

**Inter-Registrar Transfer Policy Part B PDP  
Transcription  
Tuesday 11 January 2011 at 15:00 UTC**

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Robert Mountain - Registrar SG  
Simonetta Batteiger - Registrar SG  
Mikey O'Connor – CBUC  
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Oliver Hope - Registrar SG  
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Gisella Gruber-White: Thank you, good morning good afternoon to everyone on today's IRTP call on Tuesday the 10th of - sorry the 11th of January. We have Michele Neylon, Simonette Batteiger, James Bladel, Berry Cobb, Mike O'Connor, Ollie Hope, Matt Serlin, Paul Diaz, Bob Mountain, from staff we have Marika Konings and myself Gisella Gruber-White. Baudouin Schombe will be joining us in 30 minutes and apologies today noted from Barbara Steele, Anil George, Kevin Erdman and Chris Chaplow.

If I can please just remind everyone to state their names when speaking for transcript purposes. Thanks, over to you Michele.

Michele Neylon: Thank you. Good afternoon everybody or good morning for those of you in strange time zones. As per usual does anybody have an update to the SOI or DOI? I'll take that as a no.

Right then, yes James, I do mean your entire hemisphere is in a strange time zone. So continuing the discussions from last week and also there was some emails backwards and forwards between several people who aren't on this call today.

People who are actually on the call, James and Marika and I think Barbara as well was involved but Barbara isn't on the call today. So if we could start at the beginning of document with Recommendation 2, is that up on the adobe Marika?

Marika Konings: Yes it is.

Michele Neylon: Okay. Recommendation 2, right, the working group notes that in addition to reactive measures such as outlined and recommendation 1 proactive measures to prevent hijacking are of the utmost importance.

As such the working group strongly recommends the promotion and adoption of the measures outlined in the recent report of the security and stability advisory committee on a registrant's guide to protect in domain name registration accounts.

And there's a comment there is that the potential to combine the consensus and (unintelligible) train and the working group discussions on the SSAC report. Actually Marika go ahead, you've got your hand up, this will make things easier for me, go on.

Marika Konings: Yes this is Marika and just to note that this is the same that was in the document last week, just wanted to know from the group whether there were any further comments on this recommendation or you know whether the group is ready to you know call this consensus.

Whether further work is needed and just so we can identify what is you know left or remaining to be done by the working group on the different items that are in this list.

Michele Neylon: Okay. James go ahead.

James Bladel: Hi, thank you Michele, James speaking. When we say promotion and adoption of the measures outlined in this report what are we saying by that? That each and every one of those should be you know considered for consensus policy recommendations?

I mean are we making a blanket recommendation, are we saying - what are we saying when we say that?

Michele Neylon: That's a good question James. Who would like to answer that? I mean I could answer it but Marika's got her hand up. Go ahead Marika.

Marika Konings: This is Marika, I wrote that the time I mean my thinking was the group discuss this more as a practice recommendation. That's why I wrote in the notice while that the group might want to consider making that more specific what that means.

I mean promotion could be asking you know ask us to give a presentation on these recommendations at the next ICANN meeting or you know promotion might be asking the registrar stakeholder group to circulate this widely to all their members and encourage people to adopt these.

I mean there might be different ways depending on how specific or how detailed the working group would like to go or whether there are specific recommendations within that report that the working group would like to highlight.

So that's one of the questions for discussion.

James Bladel: Okay this is James speaking again, sorry to jump the queue. In that case I would recommend that one or more of the registrars maybe peel off from this group and come back with some more what do I want to say, itemized recommendations for each of the measures that are outlined in this report.

Rather than making a blanket statement and then the group can determine individually whether they want to go forward on each one. I'd just be more comfortable with that then more potential statements if that's agreeable to folks.

I would volunteer to do that.

Michele Neylon: So James is volunteering to do that. Okay Bob and then Matt.

Bob Mountain: I guess in reading that report I would say given all the other things we've talked about over the past few months I didn't find that report to be as comprehensive as some of the other measures that had been discussed.

I'm just wondering is that on purpose again not to open up the playbook too much to the bad guys in reserving those other things or is it just - is there potentially more that we could do around best practices?

Michele Neylon: Matt?

Matt Serlin: Thanks Michele, this is Matt. Yeah, I'd just like to echo what Marika said and I guess from my standpoint I think James has a good idea in listing out all of

the items and actually James if you're okay with it, I'd be happy to work with you on that.

And just because you know I spent a fair amount of time going over the paper and I think I actually was on a panel with Rick Wilhelm at the last ICANN meeting and so I'm more than happy to volunteer to help you with that as well.

But I think that we probably need to be a little bit more specific in what we're actually supporting here because I don't think there's a lot of stuff in there that's consensus policy.

It's probably more best practices stuff but I do think that we should just lift it out and be as specific as we can be.

Michele Neylon: Just putting myself in the queue, personally from what I remember of this I would be very wary of how we word this. Because it's my - while I can't see any problem with supporting promoting these kind of recommendations and these kind of practices how do we make it clear that we're looking at in terms of best practices rather than an actual consensus policy?

I mean how do you draw that line? That wasn't a rhetorical question by the way, I'd actually like to know how do you draw the line? James?

James Bladel: Well I think you call it out in the recommendations. You take a look at the measures that are listed in there and Matt's probably more (unin0 on this than I am and you say you know is this appropriate for consensus policy, is it scope of the GNSO?

You know if talks about how someone should handle login credentials and credit cards well then it's not, then it's a best practice just because of its nature.

But if it is something that could be considered then we you know mark it as such and bring it up for this group as a candidate for an itemized recommendation.

I'm just not comfortable with you know a recommendation that references an aspect report in its entirety and doesn't make those distinctions.

Michele Neylon: I would agree with you on that. Matt?

Matt Serlin: Yeah thanks Michele and the only thing that I would add is the report in addition to talking about things that contracted parties to ICANN can do, i.e. registrars and registries talk a lot about what registrants can do.

And a lot of that wouldn't necessarily be right for consensus policy, right, because it's consumers that would have to actually take such action. So I think if we take the steps that James recommended, i.e. kind of going through and kind of listing out the actual different recommendations it will actually become obvious at that point which things are sort of following the policy fence and which side are more best practices.

Michele Neylon: And James is agreeing with us. Matt do you have anything else to add on this?

Matt Serlin: No, I'll put my hand down.

Michele Neylon: Okay thank you. Marika?

Marika: Yes?

Michele Neylon: No, I mean just anything else to add on that?

Marika: No, I agree with what James said, I think like we've done with the other recommendations, you know the working group feels that sort of things are

suitable for ones that are recommended for consensus policy. It just means spelling out indeed that an issues report should be requested as the first step in a PDP and otherwise.

And highlighting that it's the recommended best practice is the other approach. So I agree, I think being as clear as possible will help with that.

Michele Neylon: Okay, James.

James Bladel: Okay and I'm not trying to be difficult, I promise. But this is James speaking and what you just said Marika, I'm a little confused. I thought that in the context of this PDP if we make a recommendation that a measure that is cited in an SSAC report be adopted for consensus policy, it doesn't have to then restart that whole process with an issues report.

I mean it just basically - my understanding was it skipped to the end and it became a recommendation from this PDP working group. So that was one of the reasons why I wanted to proceed with caution is because I didn't feel like we would go back to the issues report and start the cycle all over again.

So at least that was my understanding, if I'm off base on that one then maybe I'm being a little too paranoid with this recommendation.

Michele Neylon: Simonette, Marika.

Simonette Batteiger: More of a suggestion for how we might be able to reword the recommendation and not having to go through the whole SSAC report to go and one by one where there might be further discussions even from the community on which ones should fall on what socket.

I mean what we really want to say here is that we recommend that registrars should think about what they can do proactively by adopting measures such

as the ones outlined in the recent report on security and stability advisory committee.

But there are other things that people can do, this is not an extensive list of all the things that are possible to do. This is basically just a - hey if you need help thinking about what this might even mean check this out because it has a list of things.

And then when you see that you might be able to think about other things that you can do in addition that help you protect your registrants. That's really all we want to say here, right? We don't want to say that specific things of that report absolutely need to be policy or is that what we're trying to do?

Michele Neylon: Marika?

Marika Konings: This is Marika, in response to James' comment or question, and my understanding is indeed any changes to the IRPT are directly relating to the charter questions, indeed the outcome of that if there would be a complete recommendation for change language or additions to the IRTP.

That would become indeed consensus policy once this was recommended, you know council adopts it and then the board adopts it and of course we are definitely set.

As we are talking about if the other items like for example while we're talking about you know thick WHOIS where you know that's a separate kind of issue.

The group might say well that requires a separate PDP and that - there might be items I'm going to say I'm not very familiar with the SSAC reports.

