Inter-Registrar Transfer Policy Part B PDP
Transcription
Tuesday 26 April 2011 at 14:00 UTC

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http://audio.icann.org/gnso/gnso-irtp-b-20110426-en.mp3

On page:

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Participants on the Call:

James Bladel – Registrar SG
Chris Chaplow – CBUS
Berry Cobb – CBUC
Rob Golding – RrSG
Bob Mountain – Registrar SG
Michele Neylon – RrSG Chair
Mike O'Connor – CBUC
Matt Serlin - Registrar SG
Barbara Steele – Registries SG

ICANN Staff:

Kristina Nordström

Apologies:

Simonetta Batteiger – Registrar SG
Paul Diaz – Registrar SG
Kevin Erdman – IPC
Anil George – IPC
Oliver Hope – Registrar SG

Coordinator: Please go ahead, this conference call is now being recorded.

Kristina Nordstrom: Thank you very much. Okay hello everybody and welcome to this IRTP call today on the 26th of April. On the call we have James Bladel, Mike O'Connor, Chris Chaplow, Barbara Steele, Berry Cobb, Matt Serlin, Bob Mountain and from staff Kristina Nordstrom and apologies from Paul Diaz, Anna George, Kevin Erdman and Simonette Batteiger.

Did I miss anyone?

Michele Neylon: I don't think so, thank you.

Kristina Nordstrom: Okay. So can I please also remind you to please state your names before speaking for transcript purposes and that's it. Over to the chair.

Michele Neylon: All right thank you Kristina. Sorry about the delay with this as we had or I had technical difficulties which involved me being connected to some random presentation by some other company who I've never heard of.

And I'm not even too sure what they were giving a presentation about. As per usual does anybody have any updates to their statement of interest, declaration if interest?

Nobody's declared that their a communist in the last week? No? Okay. Right, moving on. Okay then the - okay we have the comments up there in front of us and we also have an update in terms of the emergency action channel from Mikey and James.

Mikey you sent that out to the entire list, didn't you?

Mikey O'Connor: Yeah, and I just sent TDS too because Chris was having trouble opening my Word document. Sorry about that.

Michele Neylon: Okay, I see that. That's perfect because that way I can actually see this (unintelligible) looking in my inbox. Okay so Kristina could you just bring - put that up on the screen please?

Kristina Nordstrom: Yes, absolutely. Just one second.

Michele Neylon: That's okay. Okay so we have - thank you. Mikey do you want to just walk us through this quickly or shall I just go through it quickly? I don't really mind.

Mikey O'Connor: Go ahead.

Michele Neylon: Well there isn't anything really significantly changed as far as I can tell from the last one, we just kind of cleaned a couple things up.

So we've got the - we've reduced the response time down to four hours from 24. Both parties will retain documentation in written or electronic form. I'm afraid I can't take that, I'm on a call.

Mikey O'Connor: Michele's having a tough day today.

Michele Neylon: I'm having a terribly tough day, I'm going to turn that thing off. Don't know what the hell's going on. Sorry, I hardly ever get any actual phone calls but when I do they all seem to come together.

Sorry, right. Of course now my phone won't turn itself off. Right, and that was about it really. Those were the only two made or am I missing something?

Mikey O'Connor: No, that was it.

Michele Neylon: Okay and you've also put together a little FAQ which I think is probably the thing we're going to have the most discussion around I think. So EAC FAQ -- oh dear God, it's acronym hell.

Okay, what is the EAC, what it is for, the emergency access channel is a mechanism to associate urgent communications relation to transfers. The goal of the EAC is to quickly establish real time communication between registrar representatives who can take steps to resolving the issue but this policy only addresses - establishes communication resolving any disputes that may arise.

Okay, any problems or any feedback please people, you know get in there, give feedback. Actually Kristina could you pop up the FAQ document now please if you don't mind. Sorry Kristina.

Kristina Nordstrom: Yes.

Michele Neylon: It's the second...

Kristina Nordstrom: IS that the one we had before or the FAQ document?

Michele Neylon: Yes please. I think most people on the call have it anyway but just for the sake of sanity. Okay, what's the scope of the EAC, the EAC only addresses established communications between registrars in

emergency situations. The EAC requirements outlined in this policy (unintelligible) all aspects of resolving (unintelligible) that may arise between parties in order to not to disrupt processes that already exist to do that.

The EAC is limited domain transfer emergencies at this time although other PDPs may expand the scope in the future. Bob go ahead.

Bob Mountain: Maybe getting too picky, it seems to me by - when we say establishing communication we're really talking about the initial communication around quick action if necessary.

But further communication is that likely to be ongoing in terms of dispute between the gaining and losing registrar or is that likely to be held between other parties?

Michele Neylon: That's out of scope really.

Bob Mountain: Yeah, so I'm wondering if - you know maybe again just too picky but would it be establishing preliminary communication or qualify that somewhat just to make it more specific or is that just too nitpicky.

Michele Neylon: I think it's a valid point. Mikey, oh great one, are you...

Mikey O'Connor: Yes sir. I'm actually inclined to sort of put that in the too nitpicky column. Because as soon as we get into that then we have to define preliminary and sheesh, I don't know.

What I was trying to do with this was - this is not a policy document, this is more of a document that I thought we would send out to our constituencies introducing it.

And so I was a little bit looser in the language and a little bit more repetitive in this one. But I'd certainly go with the will of the group on this, I don't feel real strongly about it.

Michele Neylon: Bob, the fact that it says established, doesn't that suggest that it's the initial?

Bob Mountain: It's just the duration of the communication was my question. You know you are establishing but it is communication? I just wanted to - the only thought that occurred to me was maybe we might want to put some messaging in there that time bonds, I think Mikey has endeavored to do.

But I'm just wondering is if on this communication we want to just make it really clear that it's only for this initial period where you know the action needs to be taken you know immediately.

And then further communication might now be a direct result of that, it might in the form of a dispute resolution which would be different.

