Inter-Registrar Transfer Policy Part B PDP
Transcription
Tuesday 20 July 2010 at 14:00 UTC

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http://audio.icann.org/gnso/gnso-irtp-b-20100720.mp3

On page:
http://gnso.icann.org/calendar/#jul <http://gnso.icann.org/calendar/#jul>
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Participants on the Call:
Michele Neylon – Registrar SG – Working group chair
James Bladel - Registrar SG
Paul Diaz - Registrar SG
Matt Serlin- Registrar SG
Chris Chaplow - CBUC
Robert Mountain - Registrar SG
Mikey O'Connor - CBUC
Berry Cobb - CBUC
Kevin Erdman – IPC
Anil George - IPC
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Staff:
Marika Konings
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Apologies:
Rob Golding – Registrar SG
Barbara Steele – Registries SG
Eric Brown – RY (all Tuesday calls)
Oliver Hope (replacing Matt Mansell)

Glen de Saint Gèry: Morning, good afternoon, good evening everyone. This is the IRTP (B) call, 20th of July.

And on the call we have Michele Neylon, James Bladel, Kevin Erdman, Berry Cobb, Matt Serlin, Paul Diaz, Anil George and Bob Mountain.

We have apologies from Rob Golding.

And for staff we have Marika Konings, myself Glen de Saint Gèry and I see that Baudoin Schombe has just joined us too.

((Crosstalk))

Baudoin Schombe: Yeah, okay.

Marika Konings: And Glen we also have apologies from Barbara Steele.

Baudoin Schombe: Yeah.

Glen de Saint Gèry: And from Barbara. Thank you very much Marika.

And you may go ahead Michele.

Michele Neylon: Okay, thank you. Whoever it is there's somebody on here who has a very loud phone. Could you please mute yourself whoever it is? It sounds like you're in a bar which means that you're probably just making me jealous but apart from that you're also drowning out everybody else.

Okay, the first item on the agenda today was in relation to the Public Comment Forum. As we were discussing on the last call and then via email afterwards whether we need to extend the deadline by a couple of weeks. To that end based on some of the emails that were sent to the list following on from the call, it became apparent that there was a certain degree of diversity of opinion with - in that respect.

Man: Okay. Okay, thank you.

Michele Neylon: So I posted a simple doodle to the list a few days ago. Unfortunately we - the doodle was - how can I put this diplomatically? Quite a few people placed votes on the doodle who were not members of the working group.

But the results of the doodle from the people who are members of the working group or at least were members of the working group at the time that they took the vote is now the Adobe Connect.

For those of you who aren't on the Adobe Connect the number of votes in favor of extending the comment period was five. The number of votes against extending the comment period was seven so there were a total of 12 votes, five in favor, seven against.

However we also as well if you look at the comment period - hello? Sorry.

Man: Yeah, yeah, (unintelligible) yes.

Michele Neylon: If we look at the comment period archives, there are also a few people who submitted comments to the comment period to the effect that they wanted the comment period extended.

So does anybody have any thoughts on this?

Paul Diaz: Michele, it's Paul.

Michele Neylon: Yeah, go ahead Paul.

Paul Diaz: Look, I just wanted to say for the group, I had voted in favor but in truth I wish there had been a third column. I don't care one way or another. You know I think the push for extension was made by a particular former member of the group.

And while I had some sympathy for a two week extension that person wanted to go all the way to September which was completely beyond reason. If it makes it any easier if you want a more definitive, I'm willing to change my vote.

But, you know, I'm just looking right now. I don't - are there even any comments in there? Yeah, you know, I mean there are five or six comments in total, seven, excuse me. Three of whom came from the former member or somebody parroting what he had already said.

I mean I think people understand the deadline is Sunday. And, you know, get your points made and let's keep moving on with this particular group.

Michele Neylon: Okay, thank you. Bob go ahead.

(Bob Mountain): Yeah, I would support Paul's comment. I would not object to a very short extension. On the other hand I think a lot can be said with the deadline is what it is and you're going to get most of your comments within whatever that deadline is whether its this Sunday or extended out two weeks.

So I don't believe that an extension would really increase the amount of comments that we would end up with. So I could go either way but I might - and I was traveling and on vacation. Unfortunately I couldn't vote. My vote would have been, you know, with the absence of that third column it would have been no.

Michele Neylon: Okay. Marika what - I see your hand up, Marika and then James.

Marika Konings: Yeah. This is Marika. And I think I made the comment before as well that I'm really sure indeed if extending the comment period will necessarily result in more comments. As I do think people just note the deadline and either submit comments or they don't.

But at the same time I think we had already decided that we wouldn't have calls the first two weeks of August. So I'm wondering as well what will be the harm of just extending those respecting as well that some people actually took the time to submit comments to the public forum asking for an extension.

So hopefully that, you know, will end - give them an incentive as well to actually prepare more substantive comments on the report and, you know, just added the two weeks to it and leave it at that. That would be my personal opinion but I respect whatever the group wants to do in that respect.

