Inter-Registrar Transfer Policy Part B PDP
Transcription
Tuesday 02 February 2010 at 15:00 UTC

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http://audio.icann.org/gnso/gnso-irtp-b-20100202.mp3

On page:
http://gnso.icann.org/calendar/#feb
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Apologies:
Michele Neylon – RrSG – chair
Baudoin Schombe – At-Large
Eric Brown – RY (all Tuesday calls)

Coordinator: The recordings have now started.

Gisella Gruber-White: Thank you. Good morning, good afternoon to everyone. On today's IRTP-

                   B/PDP call on Tuesday, February 2, we have James Bladel, Mike O'Connor,

                   Barry Cobb, Kevin Erdman, Barbara Steele, Paul Diaz, Matt Serlin.

From staff we have Glen de Saint Géry , Marika Konings, David Giza, Olaf Nordling, myself -- Gisella Gruber-White. We have apologies from Baudoin Schombe, Michele Neylon, Eric Brown, and if I could just remind everyone please to state their names when speaking. Thank you. Over to you, James.

James Bladel: Thank you Gisella and welcome everyone. This is the IRTP call for February 2, 2010, and I will be your substitute today as Michele is attending a conference. And from the looks of his photos on Twitter, it looks like a terrible ordeal indeed with meetings and food and social events. So we wish him the best and we'll look forward to him next week.

Man: Poor Michele.

James Bladel: Yes, it's rough. So yesterday Marika had sent around a brief agenda, and it's posted there - for those of you who are in the Adobe Connect that's posted there at the top of the screen. We have a few items that we can begin to go over.

I believe that the public comments have been thoroughly discussed and analyzed in our previous calls, and that means the next step would be to review the constituency and stakeholder group statements. And it looks like Marika has very kindly put those in the large panes there in the Adobe Connect, and I believe they're also available on the wiki.

So if there are no other topics or items of new business, perhaps we could dive right into those. And if there's time afterwards, we can maybe take a look at the draft report - draft initial report, which was also published recently, but likely that folks have had too much time to go over that one.

Picking up some breathing into a microphone, so if you could, please mute your line until it's necessary. That would be helpful. Thanks. So...

((Crosstalk))

James Bladel: Okay so my tone now changes, because I believe my boss has just jumped on the call.

Mike O'Connor: Oh, you know, all that stuff we said about (Tim) before? Good thing he wasn't...

Man: A fly on the wall.

James Bladel: Okay. So if we can - and Marika I guess it's up to you -- your discretion -- if you would like to take us through these items individually. And then for each item we can (start with you) or I can read them. But I think it would be more helpful - if there's any requests for context or additional supporting information, I think it might be helpful for you to lead us through them.

Marika Konings: This is Marika. I'm happy to do so, but I would like to encourage those that have been involved in developing the constituency statement to, you know, jump in. I'll provide further context where it's needed, because I mean this - I - this template has just been developed to facilitate discussions of the constituency statements and so would like to encourage everyone of course to review the constituency statements as a whole to make sure that nothing is being left out.

We're going to look to the first comment. And I apologize, because I have to - still need to have to update - I still need to get used to the new acronyms and sort of, you know, constituency stakeholder groups where appropriate.

So there's from the registrar stakeholder group in relation to Issue A whether our process for (urgent) return was (initiative) (unintelligible) the domain name should be (developed), and they suggested a possible adjustment and refinement of the TDRP to reduce the overall timeframe to resolve disputes should be considered.

James Bladel: Okay thank you. And so if I'm understanding this comment properly, the registrars are suggesting that there is - I mean an imperfect mechanism to accomplish this already; it's just - from our discussions in Seoul. I think that we understood that the TDRP is rarely used and has its own challenges. Is that - is my memory correct on that?

Marika Konings: I think it is.

James Bladel: Okay.

Marika Konings: And I remember as well. And of course at the moment, the TDRP doesn't foresee for, you know, (urgent) return resolution. There's no separate procedure. It's just, you know, the same track for any kind of complaint.

James Bladel: Yes, I think that's correct Marika. I think that if there's one area were the TDRP falls short in the description of Issue A, it is urgence. So are there any comments or topics that one would like to discuss on that, or should we move on to the next one? Oh, I see a hand going up here. And Mikey?

Mike O'Connor: Thanks James. I just wanted to jump in at this point, because the urgent word that you mentioned sort of ties into the BC one that's down towards the bottom of that list.

What we were trying to come up with was the notion that there might be a need for sort of two tracks -- one to sort of quickly return a domain to the state that it was immediately before, and then a more thoughtful careful process to resolve it - the dispute -- as it turns out, there's a dispute -- the thought being that there are times when folks see their domain suddenly blink out and, you know, this puts their business or their livelihood in jeopardy.

