that factor in the input from the comments and try and come up with something that we could get consensus of? I guess it's just an open question. Thank you.

Michele Neylon: Okay and James.

James Bladel: I want to respond to (Bob). I mean that's kind of what we did in the first place and that of course got the accusations of (spilling) off into a cave and coming up with the eTRP in the first place.

So to respond to Simonetta's question, I think that you know I guess I'm not ready to wave the white flag and say it's not possible to design this. I think that you know the - my personal perspective is that there's a lot of transactional maturity left to be developed in you know the domain name aftermarket, and that you know we kind of touched on one area that needs to be strengthened a little bit. I'm not sure that someone couldn't have seller's remorse now and use existing mechanisms to try and (call back) a domain name after a sale by claiming hijacking or something.

So certainly we don't want to enable that type of behavior, but I don't know that I'm ready to say that you know this is impossible and we shouldn't pursue it. I think that it's something we should look at and we should definitely measure the impact, but I'm not ready to say that because of the potential of that that it's not worth pursuing.

Michele Neylon: Okay and the last one because we're almost out of time here - Mikey.

Mikey O'Connor: This is Mikey. I'm just going to build on what James said a little bit.

I think that one of the keys to this scenario may be the nature of the person who has taken the domain. In other words, what we were really aiming at was bad guys - crooks who for the most part would never dispute this request because they are bad guys. And that you know maybe the thing to do is to say if the person who gets wrapped around losing, gaining, and stuff like that - if the person is a good guy and they say, "Hey, wait a minute. I bought this name fair and square," then the rule is it stays with the good guy and it goes off into existing dispute resolutions.

Because I think our presumption when we were designing this was that it's the bad guy and the bad guy isn't going to stand up and make themselves known. They are going to disappear. Our whole objective is to (unintelligible) crooks. And so I'm with James. It seems to me that there might be a way to build this thing if there's any legitimate reason.

Michele Neylon: 49558 shit.

Mikey O'Connor: 49558 shit.

Michele Neylon: My apologies. That was me. I should have been on mute.

Mikey O'Connor: I don't know how to interpret that.

Michele Neylon: Apologies.

Mikey O'Connor: I just (liked it). Anyway, that's the point I was going to make. You know if we could make it so this only worked if there was really a bad guy on the far end. And if there was in any way a good guy, it would immediately drop off. Maybe that's the way out.

Michele Neylon: Okay, Simonetta gets the final word.

Simonetta Batteiger: I like that idea, but I think in order to...

Michele Neylon: Don't get used to it. Don't get used to it.

Simonetta Batteiger: But in order to find out if it's a good or a bad guy, you have to have some kind of question mechanism. And that's where some kind of response to it would be needed, and that's - the current proposal doesn't have any kind of a response like that designed into it. But if we could come up with a good enough response to distinguish good and bad guys in some way, shape, or form, I'm all for it. I mean I don't want to make it easier for the bad guys to take the (domain names) away. That's not my intent at all.

Michele Neylon: I'm just going to ask one question though just because I feel like it. A lot of this stuff seems to be putting pressure on registrars and ICANN to make changes to policy in order to deal with a problem that in many respects could

be seen as being limited to only certain players. The question I would ask is what are those players themselves doing? Just a parting thought.

Anyway, James will be looking after you next week since he's wonderful and volunteers for such things.

Woman: (Unintelligible).

Michele Neylon: And - don't get too excited whoever that was. And if Mikey and (Bob) would ping me off list, then we can move forward with putting into place some kind of framework, work plan, whatever and then we can get super Marika just to tell us where we're going wrong with it. And James I would humbly suggest that one of the topics for discussion next week be to pick up from this point forward. Enjoy the rest of your week people and speak to you all soon.

Man: Thanks, Michele.

Man: Thanks, Michele.

Man: Bye.

Man: Bye now.

Man: Thanks, Michele.

Michele Neylon: Bye-bye.

END