But there might be other items there that are consensus policies that don't fit within the IRTP where it might be appropriate to recommend a separate PDP to explore the different elements of a certain issue.



So that's just something I wanted to distinguish, I hope that clarifies it.

Michele Neylon: Thanks Marika. Right well James has suggested that we - that some of the people get together and break it down into the various elements so he volunteer himself.

I'll throw myself in with that as well. Anybody else want to help James with this, James and myself?

Obviously we're going to have to ask Matt to get involved.

Matt Serlin: I was just going to agree and say I throw my support behind it so absolutely.

Michele Neylon: Okay, anybody else? I see Mikey's also throwing himself in there. Okay well just we'll start with that's one - I can't count, one, two, three, four.

Four people, sorry, I need more coffee. The - start with the four and then hopefully we'll have something fairly quickly that we can take back to the rest of the group and get more input.

Right, anything else on this point, on Recommendation 2? Anything, going once, going twice, fine. Next - Ollie. Go ahead Ollie. Ollie?

Oliver Hope: sorry, hello. Sorry. My only point there is just about publishing this kind of best practice proactive measures to avoid hijacking. I suppose it's just a concern to me of where this information is available and who can get it.

I think a hijacker is an intelligent criminal if you like so I just wanted to throw that in there.

Michele Neylon: Just coming back to you on that Ollie, I mean if somebody were to say something like let's just say hypothetically registrars will all be PCI compliant.

That doesn't mean that you're going to give away anything more of the information than you know they're going to be PCI compliant.

So would something like that saying that we're going to - you know registrars are going to adopt oh I don't know, ISO whatever.

Oliver Hope: I think the broader things like that you know no problem whatsoever. I'm - it's just the specifics. You know if we start saying well I'm not going to be able to give you an example now.

But I'm just - you know I just want to make...

Michele Neylon: Registrar will ask for a blood sample and urine sample for all purchases over \$5000 euro.

Oliver Hope: No, but I think things that were discussed around the 60 day issue and leaving things for a certain amount of time before trying to do things, you know if people didn't know about the 60 day clause then they wouldn't be able to get around that issue.

You know it's just little things that I - it's things like every registrar should be PCI compliant, and fine, that's very generic.

If it's every registrar should you know get a for example a bank statement or something from someone who's doing a transfer let's say, well then you know we're saying to anyone who wants to try and hijack it right, first you've got to go through the guy's trash and steal a bank statement or something like that.

I'm just sort of - what I don't want to do is give anyone the proactive means to get around any rules.

Michele Neylon: Okay, perfect. Matt and then Mikey.

Matt Serlin: Thanks Michele it's Matt. Yeah, I was just going to pick up on what Ollie said and actually James pointed out as well. You know the recommendation is already in the published SSAC report and it's out in the public domain anyway, A.

And B, usually you know I'm a strong proponent of keeping sort of security information not public but in this case it really for the most part is innocuous the things that they put in there.

You know things like the institute backdrop authentication or the use of registry lock or things like that so it doesn't really - you know if I was a hijacker reading that it wouldn't really give me any better idea of how to hijack a domain than I wouldn't have already.

So I don't have that concern personally, but yeah, it's a fair point I suppose.

Michele Neylon: Okay thanks, Mikey.

Mikey O'Connor: This is Mikey, I was just basically Matt carried what I was going to say. This is - you've got to go reread this report. This report is mostly aimed at registrants and the goal of the report is to actually be pretty widely distributed because this is trying to raise awareness of these issues.

So it's a dilemma and you've just got to deal with it.

Michele Neylon: Okay. Couple of interesting questions being raised on the chat. You know the - Berry is asking a very valid question which is how can you be sure that the bad actors don't participate in the policy process?

How can you tell? I was a bit more discretion then about security efforts and who can we trust. I mean obviously not trusting Matt Serlin is quite normal but beyond that.

Does anybody have any thoughts on that entire question about trust and how do you normally decide who you trust with what? Okay, nobody trusts anybody, fine.

Mikey go ahead.

Mikey O'Connor: Well this is just one of those basic security things. I mean it's sort of like the - whether you publicly publish the encryption algorithm so that others can test them, that's a debate that's gone on for 20 years.

And I think that at this stage the consensus is you know there's no real effective way to keep this stuff secret so you make it public and then structure your security around it that way. I think in a way we're dealing with the same issue here.

Michele Neylon: All right, anybody else have any thoughts? Berry I refute your FBI background check because I'm Irish. Berry has suggested that ICANN participants go through an FBI background check.

I would point out that they don't have any jurisdiction over me or Ollie or who else on this call, or Marika for that matter or Rob. Who else is on this call who's not covered by them?

Mikey O'Connor: This is Mikey, I live in Minnesota, we don't acknowledge the FBI here in Minnesota.

Michele Neylon: Mikey I know that you declared your farm a sovereign territory there a couple months back which is probably why you still...

Mikey O'Connor: We issue stamps to fund the farm.

Michele Neylon: Right. Okay, let's move on to recommendation 3. Recommendation 3, the working group recommends requesting an issues report as a requirement to thicken WHOIS for all gTLDs.

The benefit would be that in the thick registry one could develop a secure method for gaining registrar to gain access to the registrant contact information. Currently there's no means for the secure exchange of registrant details in the thin registry and this scenario disputes between the registrant and admin contact could be avoided as the registrant could become the ultimate approver of a transfer.

It should be noted that this recommendation does not imply that the additional information connected under a thick WHOIS model needs to be publicly displayed.

Go ahead Marika.

Marika Konings: This is Marika, just to note that James submitted a comment on this particular item on domain use just before the call and I just checked back because you first note that the thick model is required for new gTLDs, this recommendation only applies to dot com and dot net.

And actually check back in RTP A report we actually listed the different gTLDs and whether they were thick or thin and (Darren) knows as well I think that dot jobs is also thin.

I don't know, that might have changed in the meantime but that is the other one that is listed in that table.

Michele Neylon: Okay, does anybody have any thoughts, comments? James?

James Bladel: Yeah, I just wanted to specify there whether or not we were speaking of incumbent gTLDs versus new gTLDs and I think that we've already explicitly

stated that - or pointed out that new gTLDs have this requirement in the applicant guidebook.

So you know I think that a better way to say this is to say you know incumbent gTLDs as opposed to calling them out individually by saying common (ness).

Michele Neylon: Okay, any other thoughts on this? Okay then, moving on, lots of hands up, everybody agrees. This is finally a recommendation where we're actually happy about kind of agreeing.

Marika do you still have some input here, I see your hand up.

Marika Konings: Yes I do, this is Marika. Just want to know how happy we are because one of the other items that James raised because this recommendation in the poll we did 50 people were in favor, 50% said they didn't have a strong view either way.

So the question is does that equate to unanimous consensus or would an other designation be more appropriate I think as to the different designations to the mailing list.

The other options are rough consensus where I think a small minority disagrees or strong support but significant opposition. So that's another item for the working group to decide which designation they would like to give to this recommendation.

Michele Neylon: Okay. James is that an old hand?

James Bladel: Nope, that's a new hand.

Michele Neylon: That's a new hand, go ahead.

James Bladel: Okay, so my point in the message is that for some reason, and we can dive into the individual reasons if we have infinite time which we don't but for some reason half of the working group was reluctant to give full support to this recommendation.

So I want - I would prefer that we stop short of saying it has unanimous support. I think that unanimous support when it gets to the council level has a certain meaning associated with it that everyone checked a yes box and I think that we had you know 50% checked the yes box and 50% checked the maybe box.

And I think that there should be some way of acknowledging that, whether that's strong support or whether that's rough consensus. Something short of unanimous.

Michele Neylon: Okay, Paul D.?

Paul Diaz: Yeah thanks Michele, it's Paul. Agree with James here, you know we're kind of pigeonholed in that we have these four choices and unanimous means something very unambiguous to everybody.

Okay, unanimous means everybody supported and yet by the polling data you can see that half the folks didn't have a strong view either way. I was one of those people and I'll say it again for the record.

In the context of this particular working group I support the idea of thick WHOIS but if and when the time comes that we have a new PDP on the issue and you know for all intensive purposes we're talking about VeriSign's common net, you all have to realize that demanding VeriSign to adopt a thick registry model is basically giving them a free pass to raise our rates once again.

They'll justify their price hike to offset the cost of entertaining them. And we all need to think about well is it worth the 7% in aggregate you know times all the names under management? I mean that becomes a big bill just to have the convenience of a thick WHOIS registry.

So you know we'll deal with those issues when we get to it but I totally agree with James here that we sort of need another status or another designation that we can apply here because we don't really have unanimous.