So if there was some way to sort of quickly bring things back to the way they were and then a thoughtful process to get the actual dispute resolved, that might be a way to address that. So when you mentioned urgent, I just wanted

to chime in and say, yea verily. I think there's value in that, especially if we can preserve the ability to do a thoughtful job of actually resolving a dispute if there is one.

James Bladel: Well Mikey a question. If there were a hypothetical mechanism that were an urgent transfer undo that returned the registration status to the way it wholesale advantages prior to the attempted transfer, would - and if that were effective, would the TDRP still be relevant?

Mike O'Connor: I have to admit a need for the refresher course on what the TDRP is as compared to the IRTP. Can you just remind me of what TDRP does?

James Bladel: I'm not sure that I'm...

Mike O'Connor: Ha.

James Bladel: I think even the registries were admitting that it's so, you know, so dusty and rusty it's rarely used. But I think the general concept is that if a - if there is a dispute over a transfer - and I believe if - especially or particularly in cases were the two registrars cannot work together to resolve what the intended outcome would be to the benefit of the registrant, that one or both of the registrars can escalate to the registry where the TDRP is ultimately filed.

And I see that Marika has her hand raised, so maybe she can illuminate us on this.

Marika Konings: Yes, this is Marika. I just wanted to refer you actually to the initial report, (because) as some of you might recall, (Ed Brown) actually provided a presentation from slides on how the TDRP works and which instances being used. And I included that information and linked to that presentation in the initial report. So for those that want to refresh on the TDRP, might want o have a look there.

James Bladel: Okay thanks, but...

Mike O'Connor: So James this is Mikey again. To answer your question, now that I've - thanks to both of you for reminding me on that. In a way, TDRP might be just right, you know, if you had an urgent return to normal or an urgent return to prior state to get the domain sort of back to normal. But then TDRP stood behind that as the mechanism for actually resolving the dispute. Maybe TDRP could become less rusty and more useful.

James Bladel: Good point, Mikey.

Mike O'Connor: That's it for...

James Bladel: And if I recall, Eric mentioned that to his knowledge the TDRP has never been employed with Neustar. And Barbara I'm trusting my memory a little bit here, but I believe you said that something on the order of seven TDRPs in the last - what was the frequency that you mentioned?

Barbara Steele: Well I mean over the course of the history of the policy, it went into place -- I believe it was November of 2004 -- you know, we've had less than 500 cases.

James Bladel: Okay so maybe it...

Barbara Steele: So...

James Bladel: ...was seven last year or seven that quarter, but...

Barbara Steele: And it could very well be, and I don't have the numbers in front of me. I will say that, you know, overall we do not see a large number of these cases. Most of the cases do tend to be worked out between the registrars themselves. And, you know, I - one thing that is would like to add is that the TDRP really does not I guess take into consideration the quick return of a

domain name or the urgent return of a domain name. By the way it gets to a TDRP, it's basically because the registrars really could not work it out among themselves.

We at VeriSign actually implemented what we call the I- and forgive me, but our attorneys got involved here -- the application for reinstatement of sponsorship, which basically allows for registrars to come to us if they have worked it out.

And basically we can help to facilitate sending the domain name back, but we do require both the gaining and the losing registrar to basically confirm that they are in the agreement that the domain name was transferred in error or fraudulently, and that the domain name should go back. And that does take care of, you know, getting it back of the registrars themselves don't have a mechanism by which to return the domain name quickly.

James Bladel: Okay thank you. I see couple of hands up, but I had a real quick question there. So is that process that you just mentioned -- the application for reinstatement of sponsorship -- is that a particular registry service just for Com/Net or is that - that's something that VeriSign has developed on its own, correct?

Barbara Steele: It's something that we provided in our supplemental rules, because all registers have the ability to basically put in place supplemental rules to the transfer dispute resolution policy of the TDRP. And so we included it as part of our supplemental rules, so it is currently in play and available for Com/Net and DotName domain names that were transferred fraudulently or in violation of the IRTP.

James Bladel: Okay. I see hands from Marika and Mikey. I'm going to put myself back in the queue just for a follow up question. So go ahead Marika. Can you go first?

Marika Konings: Just - yes this is Marika. I mean I think Barb already confirmed that, but I just
anted, you know, clarify because in the current TDRP there's no freezing or
return to original state. Am I correct? They basically look at the dispute and
then decide what should happen -- basically nothing is changed to either the
ownership or name servers that the disputed registration is in, no? Is that
correct?

Barbara Steele: From our perspective yes. I mean, you know, it's - to the extent that we
receive a TDRP we will lock the domain name down while the case is under
review. And so nothing happens to that. Now what we are able to do once the
TDRP is resolved, if we find that the domain name was transferred
fraudulently, then we can basically send the domain name back. But we do
not update name servers or make any other changes. We basically just
update the registrar of record to return it to the previous registrar.

