Inter-Registrar Transfer Policy Part B PDP
Transcription
Tuesday 14 September 2010 at 14:00 UTC

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Participants on the Call:
Michele Neylon **–** RrSG Chair
James Bladel - Registrar SG
Paul Diaz - Registrar SG
Matt Serlin - Registrar SG
Robert Mountain - Registrar SG
Chris Chaplow - CBUC
Mikey O'Connor - CBUC
Berry Cobb - CBUC
Anil George – IPC
Kevin Erdman – IPC
Barbara Steele - RySG

Staff:
Marika Konings
Gisella Gruber-White

Apologies:
Baudoin Schombe – At Large
Michael Collins – Individual
Oliver Hope - RrSG
Eric Brown – RY (all Tuesday calls)
Glen de Saint Gery

Gisella Gruber-White: Thank you Sabha. Good morning, good afternoon, good evening to everyone. On today's IRTP call on Tuesday the 14th of September we have Michele Neylon, Bob Mountain, James Bladel, Mike O'Connor, Kevin Erdman, Berry Cobb, Paul Diaz, Chris Chaplow, Barbara Steele. From staff we have Marika Konings, Pam Little, Dan Halloran, Mike Zupke, myself, Gisella Gruber-White. And we have apologies from Baudoin Schombe, Michael Collins and Glen de Saint Géry.

If I can please remind everyone to state their names when speaking for transcript purposes. Thank you. Over to you Michele.

Michele Neylon: All right good afternoon everybody and thanks for those of you who are getting up - who got up especially early or in the middle of the night in order to attend the call today; it is appreciated.

So what - as you can see on the agenda today we have exchange of views with ICANN staff. Exchange of views means you - a discussion possibly getting into see to explain how they view things and try not to attack the ICANN staff; be nice to them. And that includes you Mikey.

Michele Neylon: So we have Pam Little who is currently the head honcho when it comes to contractual compliance; Mr. Daniel Halloran who is the Deputy General Counsel for ICANN and Mike Zupke who is one of the overworked and stressed Registrar Liaison Managers. Do I get brownie points for that Mike?

Mike Zupke: You do but they're not worth much, sorry.

Michele Neylon: Well that's okay. Well I had to ask, I had to ask. Okay so what we - if it would be helpful possibly to - for - well (unintelligible) as probably Pam is the one with the - who's in the oddest time let's take Pam first. And if Pam could have a look at the Charter Question E and give us her thoughts on this it would be appreciated.

Pam Little: Sorry, can you remind me what the question was again? Sorry.

Michele Neylon: Oh sorry. This is in relation to our Charter Question E. This is all to do with the concept of readily accessible and reasonable means. We're talking about lock statuses and removing locks from domain names.

Pam Little: Right, right, sorry, sorry. I just - all of the sudden it escaped my mind.

Michele Neylon: That's okay. It's probably the middle of the night there so you're forgiven.

Pam Little: Thank you. Yeah, when the inquiry came to us we gave some thought about this particular provision. And I think you're - the working group has, you know, consider all - or has some - looked at our response and had some feedback.

So basically I personally feel the ground for denying a transfer as currently set out in Item 7 of Paragraph 3 of the IRTP did not seem to work. And that's why we felt, you know, we made some suggestions, you know, in line with the letter as well spirit of the policy because in one look at the intention or the whole purpose of the ITRP I thought the primary or the paramount consideration is about consumer choice therefore that was the overriding consideration. And that's the basis for our suggested amendment.

So we currently - I think there were - if you look at the back half the compliance group supplied to the working group early this year I think the - the group - they were - we kept trying to categorize the different types of complaints we would see through a five-month period. And also failure to analyze domain name by a registrar was still a large proportion of the complaints we received so they - it was needed to have some clarity.

So I saw some of the comments on our suggested amendment to that particular ground for denying a transfer. So I'm really - a bit struggling to understand that - why the group considers that security or perturbation of hijacking or for stolen domain actually would override the consideration for consumer choice or for say for example portability for registrants.

So that's something I would like to understand a bit more from this working group see whether - how do we balance the competing priorities or interests.

Michele Neylon: Okay. Thank you Pam. What I'll do is I'll ask - I'll throw it open to members of the group who might want to give you some reaction and feedback. So guys

you have now this wonderful opportunity to give some feedback to Pam. And if you don't put your hands up I'm going to start picking on people. Paul would you like to go ahead?

Paul Diaz: Yeah hi Pam, it's Paul Diaz from Network Solutions. Okay where to start with this. Honestly I'm still not understanding where ICANN staff is coming from with this.

The IRTP currently only lists nine reasons that a name can be denied transfer, right? If we understand your proposal properly you're saying delete Number 7 because it's, quote, superfluous.

