Locking of the Domain Name Subject to UDRP Proceedings Drafting Team Meeting
TRANSCRIPTION
Thursday 17 May 2012 at 1400 UTC

Note: The following is the output of transcribing from an audio recording of Locking of the Domain Name Subject to UDRP Proceedings Drafting Team Meeting on Thursday 17 May 2012 at 1400 UTC. Although the transcription is largely accurate, in some cases it is incomplete or inaccurate due to inaudible passages or transcription errors. It is posted as an aid to understanding the proceedings at the meeting, but should not be treated as an authoritative record.
The audio is also available at:
http://audio.icann.org/gnso/gnso-locking-domain-name-20120517-en.mp3

On page: http://gnso.icann.org/calendar/#may

Attendees
Laurie Anderson, RrSG
Randy Ferguson, IPC
Faisal Shah, individual
Brian Beckham, WIPO
Sheri Falco, RySG
Alan Greenberg, ALAC (Vice-Chair acting as Chair)
Gabriela Szlak, CBUC
Lisa Garono, IPC
Michele Neylon, RrSG (Chair)
Matt Schneller - IPC
Jonathan D. Tenenbaum, RrSG
Volker Greimann, RrSG

Apologies:
Victoria McEvedy, NCSG
Hago Dafalla, NCSG
Barbara Knight, RySG
David Maher, RySG
Andrii Paziuk, NCSG
Luc Seufer, RrSG

Staff Support:
Margie Milam
Glen de Saint Géry

Coordinator: Thank you. The recording has started. Please go ahead.

Glen de Saint Géry: Thank you. Shall I do the roll call for you, Michele?

Michele Neylon: Oh please do. You do a much better job than I do.

Glen de Saint Géry: Thank you. Good morning, good afternoon, good evening everyone. This is the Locking of a Domain Name Subject to UDRP Proceedings on the 17th of May. And on this call we have Alan Greenberg, Michele Neylon, Sheri Falco, Matt Schneller, Randy Ferguson, Brian Beckham, Gabriele Szlak, Faisal Shah, Jonathan Tenenbaum. And for staff we have Margie Milam and Glen de Saint Géry. We have apologies from Luc Seufer, Juan Manual Rojas, David Maher and Victoria McEvedy.

May I just ask you to remember to say your name before you speak for transcription purposes.

Lisa Garono has just joined the call. Thank you very much, Michele, over to you.

Michele Neylon: Thank you, Glen. As always you're - it's a joy to be on calls with you. Don't we all love the ICANN staff? They're great. I love the European ICANN staff. Yay. They work really long hours; you have to appreciate that. They're on calls at all times of the day and the night. And no we're not sucking up to them; this is just something I think they're underappreciated at times.

Yeah, just as a point of order before we go any further we had renamed this working group to a slightly shorter name so - which was less of a mouthful and less likely to hurt my tongue or that of anybody

else. So UDRP Domain Name Lock. Was that the short version we decided on, Alan?

Alan Greenberg: I thought we decided on something even shorter but that's what Marika has there so she's probably right.

Michele Neylon: I thought it was just UDRP Lock wasn't it? Or Domain Lock or something.

Alan Greenberg: Could be...

((Crosstalk))

Alan Greenberg: ...but I'd have to go back and look at...

((Crosstalk))

Michele Neylon: Well okay we can - okay let's - and rather than getting our - spending - wasting 10 minutes arguing about this what I would say is that just for the sake of brevity and our own sanity if you want to refer to it as something like the UDRP Lock Group or the Locking Group or anything along those lines that's kind of clear that's perfectly okay. And I wouldn't expect anybody to refer to it by that incredibly long and only barely pronounceable title so that's all.

Alan Greenberg: And then we need to come up with an acronym for it; preferably obscene.

Michele Neylon: Oh of course. Of course.