Michele Neylon: Okay, thank you; James and then Anil.

James Bladel: This is James. I have a procedural question. So go ahead and put me in the back of the queue.

Anil George: Okay, this is Anil. I had a late vote. I had just voted that I would probably favor an extension for two weeks. I think given that there's at least some interest for an extension I kind of agree with Marika and some others that I don't think the two week extension is unreasonable and it may be a fair thing to do given that there's at least some interest in some quarters have a little bit more time.

Michele Neylon: Okay, thank you. James go ahead.

James Bladel: Yeah, and that's fine as well. Just a procedural question, one of the comments received thus far include a synopsis of some discussion forums that are related to various aftermarket industries.

And I'm wondering, you know, just what the appropriate level is for securing permission from those individuals who actually wrote those votes whether or not they wanted their comments or feedback included in the ICANN Public Forum.

Does that make any sense? I mean can we just list, you know, discussions that are going on in other venues and then include them into the public forum with - when the folks participating in those forums may not be aware then?

Michele Neylon: This is Michele. Just it's a very interesting point James. I was looking. I have to admit that I have not read all of the ICANN bylaws inside-out and back to front.

But one of the things that I was reading over in the bylaws was in relation specifically to public comment periods. And the bylaws specifically state that the comments - the commenter has to be identified. I could find the exact wording if you want.

But there was a thing about the person submitting the comment couldn't be anonymous was...

James Bladel: Right.

Michele Neylon: ...basically the key takeaway. There's another thing as well.

James Bladel: And...

Michele Neylon: I'm sorry. Just to finish. There's another thing as well which is as far as I am aware, now I can't speak for all territories but in most territories if you post a comment or whatever on a forum it remains your copyright.

So for us to start lifting comments from various fora, I mean obviously if the former member of this working group were to point at his own comments, that's fine because he's obviously giving his permission. But we can't assume that we have permission to take comments from other people.

That's just my take on this. I will bow to the people who have legal degrees who are on this call.

Does anybody want to jump in? Marika?

Marika Konings: Yeah, this is Marika. And just to say upfront, I don't have a legal degree so I'm not sure that I'm qualified to speak on this subject.

But, you know, apart from what is submitted to the Public Comment Forum which, you know, the working group has a duty to review and take into account. I don't think anything would prevent working group members to put forward information or, you know, articles or whatever they've seen in other fora and include that as part of the deliberations as long as the rest of the working group agrees. Because I think what we've done as well on the basis of the discussion we had in Brussels we already created a list of bullet points based on comments that were made in that forum that I think the intention was to include that as part of all the comments that will be received as part of the Public Comment Forum.

So that will be an alternative means if, you know, we don't - those people don't agree or don't explicitly indicate that they would like those comments to be submitted as another way for the group to actually, you know, take it into account when they start reviewing the different comments received.

Michele Neylon: Yeah. And Marika just one thing is that I think one of the things I was going to mention was that at least one of the four I mentioned is private. It's not - you can't actually see the posts unless you are a member which I think it's different than just pointing somebody else like say a blog article that will be public.

(Kevin) go ahead please.

(Kevin Erdman): Yeah, I'll just first make the comment for myself and the other person with the legal degree and/or admissions and all that. We are somewhat limited in our ability to pontificate on these issues by the jurisdictions in which we're licensed.

But that having been said I would say generally that if you took a very strict view of copyright law that there was an absolute prohibition from ever taking any miniscule amount of a copyrighted material and using it in another manner, than that analysis would be correct.

In the United States there are a lot of exceptions that would - that might allow some quoting of the - those types of materials and perhaps even the use of the whole materials. One would be that there's either a de minimis taking. Another would be that it's fair use because it's part of a commentary and critique and all that. Another might be that there's an implied license to use it as under the ICANN rules. That's what you're supposed to do with it so that if you, you know, posted that list that you're submitting yourself to the ICANN rules which says well we're going to, you know, have the ability to repost it.

I would also say generally in most European jurisdictions where moral rights are quite validly and rigorously enforced it's important to make sure that the integrity of the remarks are kept and that there's proper attribution so that those postings aren't taken out of context and wouldn't be misconstrued.

So there are some sticky issues that might be involved particularly if there's a substantial work that was only partially directed to the object of the discussion and there were other potential commercial uses of the material.

So, you know, to summarize yeah there could be some problems with it. I think that generally it would be permitted under most laws that I'm aware of.

But on the other hand there's always, you know, particular cases that might get one into trouble and hopefully those on the ICANN staff would interact with the ICANN Legal to make sure that they feel comfortable posting that material.

Michele Neylon: Okay, thank you (Kevin).

(Chris) go ahead.

(Chris): Yes, I mean from a non-legal point of view I think you know if you're posting sitting on the public forum it may well get posted elsewhere. I mean it's just common knowledge isn't it really, copyright. I know copyright law in different jurisdictions.

We just had actually just had one in the (BC) where (Phillip Goff) has posted something and George Kirikos has retreated it. I think it's gone around possibly more than he ever originally intended. But, you know, he posted it so there we are.