Pam Little: Yes.

Paul Diaz: All right in deleting Number 7 which is saying that that name was already in lock status it seems to be ignoring the reality that in today's market place the steady state for almost all registrars is to have the domain name under a lock status as a basic security precaution.

Remember of course that when the IRTP was put in place we changed the rules that the registrant no longer has to give affirmative consent to the transfer; basically it goes after five days. So registrars determine that the safest way to make sure that - the simplest way I should say to make sure that names are not hijacked was to lock them.

If we follow the staff's advice and eliminate Rule Number 7 that's effectively going to take away the security - the basic security that registrars have put in place. And as I look at it it would also undo the recent trend for registry operators to offer their own locks because we will no longer have something we can all point to and say it's in lock status.

So I don't really understand what consumer choice and all that is about when fundamentally we're talking about the security of our customer's domain names.

Michele Neylon: Okay. Pam if I...

((Crosstalk))

Michele Neylon: ...I'll take people on the queue and then if Pam wants to come back afterwards because I think her line is a little bit unclear. Daniel Halloran?

Daniel Halloran: Yes thanks. Good morning, Michele and Paul and Marika and Pam and everyone else and good day. And thank you very much for having us here. I want to just start - and I know it's very late for Pam so she didn't get to give a nice speech.

But we very much appreciate the work this group does, this is I know very kind of - very time consuming and the most thankless work because, you know, you're kind of toiling away in the dark corners of the GNSO. But we think you're doing very important work and we want to thank you for all the attention you put onto this.

And I want to, I mean, first agree with Pam that we think it's, you know, very important the consumer choice angle on this but we do recognize, and Paul stressed, and, I mean, we would agree 100% that it's also extremely important that registrants have security and that we don't, you know, let names go flying off without good security procedures and protocols. So this is not a case we're saying that, you know, consumer choice has to trump all this.

We totally recognize that there's a balance to be made. And you're - and essentially balancing, you know, how many registrant do we want to inconvenience to prevent one hijacking; is it worth, you know, 100

inconvenienced registrants to prevent one hijacking or five or whatever? So this is hard work and there's no right or wrong answers and so we definitely recognize that.

And so Paul, I want to just jump right in on your points about, I mean, we agree with you; we're not trying to undo the idea of registrar lock. I think what our suggestion was was - when we started making these suggestions and we were after feedback our understanding or at least mine was that to now Reason 7 domain was already in lock status was referring to what we've taken in our back and forth to calling an EPP-based lock or back when this was written it was an RRP-based lock.

So in other words it was - it's okay not to let a name get transferred out if it's in lock status. And if that's implemented in EPP then the losing registrar never sees the transfer request; they don't really ever deny a transfer request because the transfer request errors out at the registry level because it's a registry lock - a registrar lock.

So our suggestion was based on our understanding of what lock status meant which was an EPP-based lock that that ground for denial - we recognize that that's a perfectly valid reason for a name not to transfer. And like you said that's an important security thing, lots of registrants want and lots of registrars implement.

But we were saying take that out of the grounds for denial, not delete it - the whole concept entirely and go ahead and move it and if you can provide more clarity around when it's okay for a registrar to put a name into lock status, how the registrant can get the name out of lock status.

We agree it should be based on security and on the registrar's good practices, the registrant's consent basically to what kind of security the registrant wants on the name.

And then that would probably clarify things like in terms of Grounds for Objection Number 6 I think would be more clear if we could expand that and treat all the range of issues that I think you guys are talking about or some of you are talking about as registrar-specific locks or what - I would actually have concerns about treating it that way.

Because to me I think if there's going to be a registrar lock it's clear to have it be reflected in the EPP, be reflected in WHOIS so that the registrant and other registrars can see, oh that name is on lock and ICANN and other registrars can give clear guidance to the registrant to say, hey, we see here that your name is on lock.

So the first thing you're going to have to do is go to your registrar and get that unlocked. And that's - provides clarity for registrants and for ICANN and I think for the registrars. That's where we're coming from; it's not let's delete registrar lock, not at all.

We're just saying the way we understood registrar lock it's supposed to be EPP based and therefore there is no denial of transfers because no transfer requests happened therefore that shouldn't be a grounds for denial, it should be treated in some other section where we're going to talk about lock status and how to get on and off lock status and consent and readily accessible means, etcetera.

So that's my input on that. And thank you again Paul and Michele.

Michele Neylon: Thanks Daniel. James and then Mikey.

James Bladel: Hi, this is James speaking and just wanted to thank Dan because he basically expressed a lot of what I was intending to say which is that there's really no right or wrong answer just that it's a question of balance and we are trying to strike that balance between portability and consumer choice on the one hand and security on the other hand.