But the rough consensus as it's defined implies that there's a minority that's disagreeing. It's not like disagreement, it's just some people are kind of you know there are other concerns that are out there.

Whether we can call it strong support or something else, again I agree, I think we need some way of clarifying that this is not a unanimous position.

Michele Neylon: Okay so Marika.

Marika Konings: Yeah this is Marika, if I can maybe make a suggestion. If I can maybe check back with those that are in the 50% that you know voted no strong view either way and check back with those people saying well based on the discussion do you prefer to move over to the supporting this recommendation or are you in support of indeed calling this probably rough consensus or you know are you actually objecting and you want to see that more of a strong support by significant objection.

And maybe that's a way of trying to assess whether some people have moved from one side to the other or maybe not. Maybe that's a way of trying to decide what will be the appropriate category.

And I see that Simonette has already changed her to the supporting hand, so.



Michele Neylon: Right. Okay for it to be unanimous it has to be truly unanimous is that correct?

Marika Konings: This is Marika again, I mean there's no - it doesn't specify for example I mean it talks about opposition and there, there are no - there's nothing spelling out whether if someone says I have no strong views or either way if that...

Michele Neylon: No, that's not what I'm asking you. I'm saying in terms of a working group statement, if we say that X has unanimous support, then does that mean, and I presume it does, that 100% of the members of the group agree with X?

Marika Konings: This is Marika. Actually it doesn't spell it out and I think...

Michele Neylon: Oh.

Marika Konings: ...it hasn't been interpreted like that because not everyone is asked, you know, we have many more members on the mailing list that, you know, haven't specifically expressed whether they support something or not.

We just assume if they don't speak up against it that they support the Working Group position that, you know, has been defined by the people on the call and on the mailing list.

So it is a little bit of a grey area and for the Working Group to define. If, indeed, people I think here feel bad, you know, unanimous consensus means that everyone that has voted has at least said yes and not no strong view either way, I think that's the view of the group and maybe that needs to be spelled out and once the group submits its report in saying for us unanimous consensus means for everyone voted for, you know, or indicated that they've affirmatively supported this recommendation.

And for those recommendation where people basically did not disagree but also didn't, you know, affirmatively support a recommendation, there we've chosen to, you know, use this designation as an alternative.

So maybe that's the way to clarify it because there are no real, you know, black wide rules unfortunately.

Michele Neylon: Right. Okay. So basically Marika if you can reach out to people and just check back to see if we can get a few people to make - to move themselves from the don't really care one way or the other to either yay or nay, then that might make it a bit clearer.

Is everybody okay with that idea, or wording this better, does anybody have any issues with that idea? Berry, go ahead.

Berry Cobb: Thank you Michele, this is Berry. You know, I guess you can move me over into the support camp. You know, I'm looking at our survey spreadsheet and so I can see which ones have no view, no strong view either way, you know.

And when I compare Question 12 to Question 13, Question 12 being the exact question of do we think a thin WHOIS contributes to inconsistent registrant details and I said no, actually. I don't think that that's a primary (contributant) to inconsistent details, but I do agree in general that, you know, all TLDs should be thick WHOIS.

That's how, you know, I came down in the question. I can easily move my Question 12 up into the agree camp, but in terms of isolating, you know, the no strong views either way, they're right here and if you're on the call, then, you know, we should probably go ahead and talk about them, because I do agree with James. We need to nail this down.

Michele Neylon: Okay. James?

James Bladel: Hi Michele. James, speaking.

Michele Neylon: Hi James.

James Bladel: There's - I'm trying - I'm going to try to make a subtle point here and I'm probably going to lose the handle on it, so bear with me but I don't think it's a question of moving people from one column to the other.

I think that, you know, we generally - we answer the questions in the context and the frame of mind that we were in when we responded to the survey. And I'm probably also in the no strong opinions column, which is I think a diplomatic way of saying, you know, I could be open to this idea, but stopping short of, you know, actually, you know, beating a drum for full support.

So I don't - I think it's - as Marika was saying, it's much less a question of where people's opinions are and much more a question of how we describe those opinions.

I think if just one person remains in that - you know, in that no strong opinion column, then that constitutes something short of a unanimous.

So, you know, I'm not sure that - I just want to make sure that if we can preempt an exercise where we go back and get everybody to, you know, re-survey and try and figure out if they can move columns or something, I'm just - I think that that might be a futile effort.

I'm just trying to save us some time and effort here of having to do that when really what we're talking about is a description, not how people feel about this question.

Michele Neylon: Okay. (Rob) has mentioned - put something there on the chat about difference between all supporting, brackets, unanimous, and no dissenting

those that showed a preference, which is actually a nice - I like this, as well. I agree with Mikey. (Rob)'s idea of no dissent is - it's a nice way of putting it.

Simonetta?

Simonetta Batteiger: I'm actually looking at the Excel file and wondering which questions responsive are summarized here because there's two questions at the top of Charter Question B-1.

It is one, do you agree that the lack of registrant email information and thin WHOIS contributes to the problem in consistent registrant details. And then there's the next question, do you agree that the working group should recommend an issues report on the impact requiring all gTLDs to adopt a thick WHOIS model and then there's one set of responses.

I don't actually remember which one this is summarizing.

Berry Cobb: This is Berry. Simonetta, the column responses are tagged to Question 12. The row responses are tagged to Question 13, if that helps.

Simonetta Batteiger: Okay.

Michele Neylon: Is that clearer Simonetta?

Simonetta Batteiger: What...

Berry Cobb: So for instance, if you look at me for Question 13, I actually said that I agree with it and so you see me in Cell Charlie 21 whereas with Question 12, I said no which again, you also see me in Cell C 21 in the row.

Simonetta Batteiger: But there's two questions and only one set of responses. Maybe I'm confused but I don't understand.

Berry Cobb: I'm sorry, both questions have the same answers.

Simonetta Batteiger: Oh.

Berry Cobb: Do you agree, no strong view either way or yes - I'm sorry. I agree, or no strong view either way and then I think there was a third that nobody - I disagree, which nobody answered. And then for Question 12, there's the yes, no, no strong view either way or other; please specify.

Simonetta Batteiger: Okay. I'm still confused because both questions had a grey no strong either - no strong view either way and I disagree option, right?

Berry Cobb: Correct.

Simonetta Batteiger: (Unintelligible) pertain. So there should be different responses. Am I - or did everyone respond the exact same way to both questions?

Berry Cobb: Three people responded the exact same way to both questions; Michele, (Paul) and yourself.

Michele Neylon: What did I respond to questions about? Sorry, you mentioned me Berry?

Berry Cobb: Question 12 and Question 13, three people selected the response no strong view either way; yourself, Michele, (Paul) and Simonetta.

Michele Neylon: What was Question 12, sorry, my mind...

Berry Cobb: Question 12 is do you agree that a lack of registrant email information and thin WHOIS TLDs contributes to the problem of inconsistent registrant details and so the three of you said no strong view either way.

And equally for Question 13, do you agree that the working group should recommend an issues report on impacting - on the impact of requiring all

gTLDs to adopt thick WHOIS model. All three of you also said no strong view either way.

Michele Neylon: Right.

Simonetta Batteiger: I look at the list. I see every name only once, so everyone has the exact same response to both questions.

Ollie Hope: Hello. Can I - this is Ollie. Hopefully I can possibly bring some clarity to this. Question 12, you only need to look at Column B. So you can discard the rest of that table and the people that answered yes to Column 12 are listed at the top there and the last one is me.

Then there's three people under - who answered no strong view either way and just Berry under no and then (Barbara) under Other.

Simonetta Batteiger: Okay.

Ollie Hope: So...

Simonetta Batteiger: I got it.

Ollie Hope: That's the answers to that question, so if Question 13 is answered on the right-hand side, so if you follow down I agree, you'll see the - well, for example, let's go back to Berry. He's got a 1 there. So we know that he's agreed to Question 13 but he's under no for Question 12.

Simonetta Batteiger: Okay, got it. Thank you.

Michele Neylon: Question for everybody on the call, would people prefer then for this recommendation that we state our view is rough consensus? Does anybody have an issue with the idea of rough consensus?

Ollie Hope: No, issues from me.

Michele Neylon: I'm seeing lots of people supporting it. So Marika, maybe we can just change that to rough consensus and save everybody lots of time. Go ahead Marika.

Marika Konings: Yeah, this is Marika. Would people like that, as well, that I clarify in that that because first of all I think a rough consensus - let me just check with the language because I think the (unintelligible).

Michele Neylon: Marika, you're breaking up a little.

Marika Konings: Oh, can you hear me now?

Michele Neylon: That's better thank you.

Marika Konings: Because basically the way rough consensus is defined in the Charter is that rough consensus position is a position where a small minority disagrees but most agree.