Michele Neylon: Bob, would you accept that this covers the initial communication establishing communication and starting a dialogue with somebody?

Bob Mountain: Yes.

Michele Neylon: Okay. Do you need - do you feel that we need to go beyond this? I'm trying to understand what the problem is that you're trying to solve, I'm a bit confused.

Bob Mountain: Again it's a fine point but not a hill to die on. But the...

Michele Neylon: Well I mean if you want to die it's fine but I'm not feeling particularly suicidal this afternoon. But anyway go ahead.

Bob Mountain: Me neither it's too early in the week. Establishing that communication this policy only addresses establishing that communication, not resolving any disputes that might arise.

So the only thing I was saying was to qualify that communication a little bit further that initial communication not resolving any disputes that may arise. That would be my suggestion but again I'm...

Michele Neylon: Okay would you ping that to the list please so we can just capture that nicely? I see you're just kind of - you're just rejigging the way it's worded slightly.

Bob Mountain: Yes.

Michele Neylon: All right, could you ping that to the list please?

Bob Mountain: By email or in the chat box?

Mikey O'Connor: I've got it.

Michele Neylon: Okay Mikey's got it, okay fine. The main thing is just make sure we capture it. Okay does anybody else have any comments on the first two parts of this?

No? Okay. Next bit, what happens when the gaining registrar does not respond to an EAC request, the losing registrar informs the registry that they have not received response to their EAC request.

And the registry performs a transfer undo in accordance with section 6 of the existing IRTP.

Any thoughts on that? No, okay. The only possible suggestion - okay James go ahead.

James Bladel: I know we discussed this and I want to - and I realize I'm looking at the FAQ document here and not the actual language that will be inserted into the IRTP policy.

But have we considered how the registry will determine whether or not the gaining registrar - the losing registrar needs to prove that the gaining registrar did not respond when the gaining registrar claimed that it did?

I'm seeing transfer undos happen in spite of responses to the EACs is the scenario I'm picturing and so I may be asking if the language here is correct or if we need some additional guidance here perhaps from Barbara?

Michele Neylon: So what you're saying is there's nothing here that allows for the gaining registrar to turn around to the registry and go well actually we did reply. Is that correct James?

James Bladel: Right, and I don't want to turn this into a dispute but I mean I think that - I'm hoping that the registry just doesn't take the claim on spade. I hope that they're asking to see maybe they contact the gaining registrar EAC or something to verify that they did not respond.

I guess what I'm seeing here is losing registrars has hello emergency action channel, gaining registrar says yes can I help you and then the losing registrar says no, transfer undo.

And you know I understand we're putting a registry in a position here of adjudicating whether that happened or not but it's a concern that I have that this is - has the potential to be abuse.

Michele Neylon: Okay. Barbara, thoughts?

Barbara Steele: Yeah, this is Barbara. I think that probably what we would want to do is have some sort of a standardized form that they would have to submit, the losing registrar if they are asking for us to do a transfer undo as a result.

And I think that we probably and I don't know, you all can let me know what you think about this, as the registries it makes sense for us to you know do a reach out as well to whoever it was that the losing registrar had contacted.

And maybe give them you know two hours to say wait a minute, we did respond. Any thoughts on that from the rest of the folks?

Michele Neylon: So just to clarify then that would mean that our initial four hour window plus two hours after you've been contacted to undo the transfer.

Barbara Steele: Right, I do understand that it is expanding that window a bit but I think...

Michele Neylon: No, no, no, no, Barbara I'm not criticizing I'm just simply trying to put this out in you know just concisely so we have an existing four hours so allowing - obviously you need a certain amount of time for them to come back to you.

So four plus two, James, go ahead.

James Bladel: Yes, I like Barbara's idea. I think one modification without expanding the time would be to the request of the EAC you know somehow simultaneously be made or the registry could be notified that an EAC request was sent.

So that the registry could have some sort of you know objective, perspective and it wouldn't be just a he said, she said type situation. The other thought would be that when the registry is going to implement an undo that they copy or notify the EAC contact again.

Now this is coming from the registry to say you know you didn't respond to this EAC from registrar X, we're going to undo this transfer. You know you have - in Barbara's example you have two hours to respond to block this implementation.

But you know I understand it's giving them a second chance and I understand we don't want to do that but I think a non-responsive registrar is a non-responsive registrar and they're not going to respond to four hours from the registrar or two hours from the registry.

The thing that I'm thing to prevent again is claims of non-response that automatically flow into transfer undos when they're not warranted.

Michele Neylon: Barbara thoughts?

Barbara Steele: Yeah. This is Barbara. I think that you're making a very good point there James. Maybe what we also do is require that they come in via email and that the EAC for whoever's currently managing the name, I guess it would be the gaining registrar in this case is copied on that particular email and just so that they're aware that there has been a request put into the registry to do a transfer undo.

And then you know maybe shorten the window. I think that there should be some opportunity for them to say wait a minute, we did respond.

So I mean then I would say you shorten the window even you know 30 minutes to an hour.

Michele Neylon: Mikey?

Mikey O'Connor: Another way to do this would be to have the gaining registrar reply simultaneously to the registry and the losing registrar.

So that the registry would see - would be essentially part of the back and forth dialogue.

Michele Neylon: Just one problem Mikey just cutting across here, while VeriSign are capable of using email and most of the other registries are capable of using email there is at least one gTLD registry that is incapable of using email.

And I wish I was making this up. They will send you an email notifying you of something and if you try to reply to that email it will go into a black hole because they are incapable of actually parsing email.

Sorry, had to be said.

Mikey O'Connor: Okay anyway, just to chime in, this is Mikey again I think that James is on to something and that we should try and nail this down because we certainly don't want to have malicious registrar using this to claw back domain names.

Which is I think the scenario.

James Bladel: Mikey this is James and the benefit of you know for the purposes of managing our time efficiently I will take this as well as the broader concept of EAC abuse to the mailing list and propose some optional draft language.