So we're - I think the registrars especially the ones that participate in ICANN and in this group are in favor of domain name portability and consumer choice because we all believe very strongly that given a choice consumers will choose our services. But we've also seen the other side of that.

Hijackers are very, very smart; maybe devious is a better description. And, you know, we have to be very cognizant that registrars should be enabled to respond on behalf of the customers and victims of hijacking that maybe perhaps are not their customers yet.

And, you know, we need to make sure that we have a lot of tools in place and I think that the EPP lock is just one of those things, the EPP lock and some forms of internal locks if they're associated with different security products that prevent unwanted or unauthorized transfers.

So I think it is important that we maintain and strike the balance. I do want to point out one thing in the feedback here that was noted in Item 4 that, you know, some of the terms and conditions are buried in the registration agreement and the word is buried.

I just wanted to point out that we're reaching a tipping point here where registrars are continuously being asked to - I want to say compensate for the lack of community education by including more and more disclosures into our registration agreement and then we have to turn around and respond to accusations that we're burying things in the registration agreement.

And I just would like to perhaps put that bug in staff's ear that we find that, you know, as more and more of these issues and working groups are putting - are burdening the registration agreements with more and more requirements in addition to things coming from other directions like law enforcement and legislation, you know, maybe we should step back a little bit from saying, you know, these registration agreements are becoming very

arcane and, you know, Byzantine and we really need some community education to get around some of the cumbersome language in these.

I don't know if that made sense but I see a trend here where we're just going to continue to overload registration agreements and then we're going to continue to say that that's not enough, that we need something a little more conspicuous. Thanks.

Michele Neylon: Okay thanks James. Mikey.

Mikey O'Connor: Thanks Michele. This is Mikey O'Connor and thanks to Dan and Pam and Mike and all the others for joining us today. I'm a registrant type guy; that's my point of view in all this just to give you a - especially for Pam who I don't think we've met.

And my view is pretty closely aligned with the registrars and the registries in that we want to be very careful, you know, the balance is absolutely correct; we certainly want to balance portability with security.

But I never thought of IRTP as really having much if anything to do with consumer choice until this morning. So I'd like to hear more about that. My view of IRTP is that this is really much more a technical process than a consumer choice process.

And the issue with the lock status stuff is historically arose from a losing registrar that would essentially hold onto a domain name by keeping it locked. So I just - I guess I'd like to hear more about the consumer choice argument because that's a new one for me. Thanks.

Michele Neylon: Okay, Daniel.

Daniel Halloran: Yes thank you Michele. And Mikey thank you for that. I mean, I'll do a little more talking then maybe Pam can jump back in because I'm unfortunately

going to have to leave pretty soon because I've got three kids that need to get to school.

But, I mean, fundamentally the consumer choice is all about just what you just mentioned that if you're the registrant and you've got the name @registrarx and you've become dissatisfied with Registrar X's price or service or Registrar Y has sent you an offer and they want you to come to that registrar and you want to go to that registrar the first thing you're going to need to do is get your name unlocked so you can move it.

And, you the registrant, I mean, I think that's what this policy is all about both choice and security that we need to, you know, if the policy was perfect you could always transfer your domain as soon as you wanted to, as conveniently as possible with no hassle and no trouble.

At the same time if the policy was perfect your name would never be hijacked and your name would never ever transfer against your will without your consent. And so the whole policy is about trying to get as close to that ideal as we can where you never have a frustrated consumer and you never have a hijacked consumer.

And really consumer choice is what the whole thing boils down to. And I agree with Pam's stress on it; we do get more complaints on the side of frustrated complainants - frustrated registrants who want to go to a different registrar because they're not happy with the price or service they're getting or they think they can find better price and service.

And they call ICANN and they say hey, you know, I can't move; my registrar has this confusing thing. Are they stonewalling me? Or I don't understand it. And we have to deal with those calls. Now, you know, and not - again I agree it's a balancing.

And I would - I personally would rather deal with 5 or 10 or maybe even 100 calls from upset consumers who are having difficulty figuring out their current registrar's transfer procedures than to deal with one telephone call or one letter from lawyers and that, you know, basically it's a panic and emergency situation when a registrant gets his name hijacked.

And all of the sudden his business is down, his email is down and his domain is at some other registrar; it might be in a different country with different WHOIS and it's really an ugly situation. And I think as probably a lot of the registrars who are on this call could say you'd rather deal with 10 or 100 customer complaints than one hijacking.

Mikey O'Connor: Well this is Mikey again. Let me just follow up for a second. I think that we agree, Dan. And so when we then circle back around to the approach of deleting Denial 7 that seems, you know, I mean, part of this is that we're dealing in double and sometimes triple negatives and I get confused.