((Crosstalk))

Michele Neylon: I think we need at least three acronyms. I think we had it previously in other working groups, Alan, that if you did not produce at least three new acronyms within a working group you had failed. Although that was never incorporated into the working group guidelines. The ULWG. Now see the problem, Margie, with that is that my alma mater was University of Limerick which is UL and it's the only two letter dot IE domain name so that would cause all sorts of headaches for me as well. I'd start thinking about University...

((Crosstalk))

Michele Neylon: But thanks a good try. Anyway moving swiftly on. On the SOI - on the SOIs - SOI front has anybody got any changes? Oh good morning, Mr. Tenenbaum and Ms. Anderson. Has anybody got any changes to their SOIs? Going once. Going twice. No? Okay fine. Moving on.

Now as you know, of course, I wasn't on the call last week and I believe Alan did a wonderful job of - what's the polite term, Alan? Looking after you? Looking after you or cat-herding or something.

((Crosstalk))

Michele Neylon: Beg your pardon? Facilitating. You can tell there's a lot of lawyers on this call. You're coming up with much better terms much faster. I'm impressed. I'm impressed. Though my poor head will probably explode.

There was a lot of emails backwards and forwards on the mailing list afterwards which is great. And the - there's some emails that I think are up on the screen here from Luc and there was also quite a few emails from John Berryhill. John Berryhill hasn't dialed in today has he, ladies?

Glen de Saint Géry: Not yet.

Michele Neylon: Okay. So have you all had a look over the emails between Luc and John and other people? I wish Luc was on the call because he could possibly explain things further but he's done a very good job. I came back from wherever I was and felt like I was getting a crash course in UDRP; it was great.

Any questions or any issues raised by any of those emails that anybody wishes to discuss? Well that was from John, not from Luc; God damn it, I can't work out emails. Sorry.

Alan Greenberg: It's Alan. I'm not going to really discuss substance but some of the content really is off topic for us. And...

((Crosstalk))

Michele Neylon: Okay such as?

Alan Greenberg: ...so I think we want to make sure not to go down paths as we're using this kind of thing. I mean, issues like what's on my screen right now of the UDRP treats respondents different from whatever the other name is is of interest and relevant but not to us.

Michele Neylon: Okay, good point. Thank you, Alan. Anybody else want to raise any other points in relation to this? Okay. Just always bear in mind I think, you know, it's a pity John isn't on the call because it actually was from John, not from Luc, and it just shows how tired I must be if I'm misreading emails.

You know, that John goes into quite some detail over a course of several emails about a lot of stuff to do with explaining how the UDRP works and how it doesn't work and everything else. But as Alan says we have to be careful that we don't get out of scope. If John joins the call maybe we can come back to that.

Now the other thing is - moving onto the next item on our agenda here - the outreach - the outreach questions to both registrars and UDRP providers. I'm waiting for that to load, sorry. Where is that? Latest version. I can't see the latest version. Does somebody have a copy of this latest version? Because the link I'm getting out there takes me to a next meeting and not to the - oh okay, fine, sorry.

Okay has anybody got any issues with the questions that have been - that are there on this draft document? Any feedback? Any queries? Any thoughts?

Brian Beckham: Yeah, Michele, this is Brian. I apologize, I'm at the train station; the train is just pulling up so there might be some background noise but I think...

((Crosstalk))

Michele Neylon: That's okay.

Brian Beckham: ...maybe I'll hold on just one minute to speak.

Michele Neylon: Okay, Sheri, go ahead.

Sheri Falco: Hi. Yeah, I thought the questions were actually great and thorough and really tried to get at some of the same information from different angles depending on who was answering; I think that's a really wise idea.

The one question - and it might be actually off-topic so I welcome that feedback as well. But I was curious I noticed at the very end of the questionnaire there was lots of interesting questions around percentages of times certain things occur.

And I was just curious if we wanted to add to this questionnaire something regarding if something is in a UDRP and then gets somehow transferred not to that complainant's party but to somebody else - say somebody actually was a cyber squatter and the original party brought the UDRP.