And would definitely welcome some help from you or from Barbara. I don't want to go down the path where you know we have a really good idea for an improvement to the policy here but we're stuck on the margins of how it can be abused. I think you know solving all these

problems in advance is what causes us to not come up with policies at all.

So let me work on this, let me you know take it off line if that's okay with you guys. But I just wanted to point out that at this point I'm more concerned about - I think we've nailed down the EAC function, now I'm looking at EAC abuse and I'll take that offline.

Michele Neylon: Okay so James will you be able to come back to us next week with some updates on this or kind of follow up via email on the list?

James Bladel: Yes, sooner than that even, I will be on the list probably by end of day Thursday US time.

Michele Neylon: of this week?

James Bladel: Correct.

Michele Neylon: Okay, that's fine. Okay then right, sorry. Okay just...

Mikey O'Connor: Michele this is Mikey. Just to preserve our time, I don't know how many folks have actually had a chance to read this document. It came pretty late yesterday and it might be rather than take the whole call going through this again as - to have people really scrub this on the list so we can get on to some of the other stuff.

Just a thought, either way is fine with me.

Michele Neylon: Well I'm just going to do - I'm going to run through this quite quickly because I know that not everybody will have read this and James?

James Bladel: Yes, I was just going to second what Mikey said because I found a couple of areas in our report outside of EAC which probably also needs some polishing.

But - and I didn't want you know EAC to consume all of our time between now and Singapore. So I just wanted to get in the queue or get on future agendas with some other options.

Michele Neylon: That's fine, I'm just going to run through this very quickly, so I think just to make sure if there's anything obvious that people have missed out, okay?

Requires a four hour response time, isn't that going to be hard for smaller registrars to cover, especially at night or on the weekends? No (unintelligible) can rotate this function among operational staff.

Suggest that they rotate other emergency aspects of their business, the number of EAC requests is likely to be very small and quite infrequent but when they require a genuine emergency (unintelligible) quickly.

Who can use the EAC, okay the EAC is registrars, registries, ICANN staff. Okay, this is an important one. Can the EAC be used to initiate urgent but not emergency communications?

Obviously no, and that goes into some detail there. Can registrants use the EAC? No the EAC is only available to registrars, registries and ICANN staff.

Do we need to expand on that one? Because obviously the question is going to be if I'm a registrant who is affected have they raised this? Matt Serlin going ahead.

Matt Serlin: Thanks Michele. Yeah, I have that exact thought actually that I do think we should expand on that just to give people a little bit more information about what steps a registrant can take.

You know first contact should be registrar, if they're not responsive you know contact ICANN or whatever it is. But I agree with you, I do think we need to expand it.

Michele Neylon: James then Barbara.

James Bladel: Agreeing with Matt, I would suggest we say something like can registrants use the EAC and then say the EAC is reserved for registrars, registries and ICANN staff.

Contact your registrar support and notify them that you have an emergency transfer issue and if they're not responsive then you know possibly lodge a complaint with ICANN.

Barbara Steele: This is Barbara, I don't really have anything more to add to that, I agree wholeheartedly with that approach.

Mikey O'Connor: This is Mikey. I had language sort of like that a couple of questions down, what escalation options does a registrant have?

If you take a look at that, is that close enough? Can I just combine these two?

Michele Neylon: I think you should combine them.

Man: Yep, unless you wanted to change the name of this one to who can use the EAC as opposed to can registrants?

Michele Neylon: That's very neat.

Mikey O'Connor: Yeah, and maybe what I'll do is I'll pull them a little closer together.

Man: I'd put the escalation options right after that question.

Mikey O'Connor: Yeah.

Michele Neylon: Okay cool. Now what is the definition of emergency in this context? Full sentences would be helpful. In order to qualify as an EAC emergency the issue has to be a serious unexpected and]harmful situation related to a domain transfer.

Does anybody feel that that needs to be expanded upon or anything? I've got other people, I don't know (unintelligible) matters, Chris, then Bob, then James.

Chris Chaplow: Thanks Michele, Chris here. It's just other matters. I just think we need to be quite specific about which registrar because it depends how when you're reading it, so when we're saying their registrar.

Because my understanding is we want the registrant to go to the inverted commerce losing registrar and not start talking to both registrars at the same time, isn't that right?

So who you thought was your registrar, who you've got as the original registrar. It was just that comment to clarify the language to a point.

Michele Neylon: All right, okay. Bob?

Bob Mountain: Yeah this is Bob. This is on the definition of emergency. I thought that it would be good to expand that. Potentially with even some examples of what might be a legitimate emergency.

Michele Neylon: Okay so for example?

Bob Mountain: The - you know a domain is hijacked and the - you know the registrant needs to follow up immediately with their registrar would be one example. There was an inadvertent transfer might be another emergency.

Michele Neylon: How is an inadvertent transfer an emergency? Explain that one to me please.

Bob Mountain: If it's a domain that's generating revenue and the transfer of the domain has caused that revenue to stop then that would be an emergency for me as a registrant.

Michele Neylon: But how is it - okay that part I understand. I'm having an issue with you saying that an inadvertent transfer is an emergency.

Bob Mountain: Well you might not know what that is, as the registrant that might appear.

Michele Neylon: Okay, I'll rephrase it to you this way. In my own personal narrow view of this, if somebody hacks into somewhere - into a system and is able to compromise my domain and basically hijack it, steal it from me, I view that as being an emergency.

If I screw up and have the temp secretary who I only hired last week having full access to manage my domain names, and she accidentally screws up I wouldn't see that as being the same kind of emergency. But that's just me.

Bob Mountain: I was saying the transfer, the inadvertent transfer was not the registrant, perhaps it was the registrar that did it.

So it would appear to the registrant to be a hijacking where it was actually not that. At any rate it's not - you know those may not be the best examples but I was just - my point was that it would be good to have a couple of legitimate examples here I think that would you know just sort of flush out what we're - you know the point that we're trying to make here.

Michele Neylon: Okay.