But isn't Denial Reason 7 all about what you just described in that the issue that we're trying to resolve is to make it clearer?

Daniel Halloran: So Mikey this is Dan again. So - and I'm - I agree, this is confusing and I'm sorry that it was difficult. We tried back and forth on email through Marika and we tried on the call to clarify but there's no simple way. We're into the weeds of the grounds for denial and the negatives of the non-reasons for denial and it is kind of a mess.

But fundamentally what we're saying is just because of the way the registry and registrar software works if a domain is in registrar lock status as we understand it which simply we're calling an EPP based lock that's visible in the WHOIS, it's visible in EPP. And there's no way a gaining registrar can initiate a transfer on that domain.

And since there's no way to initiate a transfer there's no way to - there's no need or reason to deny a transfer. And since there is no such, you know, under that understanding a transfer request would never be denied because of registrar lock status.

And that's why we said what's in Number 7 there does not belong under reasons for denial because a domain would never be - the transfer would never be denied because the transfer would never be initiated. So we're saying keep those rules, keep the ability to have registrar lock status just move it out and just explain and if you can elaborate on the rules and clarify exactly what's needed.

It might even be this is just a drafting thing and you guys look at it a long time and look at the complaints and analyze it from both sides and decide the balance is kind of where it should be and you don't want to move it on the substance.

So the first thing was just a drafting point that as we understood lock status lock prevents transfers from happening and therefore you don't need a transfer denial reason called (doing) was in lock status.

Michele Neylon: It's Michele, just sort of put myself in the queue very quickly. Paul has put on the chat there a question that I personally would love to have an answer to as well. And the question is, "Does compliance of any sense of the breakdown in customer complaints? Re, the registrar stonewalling me versus I don't understand what I have to do to transfer my name. And as a registrar it's my sense the lack of education is more common than noncompliance with the IRTP."

I mean, that's - what Paul is asking is pretty much a question that I would love the answer to as well. So do anybody - does anybody from ICANN staff know, I mean, do you have data that can actually show the difference between, you know, the registrar stonewalling me because the registrar

literally is stonewalling you or just the case of the registrant is confused and doesn't know what they're meant to be doing?

Anybody from ICANN staff like to jump in here?

Dan Halloran: Pam, are you still on the line?

Mike Zupke: Michele, this is Mike Zupke. So my thoughts on that, you know...

Michele Neylon: Please go ahead.

Mike Zupke: The thing of it is that at the ICANN - they typically - they're already frustrated so they pretty much assume that their registrar is stonewalling whether the registrar is or not. So I think that, you know, the accusation, you know, and sort of like the strength of the accusation isn't necessarily reflective of whether or not it's a genuine compliance issue.

Michele Neylon: Okay.

((Crosstalk))

Dan Halloran: Michele, this is Dan. It might be that Pam has dropped off the line. And I think Pam is sort of the keeper of the complaints data. And so it might that it's best if we could follow up with Pam...

Marika Konings: Yeah, I think Pam - this is Marika. Pam is still on the line but she has been muted I think by the operator. So (Soba), can you please unmute Pam's line?

Dan Halloran: Or if that doesn't work maybe just we could commit that - to come, you know, Pam can come back through Marika with whatever data we can uncover because it is an interesting question on - it might be that we just have a category of complaints that I'm having trouble transferring my name away.

And then there's another layer of detail on that which is what Paul is asking about is - is this - the customer just plain doesn't understand or is it that, you know, there's some kind of active frustration being caused by the registrar. It might be a little hard to untangle that in some cases.

Which actually this does sort of relate to what we were talking about in terms of untangling Number 7 - Ground for Denial 7 from Ground for Denial 6 in that, you know, I personally think it would be clearer if in every case if the registrar was going to rely on the lock status that it was EPP-based and the registrant and the other registrars in ICANN could all see, oh, this name is in lock; I can see it right here in the WHOIS status and not have it based on some kind of hidden or murky or secret registrar-based lock that's not apparent to other people outside that registrant.

Michele Neylon: I've just - this is Michele here - just with respect to this thing about the secret lock type scenario I would agree with you 100%. And it's something I personally have always felt should be displayed in WHOIS. For whatever reason if there was some kind of lock it should be displayed in WHOIS.

Pam Little: I'm back, sorry.

Michele Neylon: Pam is back. If you would like - if you could try to answer that query it would be helpful.

Pam Little: Okay can I just repeat the question so I make sure I understand it correctly? The question was how many complaints we receive - (unintelligible) complaints we receive really was about registrant did not understand the transfer policy, is that right?

Michele Neylon: Well yes and no. I suppose the question is are you able to capture the difference between I'm a first rated user and I don't understand what's going on versus my - the registrar I am using is a scumbag who does not want to release my domain name; breaking it down into really blunt terms.