Which actual post are we talking about, which common visit? I can't find it.

Michele Neylon: It's the one I will - bear with me one second. I was putting it on the Adobe Connect (Chris).

(Chris): Thank you.

Michele Neylon: I've just pasted the link. The body of the email is I'd like to place in the comments archive, the public's questions on (the IRTP) from both domainstate.com and dnforum.com, see PDF attachments where one can view the original (threats by the links) in the PDF (too). Sincerely, etcetera, etcetera.

I mean ultimately guys if you think - if you're comfortable with including it then so be it. I mean I personally don't have any view one way or the other.

(Chris): Yeah, I would like to just take it out on, you know, possible grounds like that that we're not totally sure of anyway.

Michele Neylon: Okay, thank you. Somebody else had their hand up there?

James and then Anil.

James Bladel: Yeah, this is James. And just my final thoughts on this were that you raise a good point. There are three questions about doing something like this. One of the permission of the individuals was - I don't see was explicitly obtained.

Two was the anonymity of some of the comments that were received in there. We can't necessarily verify their identity.

And three, the fact that some of these were submitted as you said to a non-public or a members only type of forum.

And, you know, I'm fine with it being included either way. I don't necessarily have any objections.

But it was just mainly more of a procedural question. You know I'd hate to see some of my private conversations or Facebook threats show up in an ICANN record so I just wanted to think for the future a little bit.

Anil George: Yeah, this is Anil. I think given that the comment has already been posted it's already, you know, included publicly. So I don't know that it would make sense or be fair to necessarily exclude it. I mean on the copyright issue as (Kevin) said, you know, you can make arguments either way.

I don't know that it is our, you know, it is our duty necessarily to evaluate the merits of the copyright issue here. I think we can, you know, take that into account in assessing the value of the comment.

But I don't know that we need to make any conclusion about it in terms of copyright issues.

Michele Neylon: Okay, thank you. Marika.

Marika Konings: Yeah, this is Marika. I actually didn't catch the email that, you know, had attachments. I thought it was more talking about, you know, all the forums where this issue was discussed.

And I'm happy to take the question back to ICANN Legal to see what they say. I mean in any event I think as you can see, you know, as well in the bylaw language there is staff manager's discretion to, you know, whether include certain comments in the summary or not. So it's deemed, for example by Legal Counsel or if the working group says look this indeed, we can't actually view these comments to an individual. And, you know, we have concerns that people have posted comments there, you know, might not want to have their comments posted here. You know we can deal with that in that way.

But I'm definitely going to take it back to ICANN Legal Counsel and get their opinion.

And just another thing that Dan Halloran is on holiday for two weeks or so it might take a little bit before I get an answer on that so in that regard an extension might possibly work in our advantage from that perspective too.

Michele Neylon: Okay. Let's maybe just ask a very, very simple question, okay, very, very simple.

Is there anybody who is vehemently opposed to us just letting it extend for the two weeks as we were talking about because I mean bearing in mind the fact that there is definitely an interest from a certain number of people plus there were people who's comments, sorry, who's votes on the doodle we had to remove as they weren't members of the working group plus the fact that we also had comments posted to the comment period archive asking explicitly for an extension.

Is there anybody who is violently opposed?

(Kevin) go ahead.

(Kevin Erdman):   I would just want to say, I'm not violently opposed to it. I'm just generally unless there's a real good reason that goes beyond, you know, the scheduling in equities or whatever that to just stick with the track. You know I'm not violently opposed to a couple weeks. But I wouldn't want to see this, you know, then occur that then we need a couple mornings, then we need a couple more weeks and all of a sudden we're, you know, three months behind so.

Michele Neylon: Okay, well just to assure you about one thing. I mean we're talking about a one time only two week extension. I mean there's no...

(Kevin Erdman):   In that context, you know, it doesn't matter that much to me.

Michele Neylon: Okay (Chris).

(Chris):   Yeah, I'm the same. I'm not violently opposed. And I do see at least three requests in the postings asking for more time. And also a two week holiday. I didn't know about that.

But it doesn't make much sense does it to close it and then do nothing at all for two weeks.

Thank you.

Michele Neylon: Okay, thanks. Anybody else have any comments on this?

No, okay. Well look, oh (Chris) go ahead.

(Chris):   I was just looking around to lower the hand.

Michele Neylon: Okay. (Chris) is kind of waving hands around the place. Okay, so we'll ignore that.

Okay, based on that then if we just let it roll for the two weeks and be done with it and let's move on with our lives.

Okay, right. Moving on, we were looking at Charter Issue C where the special provisions are needed for a change of registrant when it occurs near the time of a change of registrar.

And we've had some discussion on the mailing list and some interesting contributions from people with respect to well, I think one of the key things that we seem to be having is what does actually constitute a change of registrants.

Have all of you on the call been following the discussion on the mailing list?

Man: Yeah.

Michele Neylon: Does anybody have any contributions or thoughts or anything on this?

James.