James Bladel: Michele this is James, I think I might be able to help here.

Michele Neylon: Please.

James Bladel: I hope so, smack me next time if I'm off base here, but I think what's missing in this definition of emergency is an acknowledgement of the timeliness or a timely response is required.

Where the harm is compounded as the time elapses. So I think that you know in the generic sense whether we're talking about hijacking, whether we're talking about fraud, whether we're talking about an error or an operational problem or maybe a script that went haywire and started transferring a bunch of names it shouldn't have done, whatever the condition I think what we're saying here is EAC is reserved for things where the harm is a factor or function of the time that elapses and the speediness by which we can get this back.

Michele Neylon: Okay. Anybody else have any thoughts on that? Okay I think...

Chris Chaplow: Yeah Michele I just tend to agree because you don't know the cause of the problem at the time. Like with the fire example you don't know whether it's arson or whether you left a cigarette in the ashtray.

But it's certainly an emergency when the office catches on fire.

Michele Neylon: Oh I agree. Okay then can we - Mikey did you manage to capture some of that?

Mikey O'Connor: Oh MP3s are a wonderful thing. No worries.

Michele Neylon: Okay. All right then, when I was a registrar abuse of EAC same thing happens if a registrar violates any ICANN consensus policy.

This is a question outside the scope of the IRTP working group. Okay, any comments on that?

James Bladel: This is James and just that I will take that on.

Michele Neylon: Okay, perfect. What escalation options does a registrant have with regard to hijacking, where does EAC fit in? So this is kind of what we were looking at previously.

First and best source of help for a registrant whose domain has been hijacked is their registrar. The EAC is aimed at helping that registrar quickly get in touch with the gaining registrar so they can resolve the issue quickly.

Or (unintelligible) be escalated to a higher level for resolution, in the event that the registrars cannot resolve the situation and James stop telling fibs, outside of the situation the registrant can then move on to the other existing dispute resolution processes through the courts, ICANN compliance and/or the transfer dispute resolution policy.

Okay, any comments on that, on the escalations? No, okay moving on, how long is the time frame that the EAC is available after an incident or problem is identified, and here is the thing that I think we could have queried about.

This time frame is consciously not defined for several reasons. The primary reason is that by not specifying availability we avoid providing a road map for hijackers to tie their activities.

But another reason why this is not definite in the policy is the ease of which the threat of a transfer undo can be avoided by the gaining registrar. They simply get in contact with the losing registrar and the requirements of the EAC are fulfilled.

Now girls and boys, does anybody have any issues or queries or suggestions or anything to do with the FAQ? Matt Serlin I will pick on you since it's Tuesday.

Matt Serlin: Great, thanks.

Michele Neylon: You're welcome.

Matt Serlin: Do I personally have a problem with it or do I think we as a group will receive issues?

Michele Neylon: Either or. I really don't care who's having the problem, as long as we find out what the problem is and fix it.

Matt Serlin: I don't have a problem with the language. Do I think others will have a problem with it, yes. But I don't think that should stop us from presenting it in this form.

But that's just my opinion. I think it's actually perfect where it is and it makes sense frankly. So unless others disagree I wouldn't suggest changing it.

Michele Neylon: Okay, does anybody have any other thoughts on this? Okay James, and then Bob.

James Bladel: Okay, this is James speaking, I have a very strange but possibly creatively insane idea which is that we have discussed some of the potential issues with EAC.

But I think everyone agrees that on balance it's a good idea and it's a good practice for registrars.

But we have some hesitation because of these marginal issues that we've identified. So knowing that and knowing that we are spending approximately 12 months per IRTP iteration and we're on B and we have to go through E, one of the ideas might be to revisit EAC in the last IRTP PDP which I think would be E and just see if there's any problems that have been uncovered in implementation or use.

And possibly just issue some clarifications or modifications at that time and just put a place marker down for IRTP E to see how this is working out.

Because it will be about a year and a half to two years on. Thanks.

Michele Neylon: Okay, anybody else have any thoughts on that?

Mikey O'Connor: This is Mikey, I don't know that people can see my little agreement check mark because of the way Adobe's set up but I think that's a great idea. Actually had that idea myself but I couldn't figure out how to implement it.

But I think James' approach is right on.

Michele Neylon: Okay, Bob and then Barbara.

Bob Mountain: Yeah this is Bob. I guess I may have missed this previously but the last paragraph in the FAQ just a question, is there no limit on when EAC can be activated after a domain transfer?

Mikey O'Connor: That's correct, there's no limit.

Bob Mountain: So it could be years after the event?

Mikey O'Connor: Right.

Bob Mountain: Okay. I think I didn't realize that so my apologies if I missed that before. That was something we had a lot of strong feedback previously was just the length - the excessive length of time that one could do the claw back.

So I suspect if there's no time limit we're going to get similar feedback on that one. Now maybe we just go out there and wait to get it.

Michele Neylon: Bob, did you see the little bit about - there's two things here which I think might solve that problem for you. One, to fill the requirements of the EAC the registrar just has to respond.

They don't have to - it's going to go you know respond, that's it. And the second thing as well is that if a registrar abuses the EAC they would be subject to ICANN compliance.

Bob Mountain: So here's what I'm thinking, I'm a registrant, you know I bought a domain in good faith. Three years later the seller you know raises an issue about it.

And if my registrar does not respond for some reason within four hours suddenly I lose that domain.

And you know years later. If I'm a - I see some push back on that.

Michele Neylon: Does anybody have any comments on that?

Mikey O'Connor: This is Mikey. A, that would be an abuse, and B, if you're under domain investor and your registrar doesn't respond in four hours I think you've got an opportunity for some recourse there.

And C, the real problem is the first one in the FAQ which is if we put a date, if we say 87 days, and I'm a hijacker, then what I do is I hijack it in place. I don't disturb DNS, I don't do anything until 88 days after transfer.

And the registrant is unaware that the domain has been transferred away because nothing changes until after this finite period of time. That's the real dilemma.