Pam Little: Well I don't - I just - well 9% of the complaints we received we grouped that as registrants who do not understand the transfer process.

Michele Neylon: Okay.

((Crosstalk))

Pam Little: Okay. And 15% of the complaints we received over that five month period - we're talking about the same set of data - is about registrars who fail to unlock the domain name. So we're talking about this particular issue - about locking and unlocking.

So I would say yes, there are 9% of people who simply don't know even - that there's such blocking mechanism. And it goes back to the question I think about the whole debate whether - what IRTP is all about, the purpose of the IRTP.

And I got the same consumer choice is the paramount consideration based on the very early report in 2003 by the - the final report and recommendations of the GNSO Council on the transfer passports.

And if you read through that document it - to me it was abundantly clear, it's all about consumer choice.

Michele Neylon: Okay. Does anybody else have any other queries for Pam?

James Bladel: Michele this is James.

Michele Neylon: Yeah go ahead.

James Bladel: Yeah, I'm sorry I'm not in the queue. I stepped away from my desk for just a moment but I did have a question for Pam and for the rest of ICANN staff and

that is that, you know, the consideration that IRTP is all about consumer choice and the ability of a registrant to vote with their feet if you will and move their names to the registrar of their choice I think is important.

Do they have any sort of thoughts on the reality of the secondary market where IRTP is also used to facilitate a change of registrant or change of control in transferring one name to the other? Is that an appropriate use of IRTP?

Dan Halloran: This is Dan. I don't know if Mike or Pam can also jump in on this. I mean my initial thought was I thought saw discussion about this either on I was looking through the list or maybe it was in the report or the comments.

And actually went back and looked at the transfer policy. And I went back and looked at the old transfer policy which I don't know if anyone on the call remembers but it used to be I think an exhibit to the RRA for the Com/Net/Org Registry which was back in 1999, 2000.

In the old transfer policy there was a section that specifically dealt with when a registrant change happened at the same time as an inter-registrar transfer and what the requirements were.

And that is now not in the current transfer policy. So it could be that it definitely something worth the group looking into and exploring whether that needs to be put back in or rules need to go around it.

Basically the old rule used to say something like if you're the Gaming Registrar and you're processing both a registrant's change of registrant and an inter-registrar transfer at the same time, you need to have in addition to the authorization from the contact, you need to also have something like a court order or a bilaterally signed agreement between the old registrant and the new registrant.

And so maybe some of that is still implied here. But it's not stated unless I'm missing it in my quick review in my late night look and my early morning discussion here.

And I will send around a link of what I'm talking about, the old RRA.

Michele Neylon: Okay, thank you. Paul Diaz, please go ahead. James jumped the queue. James you can consider yourself slapped.

Paul Diaz: Thanks Michele. A couple thoughts, thank you Pam and Dan and Mike for being on the call today. It really is very helpful to us to get the input.

I thought Pam - please, you know, in the course of these IRTP Working Groups this is the second of five that are planned. I keep coming back and having to remind everybody that the IRTP that we're living with was, you know, enacted in 2004 but it was developed over the two years prior to that.

So, you know, when - I guess respectfully I would say let's not overemphasize consumer choice. That was the burning issue back in the 2001, 2002 timeframe.

And the folks who worked on the new IRTP at that time really did address that. You know here's what we have.

But in the seven years since the market has evolved pretty dramatically. And the concerns that people had coming into the beginning of the competitive era to where we are today, you know, I think we have to be very cautious about not holding consumer choice out such a high level and ignoring what I think most people would agree in today's world, security is at least the equal if not more important.

Anyway just one question, you know, for staff really. As this Working Group continues its efforts we've touched on the education issue or at least recognized we need to do some more thinking about it.

And it just strikes me that the - some of the things that have been suggested today make a lot of sense, suggested by staff may make a lot of sense.

But ultimately there's going to be a very important educational component in any of this effort. It's very clear to me as a representative of one of the larger registrars that there's tremendous misunderstanding about what's involved.

And, you know, just for the group and we'll come back to staff once we start kind of getting a little tighter ideas about what our recommendations will be, but putting too much emphasis on just because something is EPP compliant, you can see it in WHOIS, that alone is not going to come close to educating the very large section of the customer base that doesn't get it. They don't understand how to read or interpret what is in WHOIS.

Ultimately when, you know, their transfer request fails it fails at the registry level, they're still going to be calling ICANN. They'll be calling the Gaming Registrar. They'll be calling anybody saying hey somebody's blocking my name when in fact everything is being done in a perfectly compliant manner with the rules.

So while there's definitely a lot of good stuff being offered, you know, I just think we have to be careful not to be too comfortable with well if it's EPP compliant that's going to somehow work out a lot of the concerns and frustrations that folks have with IRTP.