James Bladel: Yeah, just a minor thought that I wanted to throw up to the group to consider is that when we use the term registrant it may be somewhat ambiguous. I think that the RAA and other documents will refer to registered name holder, RNH, as just, you know, just what we needed this morning is a new acronym.

But I think for purposes of clarity our charter question the way its worded may be ambiguous unless we were to change it to change of registered name holder.

Michele Neylon: Sorry James. Sorry for me being (obtuse) but what's the difference?

James Bladel: There is no differences. I'm just trying to align our terminology when we're looking for change of registrant in all these documents we're reporting back that we can't find it.

Michele Neylon: Okay.

James Bladel: And maybe we're looking in the wrong place.

Michele Neylon: Okay, no, that's fine. That's fair enough.

                  Marika.

Marika Konings: Yeah, this is Marika. And not on this specific question but related to Charter Issue C in relation to some of the questions that were raised by (George) for compliance. I just wanted to know for the record that, you know, we are looking into this.

                  But will require a little bit more time to come back to - with an answer to the group as the Compliance Team needs to look into a number of issues and that we have some people that are on vacation currently. But as soon as we have a response I'll get that back to the working group.

Michele Neylon: Plus as well Compliance has no longer their fearless leader.

                  So I believe Pam Little is now in - is currently in charge.

Marika Konings: That's correct.

Michele Neylon: Anil is asking what the new comment period end date would be.

                  Marika as you're the super duper staff person on this call could you confirm what that date would be?

Marika Konings: Well my count on that would be the 8th of August.

Michele Neylon: Okay. Anil did you get that?

Anil George: Yes, thank you.

Michele Neylon: Okay.

Marika Konings: I'll send a note shortly to our Web Admin Team to change it on the web site and I'll also send a notice to the Council and Glen will then get it out to all the constituencies noting the extension so we can make sure everyone's aware.

Michele Neylon: Right, perfect. Thank you.

Okay, so (Chris) is saying he's going to add James' new acronym. Thank you for the new acronym James. We all appreciate it.

Okay, then so whether special provisions are needed for a change of registrant.

Does anybody think - have any strong feelings about this one way or the other? Nobody cares.

James.

James Bladel: When you say strong feelings about this, you mean on the merits of the question?

Michele Neylon: Well not just on the merits of the question because I mean the...

James Bladel: I don't understand what you're asking us for.

Michele Neylon: Oh sorry, okay. Do you James Bladel have an emotional response to that question? Do you feel strongly that something should be done?

James Bladel: Yeah, I feel fairly strongly that registrars should be permitted some discretion in managing that situation where a change of registered name holder occurs in conjunction with a transfer. And that, you know, if there's other factors that would cause them to be suspicious and think that a security breach has occurred that they shouldn't by, you know, by way of different agreement such as the RAA they shouldn't be required to sit on their hands and allow that security breach to take place.

Whether that translates into a best practice or recommendation or change in the policy, I haven't really arrived at any conclusions there. But I do feel that it is something that needs to be looked at and we certainly don't want to write or caught by loopholes into transfer policies.

Michele Neylon: Okay. (Matt).

(Matt Serlin):   Thanks Michele. I'd agree with James that I think something that allows registrars to act at their discretion is probably okay. I would be hesitant to support any policy change that's mandated this to become policy across the board. And because as I stated on earlier calls I think while change of registered name holder may in some cases be an indication of a potential hijacking in the vast majority of cases it's not.

So I don't necessarily think that a policy change mandating that would be appropriate.

Michele Neylon: Okay, so what you would suggest then maybe is that it's maybe best practice or it should just be left to people's discretion.

(Matt Serlin):   I mean I don't necessarily know that it should be best practice. I mean I think James touched on an interesting point and that it isn't just the change of

registered name holder. It's other factors as well that would lead a registrar to potentially believe that there's been a breach.

So I don't know if it's a best practice or just something that we indicated, you know, in cases where it may be one of a number of other factors then the registrar should have the discretion to block a transfer. But then also should have a mechanism by which the legitimate registered name holder has a way to unlock that name if they're able to prove that the transfer is legitimate.

Michele Neylon: Okay. Because the problem I'm having here is just working out let's say for example if we may leave something very, very kind of discretionary, how does the registrant know what's likely to happen on their account if you follow me. In other words how do we provide some level of predictability to the registrant?

(Matt Serlin):   And well I mean I think that's up to each individual registrar to make it clear whether, you know, in their terms of service or whether on their web site or through their support folks.

And I mean I guess if the choice is, you know, it's policy or we exclude it then I vote for we exclude it. You know if we're not comfortable having that sort of discretionary kind of language in there then I would say it should be excluded all together. But it's a very fair point.

Michele Neylon: Okay, thank you. (Chris), (Mike), then Paul. (Chris) go ahead.

(Chris):   Yeah, I'm just wondering back from a technical point of view is this whole thing is when is a change a change?

Now I am right to thinking that every one of these would have to be looked at individually by the registrant to check that it's not just changing a spelling or some of the things we talked about on the list to define the change being one or not?