Bob Mountain: Yeah, I just think infinity is you know not appropriate. Not necessarily you know reasonable.

Mikey O'Connor: Infinity minus one provides the hijacker with the exact date to implement their hijack.

Bob Mountain: I don't know, I'm just very concerned we're going to get a lot - and again my apologies to the team for not bringing this up before. I just think based on the feedback we got before we're likely to get it again.

You know by not time bonding this thing.

Michele Neylon: Okay Bob, the question is this, would - how would somebody coming back to - let's just say for example you sell a domain on behalf of me, okay? So I give you some beautiful domain name that I have and I ask you to broker the sale for me, okay?

And you manage to find me a buyer. Under what circumstances would I be able to come back to you like say a year and a half later as an emergency?

Bob Mountain: Under what legitimate circumstances?

Michele Neylon: As an emergency. This is the key thing for me. I can think of a multitude of reasons why I want to come back to you and bitch and moan a year and a half later about various different things.

But how would they fit into the emergency concept?

Bob Mountain: We would need to define emergency but if I were to claim hijack then I would - you know that would be an emergency, right?

Michele Neylon: Okay. So do you see where I'm kind of going with that?

Bob Mountain: I think so.

Michele Neylon: I mean the point being that the problem that we were - the problems we had in the past with a lot of this stuff was all down to you know seller remorse, this kind of thing. Somebody feeling that they could have got a better price for a domain, etcetera.

You know this is the thing that I think we've discussed it to death. So I mean the point here is this shouldn't be an issue for the reasons already outlined, it has to be an emergency and it shouldn't be an abuse.

Okay Barbara and then James.

Barbara Steele: I have a couple of things. One I think maybe what we should say here is something like the time frame is consciously not defined for several reasons.

And just put that in any request for an EAC would be reviewed and a determination whether or not it would be processed under this mechanism would be based on the circumstances of the incident.

And then the other thing is, is because I do think that there could be situations where you know they'll go ahead and transfer the name out and let it sit idle for however long before they make a change to the DNS or what have you in order to kind of take control of the domain.

Right now is there any - I know there's not a requirement that the losing registrar notify the registrant that their domain has been transferred out.

But I keep going back to that. It seems like you know if we were to send a notification to the registrant of record, when the domain request for transfer has come in, then you know there would be at least some additional visibility by the registrant to say hey, what's going on with my domain because I didn't request a transfer.

And at least it's a heads up for them to say you know there's something funny going on, let me put a stop to this before it ends up being transferred away.

Michele Neylon: So you're talking about the optional email from the losing registrar to the current registrant to become mandatory, would that be correct?

Barbara Steele: You know I think at least gives the registrant the heads up that there is something going on with their domain name that they should be aware of because again if somebody goes ahead and hijacks a domain name it goes to another registrar.

And they do let it just sit there for you know who knows, you know a month, two months, whatever before they make any other changes to the domain name.

The registrant may not have any real idea but their domain name has been transferred until such time as it's not going where they expected it to.

I mean I have some domain names you know granted they're not anything that's high value, I basically get my grandkids you know their domain name when they're born just so they have it in the event they may need it in the future.

But those names really - you know nothings really happening on them and they're not really being used. But you know so I don't really monitor them that closely and I suspect that probably even some of the domainers don't really look that closely, especially if they have a huge portfolio of domains.

You know they're not always watching to make sure that their domain name is still in their registrar account.

Michele Neylon: Okay. James?

James Bladel: Yes, trying to catch this in order here, let's go backwards. Barbara I think that's encompassed in recommendation 5 of our report. That we would require the registrar of record of the losing registrar to notify the registered name holder when the transfer out occurs.

So I think that we're on that path in a separate area of this report outside of the EAC. To Bob's concern I agree with him that that's a concern and maybe we can insert some clever legalese or something into the policy that says reasonable or commercially practical time frame or something.

It still doesn't give a hard date or a shot clock to hijackers but at least it establishes that anyone who is using unreasonable or impractical time frame to invoke the EAC would be abusing the policy.

And let's see, now I've responded to Barbara, I've responded to Bob and I have completely forgotten why I raised my hand originally so I'll go ahead and lower it.

Michele Neylon: It will come back to you as soon as you put your hand down, you know that, don't you?

James Bladel: Probably. And to Barbara's question it does same the word if I'm reading recommendation 5 correctly, the working group recommends

modifying section 3 of the IRTP to require that the registrar who's record losing registrar be required and notified the registrant of transfer out.

The one thing that we were certain about is that we didn't want the transfer to be dependent upon that notification or any action taken by the losing registrar. But we did require that.

So I think that we've got that part covered and I think that we can cover Bob's concerns which are legitimate. And I think we can cover them with some language that doesn't give the bad guys a blueprint by using terms like reasonable or commercially practical.

Thanks.

Michele Neylon: Okay thank you James. Does anybody else have any other thoughts on this before we move on to the comments or move back to the comments rather. Going once, going twice, okay.

Kristina if you're still alive could you put up the comments thing on to this?

Kristina Nordstrom: I will.

Michele Neylon: Okay thank. Oh, that was fast. Stop being so efficient. Right. Now see if I can find where are we?

Mikey O'Connor: Michele while you're doing that, one action item that we'll probably need to do when we're all done is make the comments align with our

draft. I noticed on just this first page that we talk about 24 hours when now we're down to...

Michele Neylon: That's a very good point.

Mikey O'Connor: Something short than that. So it's just a kind of report writing cleanup thing to do at the very end.

Michele Neylon: And yes James I will remind people. We are five minutes to 4:00, if anybody needs to drop off at 4:00 but as usual this call is scheduled for 90 minutes so if anyone wants to drop, needs to drop off that's perfectly okay, we won't solve too much.

On - with regard to the - making sure everything syncs up, I think that's a kind of a bit of a housekeeping that we would need to do before actually across the board which is very valid, thank you Mikey.