And that they can clarify in the notes relating to the recommendation saying well, no one disagree or, I don't know, but I think Bob used something there, there was no dissent but there was no unanimous support either. That it's clear what it means for the Working Group and how we came to that designation.

Michele Neylon: Okay. Berry?

Berry Cobb: Thank you Michele. I just really have a question selfish education question for myself, and I'm not sure if we have representatives from VeriSign or the other registries that are thin WHOIS, but can somebody just quickly answer me why hasn't incumbent registries go ahead and converted over to thick WHOIS when it seems that there's very - there's several problems that exist across

the community and other working groups and it all points back to lack of thick WHOIS.

Is it - is that a really large financial issue to change to a thick WHOIS model or is it a bunch of technical issues or, you know, just why hasn't it been done already? Thank you.

Michele Neylon: There's nobody from - there's nobody from any of the registries on the call today. Matt - James and then Matt.

James Bladel: Yeah, just to take a swing at it, I think all registries were thin in the beginning and the thick concept came later. There was - later there was some concern initially on the part of registrars when, you know, the competition, the competitive market was so thin and, you know, in its infancy and I think there was concern about having all of that data - registrant data centralized as possibly being anti-competitive.

(Paul) probably has more history on this, as well, but just on opposition, as well as the technical and logistical requirements necessary once common network was so large to convert them over. Although I think (ORG) did convert from thin to thick at some point in the recent past and was able to pull that off.

Michele Neylon: Mr. Serlin.

Matt Serlin: Thank you sir. Yeah, I'll take another swing at it. Yeah, James - I mean, everything James said is correct, and he's right that (ORG) did switch over. You know, the only thing that I would add to that and not to, you know, put words into anyone's mouth, but I think the short answer is because no one has forced them to yet.

And there's no technical reason why they couldn't make the switch, as James points out, others have. You know, certainly would be the most challenging



switchover because it's just the largest TLD, but I think at the end of the day because no one has ultimately told them that they have to do it, and they have chosen not to, so - but short of that, I don't think there's any technical reason why they couldn't.

Michele Neylon: Simonetta.

Simonetta Batteiger: I'm just wondering the - from what I heard on this call today the main concern with why we wouldn't want to say unanimous consensus is because of the cost of this, is that right?

And if that's the case, could we add a sentence to the recommendation that speaks to that so that the concern is noted and then we can all agree to that language, so that we don't have to use rough consensus or we're saying someone's disagreeing. I don't think we have disagreement. We just have a cost concern.

Michele Neylon: Okay. Matt?

Matt Serlin: Yeah, I mean, my personal feeling is that we shouldn't necessarily put any concerns about cost, because frankly, everyone could have a concern about cost of implementing any sort of enhanced security measures.

So, I wouldn't feel comfortable putting a concern about cost in there because, first of all, there's nothing to say that because they would switch over they automatically would raise the cost.

I mean, they have a contract in place that allows them to raise rates at certain periods throughout the contract and they'll follow that whether or not they're thin or (thick to it) is my personal opinion anyway.

((Crosstalk))

Woman: Any other concerns that would prevent us from saying that we anonymously agreed to this?

Michele Neylon: James?

James Bladel: Yes, I do but I don't really want to get into them here because I know we spent a lot of time on this.

But, it's very similar to what (Paul) was saying. In the context of IRTP I think having an all registry (stick) would be a good idea.

When you step back from that and look at what the downstream implications are, setting aside price hikes and everything, just looking at what it means to have all of that data centralized with a partner (life fair science). You know, it just raises other questions and I'm just - that's one of the reasons why I stopped short of offering full support.

That's why I don't think I'm going to move out of that column and that's why I think that it's somewhat maybe, you know, inappropriate to say that we had unanimous support for this.

I think that we have some strong support, rough consensus and we have some folks that are kind of submitting their support with asterisks.

Michele Neylon: Okay, Marika?

Marika Konings: Yeah, this is Marika.

One thing that I did want to note is that this recommendation does not recommend the implementation of a (state career). The only thing it does is actually recommend an issues report on thick WHOIS in which hopefully some of the issues that have been raised by (Paul) and James will be

addressed or as well in the context of a PDP on that issue, those kind of concerns would be (rate).

So, it doesn't make clear that the recommendation itself does not mandate the switch to thick WHOIS. So, I understand the concerns there are, maybe there's a way of expressing those things, sometimes with a working group know that a (PDP is an issue) should also address central concerns but...

Okay.

Michele Neylon: Marika? Marika let's - okay, let's stick with we have rough consensus because everybody seems to be happy with that and move on.

Because if we - I can see that there are...There are many reasons, and I agree with what James, (Paul) and other people have said, that within the context and only within the context of transferring domains between registrars, thick WHOIS is a beautiful thing.

But, let's be careful what we wish for because there could be also some unintended consequences and other things and there's all sorts of other things that we probably can't think of straight away now.

So I think if we could just agree that the, what's the term again, the rough consensus is acceptable then anything in relation to any of these kind of concerns maybe they could be raised elsewhere.

Somebody was saying to me that there's a PDP on thick WHOIS. Does anybody know anything about that?

Marika?

Marika Konings: This is Marika. This is what the working group is recommending in this recommendation that the (genius council) initiate a policy development process by requesting an issues report which is the first step...

Michele Neylon: Oh, right.

Marika Konings: ...in this...

Michele Neylon: Okay, sorry.

Marika Konings: ...consideration of whether thick WHOIS is a good idea on that.

Michele Neylon: So we're creating this? Okay, fine.

Marika Konings: Well, that's (unintelligible) (starts) that process. And then, as I said, in the process then all the pros and cons should be addressed not only the IRTP side of this.

Michele Neylon: Right, perfect. Thank you. Okay, sorry. I picked those up and kind of got it completely backwards.

Right. Berry, go ahead.

Berry Cobb: Sorry to belabor the point. This is Berry. So - if we use the word of like context and IRTP but do we think that we can get unanimous consensus about an issues report to further investigate this issue? If that's what's on the table then really...

Michele Neylon: Anybody? Now, what (was) that question, Berry? Sorry.

Berry Cobb: Well, we're debating about unanimous consensus or strong support but significant opposition now that we've clarified that this recommendation is specifically in the context of IRTP and that we're only recommending that an

issues report be created to launch a PDP about whether thick or thin (who this) should be done.

Do we think that we could get unanimous consensus based on those two components versus just the...

Man: Oh, I see. Okay, okay. So, if...

Man: (I'm so sorry), I'll have to pick up a landline because my headsets about to explode I think.

Within the context, if we...(Frameless sprays) specifically in the context of IRTP, could people agree to it unanimously? That's kind of the question I think.

Yeah, that wording kind of works for me.

Marika Konings: This is Marika. Can I ask for a clarification? Would the - in the context of IRTP be requesting the issues report talking about WHOIS only in the context of IRTP, is that the proposal?

((Crosstalk))

Woman: ...limit...Then you don't basically take into account any other undesired consequences but then you're basically asking only look at (thick OA)'s in the context of IRTP. So I don't know if that's the intention.

((Crosstalk))

Berry Cobb: This is Berry. It's really a two-part question is I think first is can we agree or can we acquire, unanimous consensus that in the context of IRTP thick WHOIS would be a beautiful thing. And I think the answer is yes.

The second part of the question is, well given that, can we agree or get unanimous consensus that this does need to - this warrants a PDP on its own for investigation regardless of context.

Because I think that there's going to be multiple reasons in any kind of PDP about thick WHOIS otherwise we would just create consensus policy here within IRTP about it.

But, you know, there's multiple reasons even outside of the scope of IRTP about a PDP of thick WHOIS.

Michele Neylon: Okay. I think Berry we need to kind of discuss this further but let's try and do this by the list.

So we're practically at the top of the hour and some people have to (drop) off.

So if you could put - if you could try to put that, what you're asking, concisely into an email to the list and if, then, we can move forward on that basis and get some feedback on it.

Otherwise I would suggest that we will, for the moment, use the rough consensus for the moment until such time as we could clarify whether we can (for) unanimous in a kind of more framed and narrow scope, if that makes some kind of sense.

All right then, it's practically the top of the hour which means I'm going to be dropping off. Are there any other issues that anybody wants to raise at this juncture?

Marika?

Marika Konings: Yeah, this is Marika. I also want to note that I also need to drop off for another call. I just briefly wanted to flag on Item 3, the EPP status values, the

overview. I shared that document with the (main) and I would just like to encourage everyone to share their comments or add it to that. And maybe in a future call we can actually discuss if there are any concerns to the document; whether people are happy with that going to that ICANN Web site on some spot.