Marika Konings: Okay thank you.

Barbara Steele: It would be - it would then be up to the registrar of record to make any
modifications that (name) servers or what have you were modified.

James Bladel: Okay thank you Barbara. Mikey you're next.

Mike O'Connor: Thanks James. I, you know, I think in this discussion, sort of one of the key
choices that we get to make is whether to use one process or two. And one of
the things that I was sort of entranced with was the idea of two processes so
that the TDRP could continue to be a sort of thoughtful careful process that
evaluates probably sometimes pretty complex claims by two parties in a
thorough way, which is likely to continue to take a while.

And so the reason that I like the idea of two processes is that way there could
be another process which quickly determines what to do while the (stately)
process is unfolding.

By combining the process of deciding the dispute with the transfer of the domain name back to its prior state, sometimes, you know, that's where we run into the need for this urgent return is the company or the business or the person whose site is suddenly blinked out, and now it takes weeks or months or whatever it is to actually resolve it. And meanwhile they're sort of out of commission.

So one way to sort of address both of those issues is to separate the processes, and that's what I was trying to lobby for in our comments in the (DC). I'm all for - in terms of the issue a question, whether there's a process for urgent return, I'm all for that. And then my separating of the two processes is sort of an implementation kind of an issue in a way.

James Bladel: Okay thank you Mikey. I had a question for Barbara, which was going back to VeriSign's supplemental rule. Would you say that that is - that method has become more popular or has become the mechanism of choice for folks to use instead of or in place of the (GDRP), or are either of them very frequently employed?

Barbara Steele: Well neither of them are really frequently employed. You know, given the number of transfers hat we have going, you know, back and forth, I think probably as I aid, the registrars actually are able to work it out amongst themselves and we never see it.

But I will say it's probably split. Some registrars do prefer to, you know, really work with the other registrar and they just prefer to go the - what we call the (ARS) -- it's a little bit easier to say. They prefer to go that route versus, you know, a full request for enforcement. But I would say that it's pretty much split.

James Bladel: Okay. Thank you. So the queue is empty. If I could attempt to summarize our discussion on this topic, it's that there is not currently a formal mechanism for urgent return. There is a TDRP which is - there's another couple of

workarounds I think that are in practice. One is that registrars often will communication directly with one another and resolve the situation between themselves in the absence of any kind of a formal policy or mechanism to do that.

Two, VeriSign has - and I'm presuming that there may be equivalent that's in the supplemental rules of other registries as well, but with Eric not on the call I think we're just going to have to leave that as an assumption. But VeriSign has implemented supplemental rules to help disposition these types of situations when they occur and when registrars can't come to sort of an agreement.

And then we have this more formal -- as Mikey described -- more thoughtful and more lengthy process of TDRP, and it seems like all of these can be used to address the same situation. It's just a question of which is more effective, which is more timely. And I'm not really ware of the costs involved with the TDRP, but sounds like that would be a little more lengthy and expensive than some of these other mechanisms.

So is that - now is that a synopsis of everyone's thoughts here, or didn't I - am I guilty of a major omission?

(Tim): James this is (Tim). Could I get in the queue?

James Bladel: Oh, absolutely (Tim). Go ahead.

(Tim): Oh okay. Just a question, because Mikey was talking about the - his concept as something kind of separate from the TDRP. But what about the possibility that, you know, the TDRP - and then maybe Barbara could comment on it too, but the TDRP is somehow modified to (unintelligible) the first step when a TDRP is filed, that the name reverts to the previous DNS, which then will cause it to resolve as it previously did until there's a resolution to the dispute?

James Bladel: Okay, so that once the...

(Tim):   Basically making a one process. You know, that it solves the immediate urgent return -- or at least part of it -- by at least solving the resolution issue. But it's all one process. It's just the initial part of the TDRP.

James Bladel: So it's just - for my understanding your idea is a modification of the TDRP so that the previous status and name servers are restored while the TDRP is in process.

(Tim):   Right, right. I - I'm just throwing that out there as, you know, if that had been considered and, you know, if not perhaps, you know, some thought could be given to that and to what the issues might be with it. Or if it has been considered, perhaps someone could explain why, you know, what the issues are or - so it seems like there - that that would eliminate the need for the two processes.

James Bladel: Okay. Barbara?

Barbara Steele: You know, I desktop that that's been considered. I think that, you know, from a registry perspective, we, you know, basically try not to, you know, update names servers and that type of information for a particular domain name. So, you know, I'm not sure how well it would be received. I would probably anticipate that it would make more sense for the registrars of record to be able to make those updates.