Can anybody help us with that?

Michele Neylon: (Chris) that's exactly the question that we're kind of asking I think in some respects is defining what is - constitutes an actual change. I mean how do we do that? And how do you do it in such a manner that it scales?

(Chris): Sure because you could set your software. So any change locked in some way I imagine. But if we're just talking about altering a spelling mistake then your software would kick in.

So it seems to me that every single one would have to get looked individually by human and then decided against a set of rules if this is a change or not a change per say.

Michele Neylon: Yeah. I don't - does anybody have any thoughts on that, that specifically? Just want to jump in.

(Kevin Erdman): Yeah, this is (Kevin). I was just thinking that this in my mind is very much like a legal principle of what's called equitable ownership that, you know, for instance if you have a car and it has a title, that title isn't as specific, you know, person or entity even though when you get down to the equities of the situation like who actually paid the cash for the car, who operates it, who does this and that, there may be another person or another entity that's the equitable owner.

And I think what we're sort of grappling with is we want to have some way of trying to define who that equitable owner of the domain is. And if that changes, to then you know base our decisions on that and not just have some correction in title or you know some other transaction that doesn't have any affect on who is equitably owning or controlling or however we want to define it with that particular domain.

And I think that's the thing that we just have a real problem with at sort of a root level because it does go back into a lot of the sort of existential who is discussions that we often get into in this space. So in my mind, it seems to me that's the useful way to think about it is that what's our most effective way of determining who the equitable owner of a domain is and if that changes, you know how is that going to be expressed in things that are objectively (unintelligible). So that's my two cents.

Michele Neylon: Okay, (Chris), do you have anything further to add?

(Chris): No, sorry. I've got my hand down.

Michele Neylon: Okay, (Mikie), Paul, and then (Bob).

(Mikie): Thanks, Michele. It's (Mikie). I think we have to sort of step back from the whole cluster of the questions for this working group sort of revolve this topic, which is what happens right around transfer time and are there enough sort of safeguards and processes in place to protect people from having their domain stolen.

And it's too bad that Olof isn't on the call because he's the one whom I would always turn to for sort of the history because he was around when these questions were framed. Because the framers of these questions actually have some ideas in mind, and I don't think - I wasn't in that group. I joined the group right after that. So I'd like a little more back story on sort of what the original framers of the questions thought we should be looking at before I comment on this one.

And in terms of the - you know I don't want to lean too heavily into the registrar gang, but I think making the decision policy versus best practices and if it's policy, then we're opposed makes me nervous. So I'd sort of like to - you know Marika if you could ping Olof and kind of get the back story on this

thing and his impressions of where the framers were headed when they posed the question. I think it would be helpful for us.

Michele Neylon: Just one thing. Is this - does somebody know? Are these questions the ones that came from the previous IRTP group?

Marika Konings: This is Marika if I can maybe respond.

Michele Neylon: Yes, please.

Marika Konings: Okay, if you look at the issues report that's up on the screen, and if you scroll to Page 18, you see there some of the background discussions that I've listed from the different you know previous groups to this group that indeed were in charge of developing these lists. You see several comments there that were submitted on this issue, which looking back at those documents seemed to have formed the basis for formulating this question. So that might help in you know trying to get the history on why this issue is now here and what the thinking around it was.

As you can see, there's some I think comments submitted by GoDaddy and I think there's also some comments from a staff report that you know noted some issues in relation to this question and also some information from the review of issues from transfers working group. That's I think a document that was developed by one of the earlier transfer working groups. So I would maybe encourage people to have a look at that, and there are links included there for those that want to even dig deeper and look further into these discussions.

And I think there's even - the mailing archives are still somewhere out there as well. So for someone who really wants to dig deep and if there are any specific issues, I'm happy to look as well. All of that information should be somewhere out there. And I'm also happy to check back with Olof if he has something additional to add to what's here in the issues report.

(Mikie): Marika, this is (Mikie). This is perfect. This is just what I was after. I don't think there's any need to bug Olof with this. Thanks.

Michele Neylon: Okay, (Mikie). Do you have anything else to add? Oh, you dropped off. Fine. Paul and then (Bob).

Paul Diaz: Thanks, Michele. A couple things so the group understands the transfers working group was the folks that came up with the questions that we have before us was a completely different set of individuals than anybody who is currently part of this or was part of IOTPA. Just so you know.

One thing I would underscore though is look at the dates. That group came up with its final report in 2006 and I think it ran at least 18 months if not two years in doing it. At the time that these issues were written down, Internet time folks - a lot of time has passed. The market has changed dramatically in the interim. I mean we're talking five years. So I wouldn't put too much emphasis on what was the thinking at the time because we have to move with what we have as reality today - focus on today and not try to create policy for something that's happened five years ago or views from five years ago.