Michele Neylon: Well, maybe we can just put that on the agenda for next weeks call, we're going to go through that if people want to raise any issues that they haven't raised they can raise them at the next weeks call.

Okay, so I'm going to drop off and all a pleasant afternoon.

Goodbye.

Man: Bye.

Woman: Hello? Hello?

Berry Cobb: Okay, thank you Michele, this is Berry. I'll be taking over for the second half of the call which specifically focuses on ETRP.

Late last night, and I apologize that it was late last night, that I sent out some information about what we completed last week. Essentially it was just a quick agenda about what we're going to accomplish today and then I tried to recap the best that I could, some notes, about what we discussed last week specifically with ETRP. And then the third component was just some general notes about layers of remediation which we'll go through first.

So, for our agenda for the second hour basically we'll recap last weeks discussions then the second item I'd like to review through Mikey's diagram and then if we have time we'll maybe review to the survey results, although, that may not be as critical based on our success from last week.

So, before I get into reviewing last weeks discussion, does anybody have any questions or anything that they'd like to add to the agenda?

Okay, so in summary I'll just kind of briefly read through the bullets from our discussion of last week. If there's any - as I read through each one and if anybody has any complaints, gripes or concerns raise your hand and we'll talk about them and we'll go on from there.

So, in general, kind of the takeaways that I went through and listened to the mp3 from last night, and so basically the takeaways that I got is that we all pretty much decided that we wanted to keep (EPRP) but we needed to modify it in a way that would prevent misuse and (gaming).

Some of the enhancements that we talked about was to ensure that the main goal of ETRP was some sort of rapid restore. So in that context we thought that...

In that context we thought...Can somebody mute their phone that has a phone ringing in the background please?

Okay. So, the first bullet was basically to ensure that the rapid restore component was maintained and that the domain becomes locked down if the ETRP were invoked. I think there was an agreement about a shorter timeline for filing the complaint. I think currently within the ETRP architecture it mentioned 60 days. Perhaps we would shorten that window to seven days or shorter and we can discuss that in a little bit.

The third component was that there was some option for the other side to state their case or kind of roll it up into the due process. And I think one item of contention there really falls back on the whole ETRP process and how that integrates with our existing dispute resolution component such as TDRP or the minimal element in IRTP.



And I think what we also kind of agreed on in this context is that we need to do a better job of our messaging about ETRP that it's not a dispute resolution component but only kind of a stop gap.

The fourth bullet that we would look at maybe, I think this one was from Simonetta and we didn't really talk about this one specifically but I wanted to make sure to bring it down as a possible enhancement is that perhaps the third party to administer the process should be investigated.

The fifth bullet was to better define the ETRP process is not a dispute resolution tool as it only interfaces to IRTP and TDRP.

The sixth item is that we - you know, we create education for the parties, I think both for ICANN, contracted parties, and registrants about how to handle complaints and specifically how the parties interact with each other.

Then, we also had some healthy discussion about the 60 day lock, and I think James had pointed out that the language around this relates to Denial Reason Number 9, so that some of the small takeaways in that regard is the objective would be to slow down or minimize the number of hops in that is common to hijacking cases when one domain gets transferred from one registrar to the next.

And that I think - I think one item that was discussed is you know, if we were to include this 60 day lock or make it consensus policy, that you know there is - this is an element in terms of trying to mitigate customer dissatisfaction.

And then the last bullet or area that we need to refine is specifically how change of registrant protocols and/or if we reduced the admin contact authority, how those recommendations may affect the ETRP.

And then I'll just lastly state there was just two kind of sections about the layers of remediation, and I just threw those in there you know kind of thinking on the side about it.

So, a lot of quick recap about last week. I'd like to focus on the bullets that I listed out so far and open it up to the floor. Does anybody wish to correct any of those bullets? Did I capture them incorrectly, or did I omit anything about what we discussed from last week?

And I don't see any hands, so why don't we go ahead and take a quick look at Mikey's picture that was included in the agenda email from Marika. And if you'll pull that up, we'll review through this picture, and I need to find the Version 3 for myself. I think Marika did upload these into Adobe, but I'm not sure how to - here it is.

Okay, I have Mikey's diagram in the Adobe window. (Rob), will that be good enough for you?

(Rob): Yes. That's perfect.

Berry Cobb: Okay. Cool.

So since I'm not the author of this, I'm going to kind of put the spot on Mikey to kind of walk us through the origin of this diagram and walk us through from beginning to end. Actually, I don't - yes, Mikey.

So Mikey, the floor is yours. Why don't you let us know what you guys - how this got started, and how you used it, and how we should use it in the next version.

Mikey O'Connor: Thanks, Berry. It's Mikey. This never really got anywhere in the original discussion except that I threw it, and so it's - it does not have the endorsement or support, or anything of anything of any of the other guys. I

just drew it for myself, and one of the things that I am just not sure about is whether this is my latest favorite draft, but its close enough. It gets to the point that I wanted to make. Yes, this isn't.

Berry Cobb: Yes, Mikey - Mikey, you do have a Version 4, but I don't think that ever made it to the list at all.

Mikey O'Connor: Yes. Okay. Why don't we take a short vacation while I track that file down, and let me up load it. Because, this one's a little bit - I mean, the point that we can take from this one is maybe the same point, which is that the dispute doesn't get resolved in ETRP. The only thing ETRP does is what's in that black square, and the dispute resolution takes place outside of it.

But, there's a later version that makes the registrar part of the dispute resolution process a lot clearer, that - I'm just caught a little unawares, and I have to kind of try and figure out where it is. But maybe we can just kick off a discussion with this and...

Berry Cobb: This is Berry. I would say in terms of color and shape, your two versions look different but they basically say the same thing. Essentially in your Version 4, your green box kind of isolates what is ETRP, which is what the black box does here in effect - to isolate it out as a sub-process and to basically show that any dispute resolution occurs outside of this process. But other than that, essentially the same activities and decisions are the same.

Mikey O'Connor: Yes. I think that the main point is the idea that - and what I was really trying to raise last week was that we should - you know, we should make it pretty clear in the ETRP how it fits in the other processes. And, this notion that we're really not trying to resolve the disputes there, and that we have the flexibility really to address some of the issues that were raised about ETRP, especially in terms of due process and the fact that both sides really ought to have the right to be you know, represented - to have their views represented.

And what I was really trying to get across with this is how limited the ETRP thing is, and it - this is close enough for the discussion I think. It's not my favorite picture, but close enough for now.

Berry Cobb: Okay, great. Thank you Mikey.

I sent a hint out within the update last night that I also started my own process diagram, and I'll bring that up on Adobe as well. And essentially what I tried to do is to make a more - a (swim lane) version of the same diagram that Mikey had put together, and I'm much more comfortable with (swim lanes) because it really isolates the role that is being involved in the process and a little bit easier to break apart and isolate what those activities are within that world.

And so essentially, the picture that you see up on Adobe Page 2 is more or less the same process but of a different color from what Mikey has presented us. And whether this is factually correct or not is definitely up for debate, but I think one of the things that I noticed in trying to put this together is that the ETRP in itself, probably even in our future state, is defiantly going to have hooks into our larger processes of IRTP and/or TDRP. And that's what I tried to note here with the gray boxes that sit along the top.

So on the far left, you have the home plate, which is basically an inbound page reference labeled IRTP, meaning that you know whether the registrant at the time of the transfer knew that the domain was being transferred or not, there was some kind of transfer that's already gone on in the process. And so really, I'm trying to show that somehow one way or another, IRTP got kicked off. But then in terms of ETRP being presented, the very first activity is that the registrant becomes aware that a transfer took place. And then of course, the very next step is that they request the ETRP assistance of their registrar and then the process kicks on from there.

So I know I didn't give people enough time to digest this, so I don't want to go through it in detail. It'll probably be a homework assignment. But, the key takeaway here is that whatever we finalize and develop out of ETRP, I think it will force this to ensure that existing policies of IRTP and TDRP are updated in a way that embrace any kind of ETRP that we come up with.

Okay, I don't see any hands up to this point. Any questions or comments from the process diagram stuff?

And, one thing that I'll point out on a personal basis, what I'm working on right now is to do the same (swim lane) exercise that you see here with ETRP to do that with IRTP and TDRP so that we can get a better picture of the hooks between the processes. While I haven't started that process yet, I do suspect I'll probably have some friction in the same exercise of trying to map out the expiration process because there - it becomes a spaghetti bowl real quickly. And primarily because registrars do things a little bit differently among them, I suspect I might have some of the same issues when I go to map out the IRTP as well. But, I'm going to give it a college try anyway.

Okay, so that's my take away from that. Why don't we go back to the notes that basically outline our conversation from the previous - or from last week's conversation. And I'd like to go through each one of the bullets again, and then we'll talk about each one of those and how they roll back up into ETRP.