                  And if you don't have cooperative registrars then I think that would be difficult to implement. A lot of the TDRPs that we do receive a registrar will file it, and in many cases the respondent -- or the other party to the request for enforcement or RFE -- may very well not even provide any information relating to why the denial - it's been the case that the transfer request was denied, or why the transfer was legitimate.

So - and I think that it would definitely involve more involvement from the registrar side of the business. That's something that obviously I can run by the registries stakeholder's group to see if there might be a possibility of - and willingness to step in to do that.

James Bladel: Okay thank you.

(Tim): Yes just to - I could just...

James Bladel: Oh sorry.

(Tim): ...respond to Barbara. Yes I think, you know, I think that might be a good idea just to get, you know, what the registry's perspective on something like that. Because whether it's one process or two, the (unintelligible) that the issue will be - or the issue is actually, you know, the cooperation between registries, addition that's not - that doesn't always work out well or it isn't always possible and is not necessarily perhaps due to any, you know, misconduct on anyone's part. It's just the way things are when you're talking about a group of competitors.

But - and but in explaining that, I think it's important to note that, you know, there is of course, you know, a huge desire for a more urgent resolution to those kinds of issues, and that it's just kind of looking at, you know, the least harm, you know, leading, you know, if there is a dispute or a question leading something as it is for a long period of time, you know, what harm that might do versus the harm that might be done by just reverting to the previous DNS and resolution, and you know, trying to look for the course of least harm yet getting the problem solved.

James Bladel: Okay. Mikey?

Mike O'Connor: This is Mikey. I mostly just want to say like (Tim) said, I think he's absolutely nailed this one. And in fact he said it so well I'm not going to say anything else.

James Bladel: Okay. (Chris)? Hello (Chris)? Are you on mute? (Chris)?

(Chris):   Hello there.

James Bladel: Hi, (Chris).

Man: Hi, there. Can you hear me?

James Bladel: Yes, certainly.

(Chris):   Oh good. I'm online. Thought I was. Sorry. When we mention name servers before as a trigger here -- change of name servers as a trigger for the urgency requirement -- (Michelle) has always come down with a lot of technical points, some of which are way above me, with problems with name servers.

I just wanted to highlight that -- that clearly there's, you know, that it's not quite just as simple as, you know, we see name servers changing from, you know, A to B, that all sorts of funnies can go on and how things can be hidden. So that's actually quite a complicated area that we might need advice on. That was the first point.

The second one I wanted to mention is clearly we see a need for some sort of policy for urgency, and I suppose to summarize it, the question is does it - should we recommend it goes within the TDRP or as an additional process. And I see the registry - registrar constituency went one way, and the BC went the other way on this one.

So I suppose moving forward in our report we could be thinking of I think pros and constituencies of both matters and perhaps coming to a recommendation which one of those that we want.

My third point I wanted to raise was just really to ask Barbara whether the supplemental rules that they've developed, would they be instructed to ourselves? Because perhaps you've seen practical problems here and tried to - and gone ahead and forged something ahead for us.

Barbara Steele: Well I could speak to that if nobody has any objection. Our supplemental rules are actually posted out publicly, and I believe you can get to them via the ICANN Web site. So to the extent that you would like to go out and take a look at them, by all means do.

One of the things that I think it makes sense to point out here is that the IRTP really is inter-registrar transfers. So many of the cases that we're actually seeing filed under the TDRP may not necessarily involve a change of name server, or it some cases it may not even involve a change of registrant.

A lot of what we see is that the admin contact, which basically has ultimate authority in authorizing a transfer, was not aware that a transfer was taking place, and the - or excuse me, the registration -- pardon me -- wasn't aware that the transfer was taking place, and the admin contact is who actually authorized it.

So since the registrant has the primary authority for authorizing transfers, that's where we see many of the disputes coming through. I think what we're talking about here is yes specifically related to hijacking. And I'm not sure that, you know, necessarily the IRTP is the place to perhaps put in place, you know, policies surrounding hijacking cases.

I think it almost would make better sense to have a separate and distinct policy relating to the handling of hijacked, you know, hijacked names where

there's a change of name server or registrants in - as well as, you know, perhaps a registrar of record.

James Bladel: Okay so a hijacking could conceivably occur outside of the IRTP by just changing the regulatory but leaving it at the same registrar. Is that a possibility?

Barbara Steele: That is very much the possibility.

James Bladel: Okay. Mikey and then (Tim)?

Mike O'Connor: Thanks James. This is Mikey. Two points. First point was in terms of separate process or change to TDRP that accomplishes the same thing, I don't think that the BC has a real strong opinion about that. I agree with the pros and cons analysis, and I think there is some analysis that needs to be done. But I wouldn't want to paint the difference between the BC view and the registrar view as a chasm; maybe just different levels of understanding of the problem.