Okay then. Right, let's see, I think we're up to around Page 6 32, 33 okay. So okay, 31, 32, the periods and all that, we've actually just been discussing that so that's all been - that's done.

Which issues may be raised for the emergency action channel, 33, from the registries the criteria detailed in the SSAC report would be a good starting point.

Any comments on that? Mikey?

Mikey O'Connor: This is Mikey, no, I should probably take an action to run back and take a look at those. I haven't.

Michele Neylon: Okay.

Mikey O'Connor: The SSAC report was actually contemplating something a bit broader than what we have got in that.

Michele Neylon: Well that's our answer then, to say that our - that we've narrowed it beyond - we've kept it very narrow.

Mikey O'Connor: Yeah, we could say that. I'll take an action to just run back to that report and check though.

Michele Neylon: Okay. ICA, EAC should - try that again slowly - the EAC should only be used for true crisis situations that are clear and narrow definitions of emergency but is based upon current and reliable metrics of actual non-hypothetical instances of abuse including those arising from fraud and deception.

I think we agree with that and we are trying to work on language within the EAC to stress that. Even actually stealing their comment wouldn't be a bad way of actually supplementing the language.

The registrar stakeholder group, the nature of emergencies to be handled by such a channel must be precisely defined.

We agree and we are endeavoring to do so. From the BC and from ALAC, strange bedfellows, the EAC might also be useful for issues outside the scope of this PDP.

And although not in scope for this - for consideration by this WG should not be precluded. I think Mikey has some language in there or James has some language in there. James go ahead.

James Bladel: Yes, I think that while we should drive this to policy as part of the IRTP you know I can say that there's a lot of different context where this might be helpful and address some of the problems we're dealing, for example in other UDRP and possibly even some law enforcement issues.

So this could be expanded but I would hate to try and bite that off right now.

Michele Neylon: Okay. I think there's some language in there already in - either in the actual thing itself or in the FAQ about the scope of it might be expanded with other consensus policies or words into that effect.

I don't actually have that document in front of me now, hold on.

Mikey O'Connor: This is Mikey, it's in the FAQ, it's not in the policy.

Michele Neylon: Okay, fair enough. Perfect. So you know we have considered this but in the interest of achieving something we decided just to limit ourselves to what we're dealing with.

Okay then, okay how, who should document the exchange of information of the emergency action channel?

From the BC, the BC defers to registries and registrars when it comes to documenting successful exchanges as well as how those

unsuccessful exchanges are documented and communicated to the registry.

Thank you. It's a good comment there. I think we kind of covered that with this the thing about the written record, also these ideas we've had of discussing docketed communication in parallel. Who is entitled to make use of the Emergency Action Channel from the registries?

Opinions and various registries groups, some registries of opinions that should only be available to the registrant, others of the view that it should be limited to an authorized list of registrar and registry contacts and approved contacts or recognized security and stability of oriented groups. Registry to note of more analysis discussion is warranted.

So our response is that we have, are limiting this to contracted parties and somebody who is affected would need to raise the issue with their registrar and let them deal with it that way. The (INTA), the EAC maybe agrees to raise the issue of hijacking by erroneous transfers. We would likely disagree and then the registrants need to channel their issues via their registrar.

GD, special code that is, is that you James? Do you have your own way of coding playing with your own letters?

James Bladel: Yeah, that's me.

Michele Neylon: Oh you're lucky. I'm going to have to get my, I'm going to start submitting this so I get a special comment, so I get a BK or something.

James Bladel: Actually, BN, BK, yeah. And I think that, you know, in the context of what we've discussed, this was our position at the time of the comment. I think that we would now support the language as it now reads in the EAC. That it would be ICANN registries, ICANN registrars and ICANN staff.

Michele Neylon: You don't think that will become radically against the (unintelligible) in these columns? Registrars, EAC registrars and/or ICANN, and notes that only supports the EAC if communication is limited between those parties due to (unintelligible) emergencies.

Okay, which is pretty much in line with what the EAC is. The BC says, "The BC does not envision that registrants would have access to the EAC."   That's fine because we're saying that they wouldn't.

No, ICANN staff over comments. In some hijacking cases, the hijacker hacks the registrant's account with the registrar and changes to who is detailed to his or her own before the domain name gets transferred. Which means that the hijacker is the registrant at the time of the transfer takes place. Therefore, the EAC should not be listed as the person or company but we're listed as the registrant when the transfer took place. False.

James Bladel: This is James. That's not applicable because the registrant is not able to invoke the EAC.

Michele Neylon: Okay.

James Bladel: That's where the registrar can determine and then for the registrar to determine whether or not to invoke the EAC. That's a preliminary test to the EAC. Okay. (Richard)?

(Richard):   (Right, then). That's the last one there. Okay, we've got a little bit more. Sorry. Where are we? Okay, Charter to Registrant B, Recommendation 4, which is on Page 9, Number 51.

Charter to Registrant B, Recommendation 4 all but one registry agreed with this recommendation. The one registry that did not agree with this recommendation noted to the ICANN staff and GNSO volunteers are overloaded at this time.

That has more to with a work prioritization. Support for this recommendation, no objections from (INTABC), GoDaddy, and the (ICA). Charter Question B Recommendation 5, this is to do with the notification email that we were just discussing a minute ago.

For the Registries, all but one registry agreed with this recommendation. The Registry that did not agree points to notification would be a good thing but only if the registrant is not held hostage by losing registrar presenting misleading information. Any thoughts on that? James?

James Bladel: Yes, I think that the registries and GoDaddy are saying essentially that the same thing which is that notification is good. Notification should be required, but the transfer itself should not be impeded by the action or inaction of the losing registrar.

Michele Neylon: Okay. Next one from GoDaddy, support for this recommendation as well as the transfer of this dependent or (unintelligible) which we agree. Support for the recommendation of the BC. Now, Charter Question C, the BC notes its support for requiring a lock after who is information is updated when the update affects a change of registrant in addition to transfer domain of registration 60 days following the transfer. Which is currently an option under Reason to Deny Number 9 in the (IRTP).