So, the first enhancement - the first bullet again basically is to ensure rapid restore of the domain is maintained and that the domain becomes locked. So the question I have to the group is at whatever point the registrant decides to turn on or request an ETRP, and we're asking that that target domain be restored back to its original state, is it also agreed within the group that that domain does become locked? And, I'm looking for a yes, no, or some sort of explanation behind that.

And Bob has raised his hand. Go for it.

Bob Mountain: Yes. Thanks Berry. This is Bob speaking. Yes, I guess a question would be is there an existing lock that would be used for this, or are we talking about creating a new lock that is specifically designed for use with ETRP?

Berry Cobb: This is Berry. I'll leave it to the rest of the group to answer that. Really, I kind of - I don't think - I'm not sure that this was actually a part of the original ETRP, but similar to how the UDRP kicks off, once it's invoked you know, the goal is to try to freeze any part of that transaction. Is this something that needs to be done here?

Bob Mountain: Yes. It seems to me that if there is an existing lock that would suffice here, you know then that would probably be the most expeditious way to do it. However, you know one of the problems we're going to have is we want you know communication.

We want people to understand if some - if I'm a domain investor, I've purchased a domain and I've been - it's been retracted due to an ETRP, then you know is there a way where - you know in addition to any other notification, does the lock status reflecting that improve the communication that's part of this process, might be something for us to think about.

Berry Cobb: Okay, thank you Bob.

Yes. You know, I guess the thing about looking at ETRP, and there's some chat going on as to whether this is locked at the registry or some of the other questions around this. And personally, I don't - I'm not sure. But when I think about this from a process perspective, the moment we flip it on, there's activity that goes - that happens once this is implemented. And then once it's implemented, there's got to be a way to turn it back off or reset back to the original.

So when I'm thinking about the moment that the request is submitted, the registrar takes the request, they agree that this is a valid request, and then they implement their sub-process to pull the target domain back to the originating registrar and restore service - I guess the reason why I throw in the domain becomes locked, is there anything that could go on once that domain is restored or service is restored that can make the domain be transferred out again if it didn't have a lock?

That was my point behind the lock there. Once we invoke - or once the dispute resolution portion is invoked, is there a way that this gets locked down, or - and does it need to be?

And Bob, I think maybe you have your hand up, but I see a microphone.

Bob Mountain: I don't know what that is to be honest. I was hoping someone would tell me. But, I actually did want to ask a question.

So, I do agree. I mean, if we're pulling the domain back you know from the acquirer, and it's now in the hands of the original registrant, I would agree. It should be locked at that point because it is in dispute. So yes, I would hold that - I would support that, that there absolutely does need to be a lock until such time that this is resolved and then the - you know, the domain status is determined and processed.

Berry Cobb: Okay. Thank you Bob. (Paul), or (Rob), or Ollie, I mean is this - in terms of you guys really understanding the IRTP part and the questions that I see in the chat, what lock would be used or could be used in this part of the process? And (Rob) raised his hand. Please.

(Rob): Couldn't you see the registry lock, because as registrar we can't turn that off. That's only available to the registry. So it would stop this being inadvertently transferred out again until such time as the registrants affect their contact

details, change their security policy, password on their email address, whatever methodology (used).

I think it would be down to the registrar to hold on to that domain, so that's why whatever locks or security processes we have (unintelligible) being transferred out again. (Unintelligible) you can use an (existing) lock.

Berry Cobb: Okay. Yes. Thank you (Rob). And I would agree that if the registry is required to implement this lock, then we bring in another role for this tiny process. So if it's something that can be controlled at the registrar level, that eliminates one less role to complicate the process.

Mikey and then Ollie.

Mikey O'Connor: Ollie's first. I just jumped up to the top of the queue because I'm presenting. So, Ollie...

Berry Cobb: Oh, okay. Yes. That's right. Ollie please.

Ollie Hope: Well, it'll only be - I mean basically, just to agree with (Rob). You know, I think it needs to be something that's just done at the registrar level. So, just it's all (unintelligible) that agreement really, but that's all.

Berry Cobb: Thank you Ollie. Mikey.

Mikey O'Connor: I'm going to be contrary here. I mean one of the issues that triggers all this is the situation where two registrars are unable to resolve the situation directly between themselves. And so, I think one of the tricky things about having a registrar lock happen is if the registrars already are having trouble resolving it - a dispute using their normal processes, which remember is our original premise is that most of these get fixed all day, every day routinely between registrars. And, that the ETRP is really for a situation where two registrars can't fix it.



I don't think we can use a registrar lock because one side or the other is going to be either non-communicating or disagreeing, so I think we have to do it at the registry level.

Berry Cobb: Okay. Thank you Mikey. And, this is a good point to kind of reference about the bottom - the notes that I have provided at the bottom about the layers of remediation. And so, that's something just to think about.

I think Mikey, what you had mentioned is kind of in the use case where both registrars aren't able to cooperate together what - you know, then this is a bad thing; therefore, we would need a registry to actually perform the lock. You know, and I - so I guess that's something that we ought to think about as we enter into each layer of the enforcement.

Mikey O'Connor: Berry, this is Mikey.

Berry Cobb: Yes.

Mikey O'Connor: Let me just jump back in. Is it okay if I upload Version 4, because the trouble with your (swim lane) think is that it's missing a couple of the sort of intermediate steps. And I'd like to point something out, but I'd like it through a different picture if people could do it.

Berry Cobb: Yes. Please.

Mikey O'Connor: So - okay.

Berry Cobb: Please.

Mikey O'Connor: I'll do that while Simonetta's talking.

Simonetta Batteiger: Maybe your picture is actually addressing my point. I was just wondering because this step has been mentioned. Before you kick off ETRP, you try and resolve the situation with the other registrar, and only if that doesn't work you start this process. If that's how we want to design this, then there's boxes kind of missing in the picture, but it might be in yours.

And then my next point would be if the two registrars are unable to resolve the situation - I mean, the only - well, I guess there could be two cases why they're unable to. Either because the other registrar is unresponsive, or because the other registrar says now I disagree with your trying to restore the domain back to its original owner. In that case, we already know there is a dispute, and should that then still be handled in that framework where the domain actually resolves back to one disputing party basically?

Or, should we say, okay - well if the other side is unresponsive, then this can be kicked off. But if the other side responds and has a differing opinion, it needs to be escalated into a dispute process right away.

Berry Cobb: Okay. Thank you Simonetta. And, I just took some personal notes on that to highlight. I like that issue.

Okay, I think - Mikey, do you have it uploaded now?

Mikey O'Connor: No. For some reason I can't upload it, so I'm going to send it to you Berry, and see if you can do it instead. I've turned it into a PDF, but...

Berry Cobb: Let me - let's see. I'll try to...

Mikey O'Connor: It's Version 4. It's the one that's got the little horizontal line through the middle of it.

Berry Cobb: How about I just try sharing it from my machine here. Can you guys see that in Adobe now?

Mikey O'Connor: Yes.

Woman: Yes.

Mikey O'Connor: That's perfect. If you could make it a little bigger, that'd be good.

Berry Cobb: Let's try - that make a difference?

Mikey O'Connor: There. Yes. That's way good.

Berry Cobb: Okay. I am full screen, so I can't see any hands raised or anything.

Mikey O'Connor: Okay. I'll keep an eye out for you.

So what I'm imagining is at the top left, the registrant - the losing registrant finds out that the domain is transferred away and they ask their registrar for help. And that top middle box says - is the normal case. The normal case is the two registrars, the gaining and the losing, resolve it. And if they - we need another step in there because you know, 99% of the time they do resolve it and it never gets to this.

And so, there should be a box that says did this get resolved between registrars? Yes or no? If yes, then we're done. If no, then the person asks for an ETRP and the - and so one way to redraw this would be to say that the second box on the upper left is the question. You know, did it get resolved the normal way? And if no, then has the registrar accepted your request for an ETRP, is that first question.

And if the registrar - the losing registrar is probably who's going to do this. If the losing registrar says, "No. You know, you're just trying to claw back a domain that you're having buyers - or sellers remorse over," then the

registrant could, if they wanted to, escalate and file a complaint with ICANN compliance and run through that process.

If the registrar - the losing registrar accepts it and says, "Yes. This does look fishy, and I can't resolve this with the other registrar because I can't get a hold of them, or they won't call me back," or whatever, then that's when the green band of the ETRP kicks in and things freeze up. And then below that - again, there's no dispute resolution in there. All that's going on is verifying the identities of the registrant and setting the domain back to what it was before, and perhaps locking it.