And then in terms of Barbara's point about whether to do this within IRTP or not, I'd like to chew on that one a bit more before coming down on either side. I would hate to accidentally miss the opportunity to get the urgent, you know, the ultimate point here is urgent return to prior state, and it might even require changes to IRTP and other processes as well. So I'd hate to accidentally lose the opportunity to accomplish that by not pursuing it within the IRTP discussion. So those are my two thoughts there.

James Bladel: Thank you Mikey. And (Tim)?

(Tim): Yes, I guess sort of similar. I think that, you know, it's true, you know, that resolving a true hijacking versus resolving a dispute between the registrant and admin contact where perhaps the actual, you know, registrant of record doesn't change but just - there's a dispute as to whether it was authorized or not, you know, the resolution of those is very different.

However, the - there is something that's very common, and that is that, you know, if resolution hospital changed, you know, the harm is the same. And that's at the real heart of either issue, and I think the initial problem or the initial issues are the same. So regardless of which situation we're talking about, the immediate needs is for correcting resolution of the domain name as quickly as possible, because that's where the harm is being done.

What registrar is currently sitting at or who's the registrant of record, you know, those are all things that need to be resolved but, you know, the financial harm to a business or the reputational harm to another - to other - in other situations is the same and immediate. And that's where the urgency and resolution of the problem really needs to take place.

So I don't think you necessarily need to be addressed as separate issues as far as the urgency issue is concerned. I think that there's, you know, a way we should be able to come together to agree to resolve that. And then I don't think it's just a registrar's issue or just a registry issue. I think it's something we need to work together on and hopefully, you know, we can come together on something like that.

I think it'd be a, you know, a good process for the - for our industry in general, which doesn't necessarily have the greatest reputation. At some point, you know, all these problems - we need to start finding solutions to some of these things. If we don't find solutions to them together, those solutions going to come from outside and we're not necessarily going to like the result.

So I really hope that - I think this is something that can be solved. I think the solution is there. We just got to figure out how to get to it. And, you know, that's not going to be by leaving it in one camp or the other. It's something we're going to have to work together on.

James Bladel: Hey thanks (Tim). I wholeheartedly agree. I think that, you know, there's an opportunity right here in front of us to cooperate to work through this, and then I think it will go a long way towards increasing the trust registrants have in this whole process and in the industry.

Mike O'Connor: Right on. This is Mikey.

James Bladel: Marika's hand is up, and then at some point we should probably move on to Item number 2, which we're now 35 minutes into our call.

Marika Konings: This is Marika. I just want to look ahead at the next agenda point and just encourage everyone to review this section in the report that covers the working group discussions on this issue, which I think repeats some of the other issues that we've discussed now and, you know, wanted to make sure that it reflects accurately what the group thinks and, you know, hopefully you get to indeed some kind of recommendations for solutions.

And I also wanted to point out - because I think what came up in previous discussions is as well that any kind of procedure that would be developed would be an escalation, you know, taking into account that most of these issues actually get resolved between registrars. And that such a procedure, you know, is only in cases where that actually doesn't happen and where you need some kind of backup mechanism to force some kind of resolution.

And I think that's something that came out in previous discussion, and that's hopefully captured as well in the report. And just making sure that as well in agreement with what was discussed.

James Bladel: Okay. Thank you Marika. So looking own the list here of the items that were extracted from the constituency and stakeholder group statements, it seems like our discussion today has really touched on several on them. I'm not sure about the second one, however, that says that the working group had discussed best practices for the voluntary transfer of names in cases of fraud.

Coming from the registrar stakeholder group it seems like this is touching on the process that we mentioned earlier where registrars will work together to resolve these types of scenarios and what sort of best practices they could employ. Am I understanding that correctly? I might pick on some of the other registrars here on the call like Paul. Is that - am I trusting my memory on that?

Paul Diaz: Yes I think that's right James. I'm not fully trusting my memory either, but it sounds right.

James Bladel: Yes. So I guess one of the questions that I would have in this area is that the lack of frequency of employment of the TDRP as reported by the registries would seem to indicate that what the registrars are doing amongst themselves seems to be effective for most situations most of the time. And there's certainly some boundary cases where those are escalated to TDRPs or other cases that indicate some additional mechanisms are needed.

But one question would be do registrars share those practices amongst themselves? Are they codified anywhere? Are they exchanged as best practices? How does a - how do registrars know what to expect from one another when these situations arise? And I see Marika's hand is up in the queue.

Marika Konings: Yes this is Marika again because I did have a question in relation to the comment you made saying that, you know, as the TDRP is not being used and might mean that, you know, it's working well between registrars. I would like to turn the question around -- is that registrants hesitant to use the TDRP because it's costly and it takes a lot of time and sometimes just don't bother and, you know, either give the domain and back or think that they can't win a case. It's too lengthy to go down the TDRP route.