I also wanted to just jump back and offer total support for what (Matt) and James offered earlier about allowing registrars some flexibility on this Question C and when they deny a transfer. Remember there are nine reasons under the transfer policy why a registrar may deny a request for a transfer. The very first one - number one of the list, evidence of fraud. Now that leaves a lot of latitude admitted and it's very important that the other issues - the other points in there are all a part of a registrars decision making.

Particularly Number 7, which is one of our charter questions. When the name is in lock status, it is their way - a reasonable way for the registrant to remove the lock, accepting that that is going to be part of the decision making by a

registrar. I strongly concur with my two colleagues that registrars need some flexibility here in making determination. Was that change of registrant around the exact same time that the transfer request was made - is it legitimate or is there some evidence of fraud?

And exactly how they will do it to some degree will be communicated in the terms of service. In other cases, honestly that needs to be a proprietary process. It's not broadcast to the world. It's certainly not codified in a one-size fits all policy because the bad guys will simply find a way around it.

And the only other question - shoot. A lot of people offer a lot of stuff. I forgot my third point, so I will just jump off.

Michele Neylon: Well we will come back to that one when it comes back to you Paul if you remember what it was.

Paul Diaz: No problem. Thank you.

Michele Neylon: Okay, (Bob).

(Bob Mountain): Yes, thanks Michele. I guess you know just to that point, our batch transfer network, which is high-value premium domains, has about 50 resellers, most of which are registrars. We've chosen to have a fairly strict interpretation of that where any change in the hayfield in the WhoIs record would result in a transfer lock.

With that said, we are looking at perhaps you know changing that so that certain fields in the WhoIs record would trigger the transfer lock. Other fields would not and we're just going through that process to determine which fields we feel are necessary and would trigger and which ones would not be you know a trigger. So that's a process we're going through right now, but I would you know just tend to be very supportive of the - you know the previous

commenters in that you know registrar flexibility I think is a good thing and essential on that. So thank you.

Michele Neylon: Okay, does anybody else have any other thoughts on this? Okay, no further thoughts on that for the moment. I think there's been some good discussion on this - on the mailing list. So I think it would be helpful if people were trying to you know put some of that into an email to the list, see what the people are saying. So I know there's about 50% of the people who are on this working group are on the call today, so it would be helpful if we got some more input and exchange some views.

Now with regard to the fourth item on our agenda today, Charter Issue D, which is in relation to registrar lock statuses when it may or not - should or should not be applied. Whether we need to have standards and best practices regarding use of lock statuses. Does anybody have any thoughts, or feelings, or opinions on this topic?

(Bob), is that from before?

(Bob Mountain): Yeah, I'm sorry. I will take it down.

Michele Neylon: That's okay. While you've still got it up, I'm going to pick on you. Do you have any thoughts on lock statuses (Bob)?

(Bob Mountain): Again, that's one where I would tend to support you know some flexibility. I think the - you know most of our registrar partners work - you know work differently in this respect. Some of the - you know the lock (queries) are different. We just generally tend to find that it works well giving the registrars you know some measure of flexibility. So I would be you know reluctant to get a lot more structure in that respect without you know a lot more input from the registrar community to be honest.

Michele Neylon: Okay, (Mikie) then (Chris).

(Mikie):   Thanks, Michele. It's (Mikie). I'm remembering back to the Brussels meeting
                  when (Rob Hall) sort of did a thing that I like a lot and sort of said you know
                  maybe we ought to sort of first step back from locks and think about the world
                  of EPT and sort of rethink the whole question. And I was curious what other
                  people's reactions was to that. You know I'm not a deep expert on all of that
                  stuff and I wasn't sure whether he was saying something that was useful and
                  helpful.

                  Because you know I know that sometimes old technologies sort of get
                  imbedded and it's useful to every once in a while sort of step back and say
                  the technology that's widely accepted has now changed and yet we're sort of
                  using old mechanisms, old techniques that perhaps are more cumbersome
                  and this might be an opportunity to upgrade that process. But like I say, I'm
                  not deep into registrar operations. I don't know if that's a useful thing or not.

Michele Neylon: Okay, I've got a queue of people backing up here. Some of them may have
                  some comments to help with (Mikie) - (Chris), (Matt), and then Paul. Does
                  anybody have anything to address (Mikie)'s queries?

(Matt Serlin):   Yeah, I do.

Michele Neylon: Go ahead.

(Matt Serlin):   It's (Matt). Yes, so (Mikie) I - you know when Rob made that statement, I
                  initially came out of my seat frankly. And then actually I talked to him about it
                  in the hallway later, and (Mikie) what you hit on is actually a very good point.
                  And I think as a working group, we need to make a decision, right.

                  And I think we can decide to make recommendations, and comments, and
                  suggest policy sort of in our current existing EPP world, or - and this is kind of
                  where Rob was going. And when I talked to him afterwards, it actually made
                  a lot more sense to me is - or we can look at you know kind of throwing out

what we currently have and saying you know that worked five, seven, eight years ago, but now there's some - much more secure technologies and much more you know robust things that we can suggest. And I think as a working group, we need to sort of make those decisions.