And then below the green band is the attempt to resolve the dispute again between the registrars, now with a little bit more pressure on because the ETRP has been kicked on. And if it's resolved, fine. Then we're done. If it's not resolved, then have we started the next phase? And if the answer is no, then they can kick it off to the compliance folks. And if it has been, then the next phase is whatever the next phase is I you know, put in TDRP, UDRP courts, et cetera, et cetera.

So again as I talk this off, even I'm finding errors in this drawing. But I tried to fix them as I talked it off. And Berry, now you can shrink it back. But you know, I think that's the value of highlighting all of the dispute resolution stuff that surrounds ETRP in our description of the policy, because it clearly becomes confusing really quickly. There's the end of my rant. Thanks Berry.

Berry Cobb: Thank you Mikey, and it definitely wasn't a rant. If I may try to take creative license in summarizing what you tried to accomplish with your slide, I see the first white band as really IRTP and the dispute resolution stuff that may go on there, then the gray band being ETRP in of itself, and then the bottom white band is really either a combination of IRTP, but really more TDRP is. You know, it's reached that threshold where the TDRP kicks in. And in essence I think our two diagrams really aren't that far off; my swim lane version versus your just strict flowchart version.

What I tried to accomplish is, you know, the registrant figures out that you've got a dispute here. Either way it seems to me he's going to request an ETRP because the moment he discovers that his domain's been hijacked, he wants to try to restore service immediately.

So he calls up his registrar; hey, my domain got hijacked. You know, not only are we going to try to resolve this via IRTP but oh, by the way, can you invoke the ETRP. I've got to get my business back online. And they almost - while they are - one is a sub process of the other, they essentially get kicked off at the same time.

But what I tried to reflect here in my swim lane version is very much the escalation nature that you were trying to describe. And so when you review through the swim lane version, it's really more a transaction based or all encompassing process versus just a single use case run. So you have to kind of take that with a grain of salt.

Bob, please.

Bob Mountain: Yeah. Thanks Berry. Hey Mikey, I probably should have asked this question before now. But how does payment factor into all this where, you know, I'm the acquirer? I've paid money. Money's paid out. I've received domain. And now as a part of this domain is then quad back. And where does - what happens to payment?

Have we defined what is going to go on with, you know, me as the, you know, as the acquirer who's now out both domain and payment? Has there been any thought into how that factors into this process?

Mikey O'Connor: This is Mikey. I think one of the things that probably at least in my mind went on is when the registrant requested ETRP, the registrar would contact the gaining registrar and maybe even the gaining registrant, I'm not sure, and say

"Hey, we've been asked to do an ETRP on this. If we don't hear from you, we'll do it." If we do hear from you, you know, and you write back and you say, "Wait a minute. The gaining registrar and the gaining registrant have paid for this domain and here's proof of purchase."

That decision as to whether to initiate ETRP would be no. It would seem to me that the losing registrar would turn around to the losing registrant and say, "Hey, those folks say that they've paid you money." Now if the losing registrant says, "Well, yeah, but that's a lie" then okay, ETRP kicks in and we have now time to figure out who's telling the truth and so on and so forth.

But if the, you know, if at the end of the day the audit trail shows that money has changed hands and the domain has not accompanied the money so the, you know, the person is out a domain and out money, we need to fix that. But, you know, that certainly wasn't the intent to put somebody in a situation where they buy a domain, it gets clawed back and they don't get their money back.

Simonetta Batteiger: It's going - just from experience, it's going to be very difficult to retrieve the money. So if you want to refund the money back to the buyer, chances are that either an after market or some kind of insurance will have to pick this up because the seller usually has been paid out and is - you can't get the money back that easily.

Mikey O'Connor: Yeah. See that's why I was always imagining that the losing registrar would have a lot to say about whether to launch ETRP. And part of the reason I was thinking that is because of a circumstance like the one that you're describing. I mean the goal of this is for a losing registrar who can't get a response from the gaining registrar. That's what triggered all this.

And so it's a different use case. And it, you know, I think that's part of the reason why it's so important that we really describe what the situation is that triggers this.

Berry Cobb: Okay. Thank you Mikey. Bob.

Bob Mountain: Yeah. I guess that's it. I think that's part of what's - what we're going to need to go through and figure out exactly how that's all going to work out because it gets really messy especially in the case where, you know, I'm a seller. I've sold a domain and the, you know, and then a dispute arises.

Somebody's going to have to figure out if, you know, if I'm claiming hijack and I'm filing and I'm asking my registrar to execute an ETRP for me to get a domain back, figuring out whether or not I really got the money or it was really hijacked and I didn't get the money is, you know, is going to be a messy process, right.

So, you know, and that goes on today and it's messy and it takes time. And, you know, sometimes, you know, what about a year for the - when the - I was hearing about recently. So how that, you know, how that factors in is not that clean. So I guess, you know, if this Mikey folds back into some of the other dispute processes and that's how that's handled, I think that just needs to be stated very clearly.

And it sounds like I've heard some of that. That that's exactly how it's going to be. It's not a process in and of itself but it folds into, you know, other transfer dispute processes which I think is the only way you're going to do it. Because if you create some new processes to handle something as messy and complicated as this, you know, it sounds like a pretty huge effort. I'm not sure that's what we were signing up for.

Mikey O'Connor: Right. And actually what you've just said is - let me reframe it because I agree 100%. This is - this should not be a dispute process. It should only be a mechanism to allow existing dispute processes time to resolve the dispute, period. But it should not add a dispute resolution process.

Bob Mountain: Yeah. But just, you know, we just need to think about - this payment thing I don't think is trivial. Because if I paid, you know, in some cases big money for a domain and that domain is quickly clawed back from me, then I'm out, you know, both my money and the - I don't have anything now. And that - I think that just needs to be very carefully thought through because it's - you know, that's something a lot, you know, we got a lot of feedback loud and clearly that that was a concern, so.

Mikey O'Connor: Yeah. And, you know, I think that this, you know, to paint that picture I mean - let's say that somebody invokes this claws back a domain. If I've paid big money, I'm not going to give up until it's gone to court. And this thing should stay in that hold status until the dispute is resolved wherever, even, you know, TDRP, the courts, whatever because in that case the fraud is on the side of the clawing back person.

And, you know, we don't want to get into the business of resolving those kinds of disputes for sure. I mean the goal here is that this - most of it gets used in situations where you'd never hear from the gaining registrant because the gaining registrant is a bad guy. And as soon as this thing gets frozen, they disappear.

If they don't disappear, if they show up and say, "Wait a minute" and, you know, they have their paper trail and now it's a dispute, then the only thing TDRP or the ETRP should be doing is allowing time for the dispute to be resolved. And that's it.

Berry Cobb: Okay. Thank you Mikey. (Rob).

(Rob): Yeah. I'm pretty much going to agree with all of that. I mean the registrar if you are at all unsure that the person who's come back to you and said I didn't authorize that transfer out, you are in so much trouble in terms of being able to get sued.



You start taking legitimate transfers back and things like that that you are going to - if you are going to check all of the details, you are going to want logs, you're going to want to look at IP addresses, you are going to want to know details of where it was up for sale, if this is an attempt to (unintelligible) that person has authorized it. It's not something you're going to like to go into just because somebody (unintelligible) I want that domain back.

And so I don't see that registrars are going to likely go into this process. And it's not as registrars our place to make legal decision over who the owner should be. Only to get it back for our customer if we are absolutely sure that it shouldn't have left our care as the registrar.

Berry Cobb: Right on.

(Rob): Let the courts deal with the money side of it and who's been (unintelligible) and who hasn't, things like that. Because as Mikey says, it's generally going to be that no be end on responding to these because it's been stolen and they're not going to hold their hands up going, "Yes I stole it."

Berry Cobb: Great. Thank you (Rob). And Simonetta.

Simonetta Batteiger: Wondering about one thing. How would the losing registrar have any knowledge if this domain was actually sold rather than hijacked? Because that person who is trying to like - if the losing registrant is the one who is actually the bad guy, he's not going to tell his registrar that he sold the domain and he has seller's remorse. He is going to say the domain was hijacked, period. So how would that registrar be able to make that call...

Mikey O'Connor: This is...

Simonetta Batteiger: ...when the complaint is filed?

Mikey O'Connor: This is Mikey. Let me take a stab at this. Of course not being a registrar and thus being able to manufacture things out of thin air, so any registrar is welcome to join.

But the way I had envisioned this is that if - there's two scenarios. The scenario that we're really working on was the one where the domain really was stolen. And as the losing registrar, I would talk to the gaining registrar and the gaining registrar presumably would talk to the gaining registrant. And if the gaining registrant was a crook, they wouldn't answer.