But during that process even though there were locks in place somehow that registrant had sold that name to some unsuspecting third party. And I'm just curious if that's relevant to the UDRP process lock of it's completely irrelevant and I'm happy not to include it.

But I think that that could be a risk to sort of the bona fide third-party purchaser that they've bought something because they didn't understand the locking system or whatever the case might be. And I'm wondering if that's something we want to add to this inquiry or completely not. That's my question.

Michele Neylon: Okay thank you. Anybody else have any comments on that? I'm going to put myself in the queue as well. Alan, go ahead.

Brian Beckham: I'm sorry, yeah, hi. This is Brian again.

Michele Neylon: Oh sorry, go ahead, Brian. Sorry, we'll let Brian go but he's in a weird position.

Alan Greenberg: Sure.

Brian Beckham: Sorry, I'm on the train now; I apologize if there's some background noise. But I think that probably a preliminary question we had was what was the intended outcome from these questions? That there was just an information gathering exercise that's perfectly all right. I think probably it was just to - a question as to what we were hoping to get out of this.

And the reason I ask that is because - and I understand these questions were just sort of spit out maybe as a conversation-starter but looking at these from the provider perspective quite frankly a lot of these questions involve information that would either be questions better directed at a registrar or a complainant or would be something that for which there were simply no statistics.

Obviously we could provide some anecdotal feedback in terms of our sort of best guess as to what the answers to the questions might be. But I guess that's a long-winded way of saying if we understand what's the intended outcome from these questions that might help us to shape

the questions a bit better in terms of getting at the intended output that we're looking for.

Michele Neylon: Okay, anybody want to speak to that? I presume he's still listening to our answers.

Brian Beckham: Yeah, sorry, I'm still here. I just will put the phone on mute if I'm not talking so I don't provide a lot of background noise. And I'm happy to go through those questions one by one if that's useful as well or if we want to just maybe think a little bit about what we're looking or hoping to get out of these questions maybe, like I say, that'll help us shape these questions a bit more before they are actually sent out to the various stakeholder groups or the registrars or the providers.

Michele Neylon: Okay. Then the one comment I was going to add, which is why I put myself in the queue is that I thought that a couple of the questions were kind of moot because if a domain is locked then, you know, it's locked so that you can't transfer it. So, you know, it's not even a question of it being rejected it just can't be transferred. But can come back to these. We might go back to these in a minute. Alan, go ahead, please.

Alan Greenberg: A couple of comments. First of all I think we need to be careful in this group of defining what transfer means. Transfer in the normal sense of ICANN is transfer between registrars. And if we're talking about transferring to a different registrant it's not really a transfer so I think we need to be careful that we're - we know what we're talking about.

The reason I raised my hand is in general I've found that these kind of questionnaires we have to go through an iteration where we at least

get a couple of people to answer them perhaps people within this group. And that will - the answers will then tell us to some extent which questions are confusingly worded, which questions are not likely to yield any real results. So I think we want to go through an iteration of - to the extent we can people within this group answering - going through the process of answering the questions and then the group looking at the answers.

Michele Neylon: Thanks, Alan. That's a very good point. I mean, we've seen this in other working groups where, you know, we work over questions and then as soon as we send them out we realize that we've worded them awkwardly or we've made a strange choice of words which we weren't aware of and this has gone down...

Alan Greenberg: Or we've predicted the outcome.

Michele Neylon: Yeah, I mean, there's the other thing. And the thing about the transfers in another working group I'm involved with we're dealing with transfers in the kind of the much broader issue of, you know, the change of registrant, change of control, change of holder, change of insert your favorite term here. Yeah, no that's - it's a very, very valid point.

So let's - maybe let's have - yeah, that's a good to have - I mean, Gabriele is saying that, you know, it's a good idea to have some workers test the questions. I think that's a very, very valid point.