That's actually - a question is, what is the real reason why this TDRP is not being used? Is everything working really well between registrars or do registrars considered TDRP too tedious, costly, not functioning, to actually go down that route?

James Bladel: Paul?

Paul Diaz: Yes thanks James. I was looking up notes from customer service colleagues on this particular issue. And at least from Network Solutions perspective the TDRP is seen as sort of a resource of last resort. I don't know if it's necessarily tedious, but a lot of the adjectives that Marika just used are in the email I received from my colleagues. The TDRP is not seen as an effective way to get things done.

We prefer to rely on the relationships we forged with most other registrars to kind of deal with things behind the scenes. And we see the TDRP as a time-consuming process and one that too often, from - in our view registry operators will either punt on the decision or are very, very hesitant to make a formal decision.

That extra time just creates a bit of frustration, so invariably we continue to do the behind the scenes things, even through a TDRP process, in the hopes that we will get the solution that our registrant customers are looking for. You know, what exactly the answers are, I'm not sure. I guess that's, you know, would be for the group to investigate further.

But at least from our perspective, it's seen as a process that we don't often turn to, because we don't see it as a very effective tool. We prefer out of necessity, if nothing else, to deal direct with other registrar colleagues. And if the gaining registrars is not responsive in some way, we might even turn to ICANN, you know, compliance department or registrar liaison to try and work it out.

Basically you do everything short of the TDRP. Again that's just our last resort in typical experiences here.

James Bladel: Thank you Paul. And Kevin I see you're in the queue, but I - before I go to you, I just wanted to echo that I got a lot of similar feedback from our folks internally that the TDRP was too slow and too expensive.

And going back to (Tim)'s point about the harm, we certainly wanted to restore the resolution of that name as quickly as possible at every hour or ever day that it was left in a challenged or even in some cases a fraudulent case the harm continues. So I think that registrars I think view the TDR, as Paul said, as a mechanism of last resort. So we'll go to Kevin and then Mikey.

Kevin Erdman: This is Kevin Erdman. I just wanted to chime in from the perspective of representing our clients who have transfer disputes. I've never used the TDRP or, you know, trying to compel a registrar - a registry to do that.

What we've always done is we've gone to ICANN, worked with their general council who has the ability to apparently get the various registries in compliance, and that's how we've always resolved transfer disputes where there was either an error on the transfer or some sort of fraud involved. And known - we've never had to go to the TDRP, and we've done - resolved several problems like that.

James Bladel: And so Kevin if I could ask you a question. You said that you'd go to ICANN to - when you encounter those issues. Do you not go to the gaining registrar or - at that time, or have you just found that that's - going to ICANN is your most expeditious route, or...

Kevin Erdman: Yes. I mean we - the typical scenario is that the domain name of a client goes to some registrar that is outside of the United States and doesn't necessarily have English as their first language. And we found it tends to contact those registrars to be fairly unavailing, where the general counsel's office at ICANN

is pretty responsive. So that's sort of how we (unintelligible) gone that route as the (unintelligible) first resolved.

James Bladel: Okay thank you. So that's a new scenario that I don't think was captured in these first few items. Mikey?

Mike O'Connor: Yes thanks James. This is Mikey. It - as this conversation's unfolding, sort of my process engineer instincts jump forward. And it does sound like the TDRP is in need of some help, the first stage of which would be to figure out what's going on now. And some of the experiences that have just been related on this call would probably be good input for that analysis.

So maybe one of our recommendations has something to do with that. Maybe one of our recommendations is to dive deeper into TDRP and figure it out. But - and I guess that gets to a charter question for us. Are - is the expectation that we're going to figure out the new process, or simply recommend that a new process be developed by somebody? Do you have a sense for that?

James Bladel: That's a good question Mikey. The - I could let Marika take a stab at that, but go ahead Marika.

Marika Konings: This is Marika. I actually don't have a specific answer to that question, but I want to point out that there are a number of other TDRP related issues in one of the upcoming PDP - PDPD, as a number of other questions that also relate to the TDRP.

But to Mikey's point, I guess there's several options. I mean there's - could, you know, take it on them to provide some further guidance and - as to how such a process could look, and could recommend to create a separate (drafting) team to look at how that should work. Or I guess we could just say as well we want a new process. These are the new criteria and request

ICANN staff to come up with an implementation plan. I presume those are the different options that could be (exposed).

James Bladel: So one possibility might be to commission a drafting team to take over all the TDRP related topics, but would that remove them then from future IRTP groups as a topic, or how would that look?

Marika Konings: The other ones are confined in a PDP. I mean (it's all we need to the) - I mean readopt (there are) initiated by the council again. So, you know, one option would be as well to defer further work on that until the group looks at those other questions.