But again thank you for the inputs. It really helps to have staff on these calls more frequently.

Michele Neylon: Thank you Paul. Mike you were late onto this call so do you have any particular views on this entire section as you would be one of the people I assume who does get - have to handle some of the complaints from the public?

Mike O'Connor: Thanks Michele. You know I don't - kind of late to this discussion so I don't think I have a whole lot, you know, that I can add. I hope to, you know, be more of a resource if I can but, you know, I don't think I have anything, you know, to add that hasn't already been said by Pam or by Dan.

Michele Neylon: Okay. Does anybody else have any questions, queries, comments, thoughts or anything else to raise with Pam, Daniel or Mike?

    Daniel go ahead.

Dan Halloran: Just to say thank you. I have to leave unfortunately now. I have three kids under 10 who need to get to school. So thank you all very much again for your work and for having us on the call this morning.

    Good-bye.

Michele Neylon: All right, thanks Daniel. Thanks for making it onto the call.

    Does anybody have any queries or questions or comments or anything to raise with ICANN staff now that we have them on the call? So don't turn around as soon as next week and go I wanted to say something to Pam Little, and I didn't. You now have the opportunity.

    Paul, go ahead.

Paul Diaz: Pam just a general question for compliance staff, any of the audits that you guys have underway or in the near term, could you just remind us what the schedule is so that we can kind of determine if there'll be some perhaps new

or fresher data that might be made available to this group while we're still deliberating?

Pam Little: Well I think (unintelligible) would be some of the findings from the (unintelligible) audit we carried out in May, 2010. At the moment there is the first round of formal audit underway. The notices have gone out to all the registrars who will be audited. I think there were 18 of them that went out early this month.

And the due date for the response will be the 23rd of September. We only intend to roll out one round of formal audits the remainder of this year or during 2010. There'll be another round of formal audits in the first half of 2011.

Michele Neylon: Okay, thank you. Mike.

Mike O'Connor: Hi Pam. This is Mike again. In your feedback number one, the lack of definition of readily accessible and reasonable means. I'm not sure that I want to focus only on this one but this is a good example.

And my question is what could we do as the IRTP Team to help you clarify that? I mean we agree that we need to work on that.

Do you have any sort of a wish list of things that you'd like to see or that you'd like us to consider while we're thinking about all this?

Pam Little: Yeah, I think we - I thought our feedback was it is very difficult to come up, you know, one size fits all definition of what is readily accessible and reasonable means because it's, you know, it depends on the registrar's specific mechanism of practices or practice.

It's...

Michele Neylon: Hello?

Pam Little: Yep. Is that - I thought that was our feedback to the Working Group. We didn't feel there was - you know, I guess from the compliance enforcement perspective it'd be good to have a clear definition what is readily accessible and what is reasonable means, right?

                    But we do appreciate, it is difficult to come up with a definition will be - would fit all the practices.

Mike O'Connor: This is Mike again Pam. I guess the reason I asked you that is because a lot of times folks like you and your group who are on sort of the front lines have ideas about what those could look like.

                    And if you do I think we'd be very interested in seeing some of those.

Pam Little: Right.

Mike O'Connor: I mean.

Pam Little: I guess, you know, for me it will be something that like a online interface the people can use. You know and I do like I think I've seen some of the registrars, for example in the first round the debate (how audit) we carry out it may be dated. Have that kind of mechanism in place. People can just logon, you know, to their Web site or Web-based interface where they could then do the lock in and unlocking themselves.

                    But its very hard to say that mechanism versus with another one or it will be appropriate in a particular (segment).

Mike O'Connor: Okay, thanks Pam.

Michele Neylon: Matt Serlin.

Matt Serlin: Thanks Michele. It's Matt Serlin from MarkMonitor. I just want to kind of provide a couple comments here on some of the topics that we've been going through and the list in front of us.

I essentially agree with basically everything on this list of bullet points. You know, I think to Mikey's point about readily accessible and reasonable means I think we as a community and whether or not it's the work of ICANN compliance or part of the work that this Work Group is charged with.

But I think coming up with some sort of guidelines to define that and is a good thing.

The only thing that I want to sort of caution on is point number four here. And while I'm in support of having some sort of publication of high level security policies or things like that I want to caution about providing a blueprint essentially for, you know, for would be hijackers and other folks that are going to commit, you know, to various acts on domain names that - you know, I personally and speaking for my registrar I wouldn't want to put a, you know, a set of criteria as to how we lock domains, how we unlock domains, how you go through the process, you know, because it - part of what at least from my standpoint gives us a higher level of security is the fact that it isn't necessarily crystal clear.