If they were a buyer, they would write back and they would say, "No, I bought that domain." Now if they're a crook that wants to game it, that goes on the too complicated pile. That's where it has to go into a dispute - another dispute resolution process, whatever it is. Either registrar to registrar or a registrar to registrar mediated by the registry in the case of ETRP or the courts or something.

But again, the presumption is that the claw back scenario would be met by a gaining registrant who would appear, you know, who would respond, would not disappear, which is the case on the hijacker.

Berry Cobb: Okay. Thank you Mikey. And Simonetta, do you have any other questions?

Simonetta Batteiger: Not right now.

Berry Cobb: Okay. Paul.

Paul Diaz: Yeah, thanks Berry. Simonetta, just to follow up, I think, you know, any registrar would - the - to Mikey's point and to the point made earlier either by (Rob) or (Ollie), I'm sorry whoever made it. Registrars are going to absolutely do the due diligence and in any case where ETRP may be invoked.

If some customer, you know, comes to us -- use my registrar -- comes to network solutions, claims that a name was stolen when in fact they have seller's remorse, you know, we're going to do our due diligence before we're going to pull the trigger on this process.

And I find it almost impossible to believe that somebody who is trying to claw back a name thinks they can gain the system long enough to get the name back in their possession after a valid transaction has occurred, I mean, you know, as we go through all these details folks, and I'm going to write a note to the list, I'm just beginning to think that we're either completely over thinking ETRP or maybe we should accept it for what it is.

There are too many moving parts. It's too complicated. And we're creating a Frankenstein monster proceeding with this. You know, what we originally tried to do to create a quick process to freeze the name because we do have incidences of hijacking and the existing processes like TDRP are much too slow moving to address the needs of legitimate registrants when in fact their names have been stolen and the gaining registrar is non-responsive.

It just seems like we're creating this enormous series of what ifs and these crazy scenarios and, you know, how are these things going to impact other policies if we move forward? I just increasingly am feeling like I can't - I don't know if this is even worth our effort. And I'm not really sure I'm going to be able to support anything because it's just - there's too many moving parts. There's just way too much going on here.

I promise I will, you know, give this some more thought and post to the list. But I mean I've heard from other members of the working group on this particular call right now the same sorts of reservations. And, you know, on many different levels maybe this just isn't really something we ought to continue to pursue.

And we'll use this immediate thing that I'm responding to as the example. I mean the possibility that one of my customers is going to have seller's remorse, get me to invoke ETRP and then hide the fact that they actually had a sale and I'm not going to find that due diligence and ETRP has to somehow account for that or be prepared for that, it just strikes me as like we're spending way, way too much time dealing with hypotheticals that won't come to pass.

We've really lost focus on what the point was of this whole exercise to begin with. And maybe we should just say look, it was too much; it was too difficult to work out, drop it and, you know, get back to the other things in IRTPB that we do agree on and just move forward?

Berry Cobb: Okay. Thank you Paul. I raised my hand just to kind of comment in general and then we'll get on to Mikey. I'm not quite ready to give up on this but I do definitely agree with what Paul just said. We're adding a lot of - there's a lot of moving parts out there and being able to try to accommodate all of those is a difficult challenge.

I think for me definitely being a process picture kind of guy, you know, to me I think we're kind of coming down the right path. I think where we're misstepping here is, you know, there is all these variabilities out there when we start talking about use cases.

What I'm going to propose and I'm not sure whether anybody will agree or not, let me set the stage here. I mentioned that I wanted to try the swim lane up IRTP and PDRP. I certainly won't ever guarantee that they'll be 100% correct as I try to extract the process out form the policy document.

But like (Rob) mentioned in his chat, it will be good to see all these moving parts together. Drawing the entire process out on swim lane is only half the battle. The other half is exactly what we're kind of wading through the weeks in right now is we've got all of these highly variable use cases.

So the second part of this process modeling will be to establish - I started building a list of what some of these use cases would be and I've got about eight different ones so far that I think warrant kind of documenting a summary of what that use case is, what the inputs/outputs are and then the affect of that use case or the result of that use case against the process.

So certainly one of my own to do items and again, whether we use it in this group or not is to document out this process. So I'll try to have a rough draft available for the group by close of this week. And one of the - I guess to accomplish that is I maybe even try to create a sub-sub team and maybe Mikey if you're interested, we can get together and try to hash out some of the process diagramming and maybe even some of these use cases to really try to help get this documented on paper.

I think after that exercise if by review of the process and a review of the six or seven use cases that we have now does equate to my God there's too many moving parts for this to be effective, then I would quickly sign up on the Paul Diaz camp that, you know, maybe this is just too complex to try to implement. But as I mentioned, I'm not going to give up on it just yet.

Simonetta.

Simonetta Batteiger: Following that line of thought, I completely agree with you. I think it's going to be very helpful to see it in a flowchart because that just helps everyone to think along all these pieces.

I'm wondering if some element of what we have been discussing and just the - add it to the (excess thing) TDRP process for example that the first step of that process could be that if you check and the - is the reason that this is not being resolved that the other party just simply doesn't respond, then maybe a very quick resolution of this TDRP process could be that you say, "Okay. The other party is not responsive. Just doesn't seem to care. Therefore, okay,

we'll restore it back to the original owner" versus when the other party does care and has something to say about this, then it just follows that whole normal process of a dispute resolution.

And that would cover all these cases where someone says, "No, I actually purchased the name in the aftermarket" or no, whatever else case they may have to make, that's where it - the dispute is - needs to be dealt with anyway. So that's just a thought. But it's - I think it'll become clearer when we have a better picture of the whole process.

Berry Cobb: Great. Thank you Simonetta. And if - definitely do exactly just that. I think one - and I might be misconstruing this. I think one issue with what you stated about in folding the ETRP into the TDRP, in principle I do agree that instead of us calling it an ETRP and giving the impression that it's a standalone process or sub process, maybe what this really boils down to is just being a line item change within TDRP or IRTP and not even calling it ETRP.

But I back off of that statement until I get the process diagram done because one of the issues I think with trying to fold this into TDRP that I think that I've heard, and correct me if I'm wrong, is that TDRP it takes too long to get invoked. And so therefore it might mitigate or remove the need of what ETRP was trying to accomplish.

And I think if my - the way the picture's starting to draw out in my mind, it sounds like the usefulness of ETRP could be equally applied in IRTP let alone TDRP, if that makes sense.

Mikey.

Mikey O'Connor: Well you guys stole all my stuff. I think the main point that I wanted to emphasize is this speedy, you know, slow everything down so the existing processes can work. And so you guys covered a lot of it. I agree with it - just about everything that Simonetta said.

I agree with Paul too. If - but I think that if we can make this analysis a good one, we can simplify what is right now very confusing to the point where we can say here are the circumstances. That it's appropriate to invoke this, whatever this is, a change to TDRP or IRTP or whatever.

So I'm with Berry on this. I don't want to give up on it yet. I think that when something feels too complicated and there are too many moving parts, it means that we need to analyze more rather than just walk away. And so I'm more than happy to help Berry with the analysis. And that's it.

Berry Cobb: Great. Thank you Mikey. We've got about four minutes left. And I'm going to leave the group with a parting question to contemplate for our next session next week. And I think in terms of the same homework assignments will apply. If you can, you know, listen to the last half of this MP3 although I don't think it was as informative as our last session. But certainly I'm going to do it to take notes and recap what we talked about here.

In terms of action items, like I said, Mikey and I are going to try doing some swim lane process modeling and at least kind of put together a skeleton of use cases. We'll submit that to the group and perhaps part of our agenda will be to review through that data next week. But maybe even solidify it if we think we're going down the right path.

So my parting question for the group which I don't want it to be answered today but definitely think about for your - for our next session. As I had listed at the beginning of documenting our last session, there were a number of bullets - concepts that we talked about that could improve ETRP.

Again, that was a shorter timeline. The due process component, you know, the chance for a third party, those are some of the main concepts. So the question that I have is if we were to make some of these enhancements, the shorter timeline, et cetera, does this still correct the problems that both Bob

and Simonetta had mentioned or more specifically that (George) had raised the red flag on that this could be gained?

So my question is - of what we have identified over the last two sessions for possible enhancements, does this correct the red flag that (George) had raised initially about this being gained. So think about that and we'll also try to answer that next week after we review some of the process models. And in fact we may not be able to answer that question until we've completed our analysis exercise.

All right. So that's all I have. Any parting comments, gripes, complaints, moans?

Man: Oh I like moaning. Moaning is one of my favorite things.

Man: Awesome.

((Crosstalk))

Man: Yeah. Thanks for slogging through this Berry.

Berry Cobb: Yeah. My pleasure. Thank you guys and you'll see emails from us and talk to you next week.

Man: Okay. Bye bye.

((Crosstalk))

Man: Take care. Cheers.

END