Because there's a lot of stuff we can do. Things like you know token IDs, and two-factor authentication not only with transfers but with change of registrant, and a whole bunch of different stuff that should we choose to you know really could have a drastic effect on the way the domain name system works today. So you know I don't know the best way to do that, but I think it's probably something that's worth discussion as a group.

Michele Neylon: Okay.

Paul Diaz: Can I jump in Michele in response to that?

Michele Neylon: Yeah, please go ahead.

Paul Diaz: It's Paul. Hey, (Matt). Yeah, you know I - one of our senior engineers was in Brussels as well. And as soon as Rob said that, I asked him what his thought was and he had just an immediate reaction like getting rid of all locks and going to EPP only just creates an enormous security liability because you have a single point of failure now. The bad guys will focus all of their attention on figuring out ways to get around one single standard.

I mean look at the marketplace that we have now. We have a diversity of security protocols that registrars can put in place. Some that come with a service, some that are value add depending on the needs and demands of the registrants. So I think - I'm not against - excuse me. I'm not in favor of getting rid of locks and moving - just putting all of our faith in EPP. Yes, there's some gee whiz stuff that goes around that might be used, but let's also consider the whole marketplace.

Some registrars are capable of doing that. Many are not. Many barely get by. What about the entire reseller part of the marketplace as well. Will they have the technical abilities to do some of the cutting edge things that Rob was thinking about?

I think right now there's a reason locks are in place. It has become a (defacto) standard in the industry because they are simple and they are easy to get your head around. Whether a legitimate registrant has the ability to take that lock down in order to process a transfer request or if they registrar is blocking in some way, that's a valid question, but that's a compliance issue. I don't think it should really enter into our policies discussions about getting rid of locks.

(Matt Serlin):   Yeah, Michele. Sorry. Is it okay if I just respond?

Michele Neylon: No, go on. You guys are talking so this is good.

(Matt Serlin):   Paul let me be clear. You know like I said, I had the exact same reaction that your engineer initially had and I'm not at all saying that I think you know we can do away with locks and you know put this one thing in place and we're all set. But I think the larger question of as a working group, do we want to look at you know our existing protocols and systems and look at these questions in that light, or do we to (Mikie)'s point want to look at you know more of a broader based kind of you know newer technologies and other things.

You know we may look at it and decide yeah what we have is - you know everyone knows it. And like you said, you know resellers, and registrars, and registrants are used to it and things like that. I don't know frankly. And after talking to Rob a little more, it did get me thinking you know are for the lack of a better term - do we just have tunnel vision because you know we're so used to the systems in which we operate today. Is that you know how we are looking at these questions?

And if someone came in from the outside and wasn't as intimately familiar with you know the backend piece of all of this, would they you know look at things differently and maybe put us in different directions and things like that? I don't know, but it might be something that we - you know maybe it's not germane to this working group, but you know maybe it's part of what we you know recommend you know for future working groups. I don't know.

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

(Chris):   Yeah, I think we're almost onto something here and I think we do have some sort of (juicy) to explore it and sorry we won't get to the end to finish it. But at least at some point we acknowledge that there is a suggestion to do this and then we could go with a small table or something of pros and cons - reasons it would be a good idea and other reasons it wouldn't be a good idea. And then we've got it and somebody later could build on it.

Back to the original reason I put my hand up about the locks. As a business and as a registrant I suppose, I don't like the locks because I don't fully understand them. I know we've talked about it earlier, but it's as simple as that I think and I know more than most businesses on it. So I think some sort of structure or understanding I think is a great advantage. Thank you.

Michele Neylon: James and then (Mikie).

James Bladel: Hi, Michele. James here. And I think that I support what Paul was saying earlier for the most part. It's that be a little concerned about going in and removing all locks and letting that shake out with the understanding that a lot of smaller registrars or resellers may not have the wherewithal or the sophistication to actually exist and impose security in an environment like that.

I think that the locks are interesting because they allow degrees of control - degrees of protection. You know one of the responses I had to Rob in

Brussels was you know in the case where a name is under review for UDRP where you want to provide use of the name in case the UDRP fails, but you don't want it to transfer away or be deleted in case the UDRP is successful.

And so it exists somewhat in this gray area where the registered name holder has full access and use of the name, but can't dispose of it, and I think that locks are helpful in that regard because they allow us to establish these different varying levels of control.

I think that you know it is a good point, and I think the general point that Rob was making is why don't we step back from some of the nuances of these issues and look at the general question of whether or not they are still serving their original purpose, and I think that's a valid point and something that we should consider for all of these questions.

Michele Neylon: Okay, (Mikie).

(Mikie): I want to amplify James' last sentence. You know I think that the headline quote "remove all locks" is probably something that Rob wouldn't sign up for as a summary of what he said. I mean you know he I think was using it to sort of wake us up from a meeting that came right after a heavy night of drinking and we were all pretty tired. I think he was using that phrase for shock value.