People can't go out to our Web site right now and see exactly, you know, what policies we have for our clients and how they go about unlocking domains and frankly that's on purpose. And it gives us an extra level of comfort knowing that there isn't anything out there documented that someone can look at and go okay, I know how to try to hijack google.com now and I go through these steps. And if MarkMonitor misses the bone on one of these then I'll be good to go so just a little caution on that point.

Michele Neylon: Thank you Matt. And anybody else have any comments, questions, queries?

Mikey.

Mike O'Connor: I'm going to go back to the point two. I just want to confirm that it's not that you're disagreeing with it, that the staff is disagreeing with the idea that - of this. Its essentially this double negative problem that says look this one is just irrelevant because the circumstance would never arise.

Is that a correct understanding?

Pam Little: I think that's a correct understanding Mikey. So we are saying its okay to have whatever lock mechanism registrars, you know, see fit in their particular circumstances.

But it is - we - I think our debate was about whether that require a (finding) form consent or not and whether - you know how the lock and unlock mechanism should be made available to registrants if registrants are going to introduce those locks.

So and whether - its really to me - echo what Dan has said that position or that particular (ground) that receives those seem to be sitting in the wrong place. Because you can actually expand Item 6 as Dan has pointed out. Because to me lock is just another reason objection or express reason objection that you can call it a lock, you can call it a reason objection, whatever it is. It's just a contractual - a binding, a promise that you don't do something or you'll do certain things.

And that could be, you know, expanded by changing or amending Item 6 of paragraph three. And then seven can be moved somewhere else to just deal with registrar lock and how registrars should provide, you know, again the reasonable opportunities or registrar reasonable opportunities for you to unlock the domain name.

Mike O'Connor: Thanks Pam. This is Mikey. Just one follow-up for the team I think. And that is we probably need to take a look at scope and see whether if we were to do that we stepped outside the boundaries of the scope of our charter.

Michele Neylon: To do what exactly Mikey? Sorry.

Mike O'Connor: Moving this outside - you know the shifting of things. You know I haven't got the policy in front of me because I'm at the wrong computer today but.

Michele Neylon: Okay. Could you put your thoughts in this and maybe enter it into an email to the list?

Mike O'Connor: Yeah.

Michele Neylon: Might be more concrete and easier. So I don't know about anybody else but there seems to be so many emails flying around at the moment. It's very hard to follow.

                    And no, I don't mean in relation to this list. I mean in relation to the other ones.

                    Matt again.

Matt Serlin: Yeah, thanks Michele. I just kind of wanted to pick up on Mikey's point and essentially backup what staff has put here.

                    And, you know, from a registrar's standpoint I can confirm and, you know, their interpretation of this Reason 7 is correct in that if a domain name is on registrar or registry lock the Gaming Registrar cannot even submit a transfer request to the registry so that there technically is no denial ever required for a domain that's (on lock).

So I do agree that it is the purpose. I think maybe we just need to, you know, redraft the wording or look at how it's - or how it's worded.

But from a pure technical standpoint that is 100% correct.

Michele Neylon: Marika and then Paul.

Marika Konings: It is Marika. I'm just looking at the charter question itself and basically it says whether and if so how to best clarify the matter in Reason 7 and then the (tile). I mean I think there there's some flexibility to give the group, decide that clarifying it means moving it or deleting it and, you know, replacing it with clearer language.

You know my view I think that fits with that description but, you know, I think one - the group comes up with a recommendation. Its something we can definitely check back there with the Council or verify with legal counsel how far we can go.

But as its currently phrased I think there is a - there is some room to maneuver.

Michele Neylon: Good, thank you Marika. Paul.

Paul Diaz: Thanks Michele. You know guys I think I have a different view on this one. I think the importance of number seven is there for the losing registrar because consider the very, very common occurrence where somebody wants to transfer their name. It's in an EPP lock so the request goes. It is shot down at the registry level. Nothing happens.

So now the customer's mad. They call in and say why didn't you let my name go?

The response is simply Rule Number 7. It was in a lock status.

Now you can work with the registrant at that point to take a lock off, let it go, etcetera.

But that number seven is in three ultimately so that the losing registrar can say we're still compliant with the policy.

Michele Neylon: I see lots of hands going up; Mikey, try to keep this to the point, no offense, and then Matt.

Mike O'Connor: I think the - this is Mikey. I think the deal here Paul is that this one would never happen. And so what we're - I think we're all saying that we want to keep the intent. We just want to move it to a different place in the policy because the way the policy is written right now it would never be invoked here.

So that we would leave the crutch for the registrar to say it's in the policy. But frame it in such a way that it can actually happen. Because what I understand now is denial Reason 7 is like a branch in the computer program that can never be run down.

Michele Neylon: Okay, Matt, go ahead.