Mikey, I presume you drafted this comment. Did you?

Mike O'Connor: Yeah, I did but this language doesn't resemble my language very much. It, if you want you can go to the next one and I'll drag up the draft. I don't know what this is about. Hang on, we'll just skip to 57 for now.

Michele Neylon: Okay, we'll go ahead to 57. We'll come back. All right. Let's go to Section C Recommendation 6.

Registries. Most registries agree with recommendation, all though one recommendation did point out the term responsible where some registrants are being asked when the contact is no longer an employee/associate to the domain and a new contact is trying to prove that they are an authorized agent for the domain.

In addition, a registry recommended to the clarification needs to accommodate court orders. James, go ahead.

James Bladel: Yeah, I appreciate that we're moving on, but I wanted to go back to 56. Would Mikey dig that up because I think that we're - this is something that I noted earlier where we had some loose ends out there. I think

that this is one of them. I don't see in our existing recommendation where we make a recommendation on a subject that I think we discussed fairly extensively.

And that is, currently whether or not you lock a name for 60 days after a transfer to prevent a further transfer is currently optional. And we discussed this and I think in our most recent report we said we were looking for public feedback on this during the comment period. And Number 56 I think is the only one that came in that resembled a public comment in this area.

But I think that we're missing a recommendation on Charter Question B. That you know, needs to reflect what we believe about what we discussed as transfer hopping. So that I'm going to transfer and then two days later I'm going to transfer again and then two days later I'm going to transfer again.

And we discussed a little bit about, putting, you know, making the voluntary or optional block which most of the registrar's are currently using, making that required. So this is just a loose end I wanted to flag it for discussion now or discussion before we call this section done.

Michele Neylon: Okay, thanks James. Does anybody else have any comments or faults?

James Bladel: This is James again and I think that that's what Mikey's paragraph there was referencing. The recommendation that doesn't exist, so it was fast forward in our public comment.

Michele Neylon: Okay. Right, where are we. Brain gone dead again. I managed to move the page and now I'm completely confusing myself.

Mike O'Connor: This is Mikey. I've finally dug up the drafts. We support requiring a lock after who has updated when that update affects a change of registrant. We defer to the registrars when it comes to specifying how long this interval should be.

But would suggest something on the order of 60 days as starting point. The BC also supports prohibiting a transfer of a domain name registration for 60 days following a transfer which is currently an option under Reason Denial 9 of the (IRTP). That's the actual language. It got sort of garbled a little bit in the translation.

So I think it's pretty much in line with what Paul, what James was saying. But it took me a while to get to our draft. Sorry.

Man: Okay. Thank you. (Brice)?

(Brice): The only one thing I was going to suggest, say was, the registries are looking for clarification to the term "reasonable", I counter and ask for a clarification of the term "owners." Personally, but that's just me being awkward. 58, support for this recommendation to INTA, support for this recommendation but request an exception should be considered for registrants acquired as part of successful UDRP.

Since the change of registration occurs after UDRP or equivalent acts, it's very likely that the domain name is being transferred back to the rightful owner and no limitations should exist as to how long the rightful

owner should be required to keep the domain name as a particular registrar. James?

James Bladel: Okay. So this is probably an area where we need to discuss a philosophical approach as to who we want to address this issue here or does this need to be corrected in the language of the UDRP. You know, without getting into too much detail about how we implement UDRP decisions, while others might, you know, I think that we've got an overlap here.

UDRPs, can but don't necessarily need to use the IRGT to implement the decision. And I think that, you know, we could probably save that much or in the UDRP because if we put it in the IRTP then we've got to build quotes for all the other properties, like for example, URS and all the other things that might come down the road that might also want to use IRTP. Whereas if we keep the IRTP clean, and then we can invoke it, you know, with the language from other policies as needed.

So I think that the response to this would be, this is something that we might consider, you know, as UDRQ where you exercised as not be undertaken or not try and use it in IRTP. That's just my opinion. Thank you.

Michele Neylon: Thanks, James. Anybody else?

Mike O'Connor: This is Mikey. I am a bit confused when I was writing our draft, I was thinking that Recommendation Number 6, has to do with locks on domain names that are consistent across all registrars versus those which are unique to a registrar. Whereas the UDRP stuff that James is

talking about hadn't even crossed my mind. Am I on the wrong page here?

James Bladel: No, Mikey, I'm sorry. This is James again. You are correct and it looks like I infused support that recommendation the first foreword and then we introduced this new problem, this new point. Which is this issue of UDRPITP template to implement UDRP decisions. So it's completely a new train of thought from the rest of that comment.

Mike O'Connor: Now I'm with you.

Michele Neylon: Mikey, with respect to the entire IRTP and UDRP, as things stand at present, the policy in my personal opinion, I'm not part of anybody else, I'm not trying to confuse my opinion with anybody else's opinion, the current policy is a bit broken.

I think the UDRP review is needed because the way it works at the moment it's as if they kind of magically expect you to transfer the domain name to somebody even though you have no way of doing that without them actually requesting the transfer. If that makes sense.

Mike O'Connor: Yeah, that really doesn't make sense.

Michele Neylon: It's a little bit broken. There is no way for me to physically move a domain name to another registrar or to another registrant unless it has been requested. I can move it to another registrant within my own registrar but obviously if I don't get their contact details I can't do that.

So there is no way for me to transfer to another registrar without the, without getting a request. It's impossible, I can't do it. Technically it's impossible. I can do it in (COUK) though.

To kind of back up what James is saying, I agree with what James is saying. I would also add that something along the lines of, you know, the IRTP needs to serve the entire community not just trademark holders. For the change of control would be sufficient or something to those lines.

Basically, I don't see why the hell they should have an exception to, if a rule is introduced about domains not being moved around the place, I don't see why they should have an exception. Just because of UDRP. It's, I think it's completely unreasonable and I think it's just open to gaming and it's not as if all WIPO decisions are perfect and founded reality.