But I think that he would agree with a lot of the things that you - that everybody is saying. No, we don't want to throw out the baby with the bathwater, no we don't want to put less sophisticated registrants, registrars, resellers in an impossible situation. But at the same time, the tech has changed and it's important to provide a mechanism to upgrade the process with the newer kinds of technologies, especially if those technologies are more secure.

I'm sure that he wouldn't lobby for turning off locks without providing a path for people to migrate to whatever is new, and I'm also pretty sure that he

wouldn't want us to design the new system. But at the same time, I think that we can do some damage if we don't at least acknowledge the fact that the tech is improving and changing and that there are possibilities to use that to improve life for everybody.

Michele Neylon: Paul. Somebody else had their hand up but seems to have disappeared. It was (Matt).

(Matt Serlin): Yeah, I put it down.

Paul Diaz: Yeah, okay thanks Michele. I'm sensitive to the time, so I will be quick. For those who may not be able to see the chat in Adobe, I just wanted to read my point into the record.

It's a question of procedure. This working group has very specific charter questions and I don't know how expansive a definition or how far we want to carry our mandate in terms of this Issue D, but I don't necessarily see this group empowered to start looking into all of the current technology or security-related technologies that could be brought to bear here.

Our charter question asks about you know practices regarding the implementation and the use of registrar lock status, so it's a point of - a question of procedure. You know are we - does our mandate include a review and potential recommendations of new technologies, or do we have a narrow view and therefore just have to put a recommendation in our final report that a future working group specifically have the mandate in their charter to look at these things in more detail.

Michele Neylon: Okay, does somebody have any thoughts on that?

(Matt Serlin): I'll just repeat what I put in the chat, which is that I support you know a recommendation that future working groups would look at stuff like that. And you know I guess I will make the comment that I had my hand up for and it

will be quick. And I don't want to belabor the point, but you know with all due respect to James and Paul, I heard everyone talk about you know all of these less sophisticated registrars and a network of resellers.

And to me, I just think we just need to be careful about you know shooting for the least - the lowest common denominator essentially. And if we feel that something is a best practice or a new policy or you know whatever it may be and it creates you know some difficulties for registrars that need to relearn something or get more sophisticated, I think that's okay. I think at the end of the day if it's for the betterment of the registrants and the larger Internet community, I think that's fine.

And again, I'm not saying that Paul and James were saying that we should do that, but you know that was just one thing that jumped out at me was that you know we shouldn't be racing to the bottom with that stuff. I'm done.

Michele Neylon: James.

James Bladel: Yeah, I just wanted to respond to that (Matt) because I think I may have misunderstood you and I think you came away with the opposite of what I was trying to say, which was that we shouldn't leave this wide open. That the policy should have some minimum protections for registered name holders and registrants. Because you know if we just rely on what the registrars can do, some of them will as you mentioned race to the bottom and will have very little protection.

So you know I just wanted to clear that up. It sounded like - you know I wasn't being very articulate earlier and left a lot of ambiguity in that statement.

(Matt Serlin): No, okay. Cool. Thanks, James.

Michele Neylon: Okay, it's - we're coming up to the top of the hour. (Mikie), you have a hand up.

(Mikie):   Yeah, just one last - this is (Mikie). Just one last thing. I understand Paul's point about a narrow charter. On the other hand, sometimes we can dodge an issue by being very careful not to step outside of a narrow charter. And I think that this is one of those cases where our community might get a little bit frustrated with us. It's - you know I think that's where Rob was really coming from. He was sort of saying, "Lads, look about. There's other stuff going on. Don't be so cautious in the interpretation of your charter that you ignore the fact that the world has changed a lot."

You know I'm fine with the notion of acknowledging and punting it down the road to another working group. Although if the current pace of IRTP working groups continues, that means that the working group probably won't take it up until after the world has ended in 2012. And you know in the meantime, a lot of opportunities are going to be missed.

So just a little pushback on sort of the narrow interpretation of the charter approach. I'm not sure that that's really what the community was asking us to do.

Michele Neylon: Okay, does anybody else want to dive in here? No, okay then. Right then.

Thanks everybody for your input. If people have any specific thoughts on charters, issues C or D, or any other points, could you please post them to the list? If you are members of any stakeholder group that has not submitted a comment, could you please remind your various stakeholder groups to please submit comments regardless of any deadlines? I know we've had problems in the past with getting comments from all of the stakeholder groups, so I don't feel particularly guilty about giving people a gentle even though slightly blunt nudge.

Any other queries, questions, or matters at this time? Anybody?

Man: Michele, we do have a call next week and then we're taking two weeks off in August. Is that correct?

Michele Neylon: Yes, that was the general idea as Marika is away - staff support. And I think other people mentioned that they were taking holidays as well and I don't know. I don't think it's such a bad idea in the grand scheme of things. So we would have a meeting at the normal time next week.

                        If there are no other matters - okay, if there are no other matters, then I will adjourn the call and speak to you all next week.

Man: Thanks, Michele.

Man: Thanks, Michele.

Man: Thank you, Michele.

Woman: Bye.

Michele Neylon: Bye-bye. Bye-bye.

END