Matt Serlin: Yeah, and I'll be brief. I think we really are sort of getting into semantics and splitting hairs. Because Paul in your example I guess the point we're trying to make is that the losing registrar didn't actually deny anything. The request never got to them because the domain was - the transfer from the Gaming Registrar never actually made it to the registry because it's locked.

So but I agree with you that that rationale for a transfer not being successful is important. And I think it probably just to Mikey's point needs to be reworded or put in a different place in the policy.

But it is not - it just isn't a flat out denial. That the losing registrar can't deny it in that case because it doesn't get to them.

But so I think we're all saying the same thing. I just think we need to sort of dive into it a little bit more.

Michele Neylon: Okay, thank you, any other thoughts, queries, questions on any of the feedback or any of the other matters?

Pam Little: Michele it's Pam. I have a question if I may after everyone (unintelligible).

((Crosstalk))

Michele Neylon: Yep, please. Go ahead. This is why we want people like you on the call so we can talk to you.

Pam Little: So when we are thinking about how we can actually combine Item 6 and seven of paragraph three maybe we can look at or we invite the Working Group to look at Item 6 which currently says one of the valid grounds for refusing a transfer request is expressed written objection to the transfer from the transfer contact.

So when I was trying to enforce or handle some of our compliance I was always wondering is Item 6 intended to have a one up objection to a pending transfer request or sort of open-ended such as the lock state is intended to do objection.

So maybe we can actually split six into two scenarios where there'll be a one up objection and then there'll be some sort of standing objection for an indefinite period or a fixed period. Then the lock status for me is to just have an indefinite period until the lock is removed.

So maybe that's one way of, you know, addressing this because at the moment to me it is unclear whether Item 6 is intended to cover objections as a one up objection or a standing objection.

Michele Neylon: Any thoughts on this, question, any comments guys?

Mikey.

Mike O'Connor: I like the distinction. I think it's a worthy topic of discussion, might be very helpful.

Michele Neylon: Okay. Anybody else have any thoughts on this?

Matt.

Matt Serlin: Thanks for calling me out. Yeah I agree with Mikey. I think it probably is. Again I don't think its something that we can resolve on the call here today but I think looking at splitting that out like Pam suggested is probably a good exercise.

Michele Neylon: Okay then. Would - what would people view then as the next steps based on the conversation we've had today with ICANN staff, what would people suggest?

Mikey.

Mike O'Connor: I think it would be really helpful for somebody to go through the MP3 and sort of parse out all the pieces of arguments that we made today. And kind of assemble them. You know the double negative problem really has me wrapped around the axle here. And so capturing the major points made, I think there was a lot of agreement and a lot of subtle language that we need to sort through.

But I didn't hear any profound disagreements today and a couple of really good paths forward. So that would be what I would suggest.

Michele Neylon: Okay, thank you. Does anybody - would anybody like to volunteer for that? Deathly silence.

Marika Konings: Well if no one's willing to volunteer I'm happy to look at the transcript when its available and take out the different point of discussion and them together in a document.

Michele Neylon: Well thanks. I mean if - that would be great Marika, maybe some just a few bullet points or something that we can work from.

Now other matters on the agenda that we had was in relation to the ETRP aftermark - I can't speak, sorry. ETRP Aftermarket Perspective Survey which Bob and (Sima Neffa) have been working on.

And based on the conversations we had last week there is obviously a difference of opinion.

Does anybody have any thoughts on this and how we can move forward or should we just dump this completely?

Bob.

Bob Mountain: Yeah, thanks Michele. Bob Mountain. The only thing, you know, in thinking about this understand that there's a desire to broaden the survey beyond just the aftermarket folks. In the interest of just making some progress though I might volunteer to just begin with the aftermarket folks, with the possibility of expanding this to other cohorts if their group thinks that would merit it.

So I'd just like to potentially volunteer that as a course of action for now.

Michele Neylon: Okay, thank you Bob; any comments from others in this group?

Mikey.

Mike O'Connor: This is Mikey. I think we need to get to the issue of who sees this survey result before we go out Bob. I get your suggestion but I'm not sure that we should do that. I think that Matt's point is well taken. And we need to wrestle that one to ground. I'm not sure we have time on the call today to do it.

Michele Neylon: Okay. I think that's maybe something we should take up on the next call possibly. So I think we need - there is a certain degree of trying to, you know, haggle and discuss this further.

Okay, any other business, any other queries, questions, other topics that anybody wants to raise?

Going once, going twice. Okay, meeting adjourned.

Speak to you all next week. Have a nice week. Bye-bye.

Man: Thanks Michele.

Man: Michele.

Man: Cheers.

Man: Thanks Michele.

Man: Bye.

Man: Thank you. Bye-bye.

Man: Bye.

END