Or you might want to have a look at those other questions say, "Well those are actually really different from what we're trying to achieve here, so yes we would recommend that, you know, a separate initiative just goes ahead with specifically looking at that. And maybe at the time when we get to that - the PDPD, you know, we might be able - they might have done their work on that specific process and we might be able to give them the other element that we've discussed in that context."

Because just to give you an idea, some of the other questions that are being asked are whether it should be reported requirements for registries and district providers in order to make precedent and trend information available, whether there should be additional provisions included in the TDRP on how to handle disputes when multiple transfers have occurred -- I'm not really sure what that means in multiple terms (unintelligible) -- whether district options for registrants should be developed and implemented as part of the policy, and whether requirements or best practices should be put in place for registrars to make information on transfer dispute resolution options available to registrants. So there's other questions that are listed on there -- the PDPD (as its title).

James Bladel: Okay thank you. Kevin was your hand up again, or is that from before?

Kevin Erdman: I'm sorry. Yes, I haven't taken it down.

James Bladel: Okay. So we'll jump to Mikey quickly and then would like to start to close off discussion on this topic. So Mikey?

Mike O'Connor: Thanks James. This is Mikey. I mostly want to highlight or piggyback on what (Tim) was saying earlier -- that, you know, this looks like an interesting problem to solve, and I think the sooner we could put a collaborative group of people together to solve it, the better.

                  And so I'm less enchanted with the idea of waiting until - or IRTP-B is done, since by that time I may be dead or at least - and so maybe we could, you know, I'm - I think you're right James we should probably move on, but maybe we should table this for now but thing about a recommend to formulate some urgent response to the urgent response problem and see if we can put something together that could get out of the box a little more quickly.

James Bladel: I think that's a noble idea, Mikey. I mean we have the problem in front of us. We have a little used and mostly ineffective process, and we have the - at least by the broadest reading of the charter we have an opportunity to resolve it. So I think that if one thing came out of IRTP-B, it would be that, you know, we could either through modification of the existing TDRP or through creation of some sort of an adjunct process we could empower registrars to resolve this issue. So Marika?

Marika Konings: Yes this is Marika. Because of course there's nothing preventing the working group either once you start, you know, digging into the TDRP for this specific question. If you see there's, you know, ways to incorporate some of the other questions to go back to the council and say, "Look we've actually seen an opportunity here to take one of the other questions off the list because we can cover it here. We're already working on it and we see that, you know, it

wouldn't require much more effort to actually address that question in the same working effort."

You know, I would be surprised if there would be a lot of resistance from the council to do so. So that might be something else to take into account.

James Bladel: Yes I wouldn't want to presume how the council would receive that, but I'd like to think that they would be receptive to the idea of lightening the light of future IRTP working groups and resolving something a little more urgently, especially when there's, you know, especially when there's clear indications that there's confusion and harm occurring out in the community. We've got just a few minutes yet. Mikey is your hand up new, or is that from before?

Mike O'Connor: No, it's old. Sorry.

James Bladel: Okay. So we have just a few minute left. And while it probably only seems like we got stuck on the first item on this list, in fact if you scroll down through the numerous comments that were submitted for Issue A, I think in fact we touched on a lot of the questions or comments that were raised by the various stakeholder groups in that section.

I think that we've got a couple of possibilities here for recommendations. And whether we move on them now or whether we just capture for Michele's return, I think either way is fine. I certainly wouldn't want to charge off in any particular direction without him being involved in that decision.

So I think if we can establish that we've discussed a lot of issues here, that these issues are not just sequestered to this particular group or this particular Issue A or this particular IRTP Phase B but that they actually stretch out throughout the entire series of IRTP working groups, I think that Mikey and (Tim)'s approach probably deserves consideration either on the list or on the next call.

(Tim):   Could you - this is (Tim).

James Bladel: Yes (Tim)? Go ahead.

(Tim):   Can I just make a comment?

James Bladel: The queue's empty. It's all yours.

(Tim):   Yes, you know, just thinking about the kind of previous conversation, and I
                think I just want to make sure in case there's any - and maybe we could
                clarify with the council as a whole, but I think just to be clear that the charter
                might be a little ambiguous.

                I don't think it was intended to indicate that, you know, the question that's
                being asked would just have yes or no answers -- that it was - I believe it was
                fully expected by council that they might also result in actual policy
                recommendations so that that option is there to a working group.

                So I didn't know if there was some confusion about that. And I kind of
                dropped off the call unfortunately for a few minutes and got back on, but I just
                want to make sure that that was clear. And if there's any need to get clarity
                from that from the council, I'd be happy to take that back.

James Bladel: Okay thanks (Tim). I think we were all kind of leaning that way, but nobody
                really wanted to take that last leap to that conclusion. And - but if you can get
                a clarification of that, that would be great.