So I personally don't like that. But I think yes, putting something in that sends it back to that part of the UDRP review. James do you probably know the answer to this, where is the UDRP review at the moment?

James Bladel: There's not, I think an initial quick off, sort of Webinar work shop is scheduled for the next week or two.

((Crosstalk))

Michele Neylon: Is there going to be like a PDP or series of PDPs? I mean, what kind of forum is this piece going to take on?

James Bladel: I don't think that's been determined yet. I think that it is, at this point, it is just a recommendation from the prePDP registration to the prePDP to review to make sure that on its tenth birthday the UDRP is still meeting everyone's needs. The Webinar is occurring Tuesday, May 10.

Michele Neylon: Okay.

Mike O'Connor: And again, this is Mikey. It's a Webinar to facilitate the staff's drafting of an initial report on that. So, it is the beginning of the PDP process to the extent of the initial report is the first step of that.

Michele Neylon: Probably at least one PDP.

Mike O'Connor: Yeah.

James Bladel: Back on Comment 58 from the INTA. Another thought we might leverage James's idea earlier in the call of revisiting this issue in a subsequent duration of the IRDP working group, maybe E. After some of these intervening reviews of studies have taken place. So we don't lose the idea entirely but at the same time don't get out in front of other processes that are running in parallel.

Michele Neylon: Okay, any other calls before lunch?

Berry Cobb: Michele, this is Berry.

Michele Neylon: Go ahead Berry.

Berry Cobb: I'm just adding to what Mikey was saying. I mean, in many ways, I can almost see kind of pushing this down the road. I wonder is there, you know, but there's still a need to fill here. I wonder if there is a way to, where we as the Part B Group can submit maybe some sort of best practice or something so that the registrar's can try using an informal EAC channel of some sort up until we do get this correct and mailed out? Just a thought, thank you.

Michele Neylon: Okay, thank you. Anybody else? Anything else on this?

Mike O'Connor: This is Mikey. I guess my thought is that this is probably a one need to work out a bit more before we get done with the report. This is a pretty tasty discussion that's happened here and we should probably put that in our plan to finish.

Michele Neylon: Okay. Right. Moving on. We're down to maybe about another couple of minutes. Let's try to finish up for a couple of more of these very quickly. Okay., those couple that were supportive.

Next one. 61 for the BC. Supportive recommendation noting that it would also support elevating this recommendation from an optional (unintelligible), that's practiced to a policy change that makes this catalog mandatory. Furthermore, the BC would also support proceeding with this change apart of this PDP.

Man: What's Recommendation 7 again? I seem to be confused.

Michele Neylon: James, go ahead.

James Bladel: Yeah, this is James. And I think, are we still talking about, oh we're now on Recommendation 7.

Man: It's confusing me.

James Bladel: So, yes, I have nothing to add to Recommendation 7. I'm sorry. I thought we were still on Recommendation 6. But I see the little change where we're on Charter Question B there on the bottom of Page 10.

Michele Neylon: Okay. Anybody else have any thoughts on this? No? Okay. So I think we need to just decide one way or the other what our thoughts on this are.

Charter Question B Recommendation 8, Registry is all. Sorry, all I see is you saying, James is saying 58 and 59 should all be in the same section.

James Bladel: And I'm thinking the second part of 58 is actually addressing the Recommendation of Number 7.

Man: Okay. So it's kind of one of where we want to be in this here.

James Bladel: Yeah. Yes, yes.

Man: Sorry. It's really much more appropriate for this Recommendation 7.

Michele Neylon: Okay. So our question of Recommendation 8, all one member of the Registry supports this recommendation . The one registry member that disagrees noted that it must be done according to any existing ICANN/Registry Agreement Requirement. BC supports this. ICANN

staff, should the recommendation be broadened so that the WHOIS stated in the IRTP is consistent with the defined UDP stated?

For example, the IRTP refers to registrar hold which is not defined to while client hold is a well-defined ETP status. Mikey?

Mike O'Connor: This is Mikey. Sorry to drag you back to our, I'm following along, I just realized the other half of our response was to note that standardizing these messages would also improve the post expiration domain name recovery process. So I just want to get that in the record somewhere. Thanks.

Michele Neylon: Okay. Okay, so if we were to put, we could put in that the standard we've already discussed standardizing, E the standard, let me try that again slowly, standardizing the EPP statuses so that maybe the (unintelligible). James?

James Bladel: Yes. So I think I agree with the staff Recommendation Number 64. I think that there's probably a reason why the policy language is written in let's call this human terms, while EPP is more machine readable. Probably so that the protocol can evolve and adapt without causing rewrite of the policy.

So, perhaps maybe, in light of that, the recommendation would be for staff to go and find areas where they believe policy and is inconsistent with what's being displayed in WHOIS and the policy language is calling for status of X and there is no status of X defined in WHOIS.

So maybe if we can ask them to point us in a direction where the policy is ambiguous or nonexistent then we can fix that?

Michele Neylon: Okay. Any other faults? Okay. And, I think that's it then, that's all. Or is there another page?

James Bladel: There's just one more and everybody supports it.

Michele Neylon: Well, I was kind of ignoring that because there was nothing to discuss. That's not true, I wasn't ignoring it, I was overlooking it. Okay, whatever. Okay, then so we've gone through all of those. I'm going to give you back a couple of minutes of your lives.

So we've got a few actions several people need to follow up on between now and next week. Go ahead, James.

James Bladel: I was just going to point out that I have two extra items and I will make a list. One is discussing the items that point to EAC views and the other one is to discuss the loose ends of the recommendation by requiring a 60 day post expiration lock .

Michele Neylon: Okay, thank you. Anybody have any other matters they wish to raise? Okay then, in that case I will speak to you all probably next week sometime. Okay? Thank you.

Man: Bye Michele.

Man: Thanks Michele.

Woman: Thanks Michele.

Man: Thanks Michele.

Woman:	Thank you very much and the call has now ended.

END