(Tim):   Yes certainly.

James Bladel: And then I think as a follow on to that is not just how they would feel about
                actually putting forth policy recommendations, but what about when we've
                identified that something that we're addressing in IRTP-B is also
                encompassed in the charter for IRTP-D? Can we, you know, can we steal

from future PDPs? Is that okay if we feel that it's relevant and germane to what we're working on?

(Tim):   Okay I'll take that as well.

James Bladel: So winding down here just a little bit, there is a initial draft of the - I'm sorry, first draft of the initial report that's been posted to the wiki, and I think that Michele would be very happy and pleased with us if I - his return next Tuesday that we could have at least gone through that and submitted some comments to the list. It's pretty ambitious, but maybe we can surprise him. So that would be one takeaway from this week's call.

And if possible if you could submit using the track changes function of Word or whatever your word processor is, and then submitting or posting that to attachment back up to the list, I think that we can go over some of those things once we get through the constituency and stakeholder group statements. Marika?

Marika Konings: Yes this is Marika. I mean if maybe people can just have a quick look at the table of contents of - on Page 2 of the draft initial report and, you know, just very briefly, you know, follow the layout of some of the other reports on our initial report that (circulated) recently.

I think, you know, probably the main focus from the group would be on Chapter 5 and 7, which is empty for now. I mean the rest covers more, you know, more procedural stuff, some, you know, copy and paste from the issues report and things like that, but the main, you know, the bulk of the - or the meat is really in Chapter 5.

As you'll see there, I've tried to do my best to capture the notes that were taken from the different meeting, but I would really like to encourage everyone to review those closely to make sure that I haven't missed anything or mischaracterized anything.

For each of the issues of title - so to, you know, put down some ideas that were raised in the discussions a possible, you know, ideas for recommendations that will need to be further fleshed out and discussed. So again another area for people to look at and think about what could be potential recommendations coming out of this report.

And then also some areas - I think for example a charter Question E, we haven't really spent a lot of time yet digging into that one, especially for example looking back at the work that has been done and the denials - IRTP denials working group.

I've identified that as one of the areas that we might need to spend a bit more time discussing on the call. And maybe, you know, someone like Mikey or all that have been involved in that group could actually, you know, provide a little overview of what actually was discussed in that group and why it was passed on to another group and what some of the elements are that need to be considered in the context of that discussion.

So that - this gives you very briefly an idea of what's in there - and yes again would like to encourage everyone to review it. And you know, you track changes or send, you know, edits or suggestions on the mailing list and I can then incorporate them in - I mean, you know, update it - draft of (it).

James Bladel: Okay. Thank you Marika. So if pressed for time, that's - the real focus should be on Section 3, 5, and 7?

Marika Konings: Correct.

((Crosstalk))

Marika Konings: The - for Section 7 I mean the question is there do we want to put anything in there? I mean in previous - for example in the previous IRTP working group

we left that one blank and basically said, "We first want to see what we get from the comment period before we draw any conclusions," and, you know, we don't put anything in there.

So the question is, do we take a similar approach in this working group and just leave that empty for now and just complete that, you know, following the product comment period on the initial report.

James Bladel: Okay. Okay thank you. Well I think if there are no other items that we need to cover today, begin to wind down this particular meeting and report back to Michele that we were able to be mostly productive and make good use of our time slot in his absence. Does anyone have anything else before we adjourn?

(Chris): Yes (Chris) here. Yes just wanted to...

James Bladel: Okay.

(Chris): ...thank Marika for that report. I haven't gone through it in great detail, but it, you know, it looks like we've moved a huge step forward with that. And it's - I think it's taken a lot of work off our own personal shoulders. Thank you.

James Bladel: Yes, I think that's an excellent point, (Chris), especially given the visibility that we have into all the things that Marika's trying to get wrapped up for Nairobi. I think it's an amazing effort, so thank you Marika.

Marika Konings: You're welcome.

James Bladel: Okay.

Mike O'Connor: Marika actually doesn't sleep. A genetic thing that many of you probably don't know.

James Bladel: I'm beginning to suspect that she's an android. The amount of work that she's able to do in the amount of time is - it starts to make me question whether if she is truly human or some kind of a - some machine. So thank you Marika. I think it's good work and hopefully we will have some constructive additions for that next week when Michele returns.

So thanks everyone for, you know, putting up with me for a week there. I'm glad to see that the hour was not wasted and that we did make some progress on these constituency statements, and now we have a report to chew on for the next week. And if there's no other items I think we'll adjourn for now and see you next week with Michele's triumphant return from Zurich.

Man: Thanks.

Mike O'Connor: Thanks James.

Man: Thanks James.

Man: Thanks James.

Man: Cheerio.

Man: Cheerio. Bye (now).

END