Now as a registrar I couldn't possibly answer the questions for the UDRP service providers but as a registrar I can always try to answer the ones addressed to registrars.

(Unintelligible) okay. Okay so moving - let's actually look at some of the questions here and see if we can see if there's any of the wording - so Laurie has also volunteered; thank you, Laurie - to answer them. So okay the first bits at the top with the creation of an outlined proposed procedure which the complainant must follow in order for registrar (unintelligible) okay - for the creation of an outline of the steps of the process.

(Unintelligible) creation of an outline that steps (unintelligible) expect to take place during UDRP dispute would be desirable. Okay. Whether the timeframe by which a registrant must lock a domain after a UDRP has been filed should be standardized.

Brian Beckham: I'm sorry, this is Brian again. I am not on the Adobe so I can't raise my hand so I hope it's okay if I just jump in?

Michele Neylon: No, that's okay. Go ahead. Yeah, go ahead.

Brian Beckham: Just I guess if we're going to look through the charter questions first - the first question there about whether the creation of an outline (unintelligible) procedure, etcetera. I guess probably it's been our understanding as a provider that the lock wouldn't normally be triggered until a provider would notify the complaint and that would be under rules 4a and 4c.

And then that also interplays a little bit with Question 4a what constitutes a locked domain name should be defined. And there's an interplay between Paragraph 2e of the rules and Paragraph 3, 7 and 8 of the UDRP. So maybe it's just worth thinking about those questions

sort of in tandem in terms of what the lock means and at what point that's triggered and under what circumstances.

Michele Neylon: Okay. Thank you. I mean, one thing I was going to suggest is to try and make - to try and look at this in terms of very, very simple English where possible because even though I've been involved in this particular working group since it was a drafting team I'm still reading parts of this and my eyes are glazing over. And it would be nice that people actually understood what we were asking. Quickly.

Okay I'm going to pick on - okay the first few ones there around the definition and everything else, okay fine. Looking at the registrar questions the first one, do you lock domain names during UDRP proceedings? As a registrar personally my main problem there is what is a lock? I mean, we have to answer that one first I think.

So maybe that should be the first question, I don't know. What do other registrars think about that question? Jonathan, I'll pick on you. Alan, go ahead.

Alan Greenberg: Well I'm not a registrar but I thought that the intent of this question is to get - to try to get through a survey of what people think is a lock right now. Because we - it quite conceivably if you look at Questions 1 and 2 you can get a yes answer to 1 and quite different answers to 2. And I thought that's part of the information collection we're doing. Maybe I misunderstood the intent.

So I don't think - if we define it ahead of time we may not find out what people are currently doing right now.

Michele Neylon: Well that's fair enough; that's fair enough. I mean, part of my role, Alan, is to make stupid comments so that you can help me - make me sound more intelligent.

Alan Greenberg: And vice versa.

Michele Neylon: Exactly. No that's fine. That's good logic there. But I will still continue to pick on Jonathan. Jonathan. He's very quiet. Are you there? Okay he's not - Jonathan is not answering.

Laurie has put on the chat should we define the ideal lock? So, Laurie, do you mean that as a replacement for the concept of just simply defining a lock? Is that what you mean or is this something else? Laurie.

Brian Beckham: This is Brian again. I don't know if what Laurie is after maybe would be like I mentioned earlier. There's an interplay between different of the rules and the paragraphs and the procedures. So for example we have one paragraph which requires the registrars to maintain the status quo; in another paragraph you're - there's a provision whereby registrants would be permitted to make updates to the contact information.

So if that's the intent behind Laurie's question then I think that probably would be worth exploring a little bit more in terms of what's intended by the lock that we're after.

Michele Neylon: Okay. Thank you.

Alan Greenberg: Laurie says she can't talk. I presume she's tried star - is it star 7 on this one to unlock - to unmute?

Michele Neylon: I'm assuming there's nothing wrong with her line. Glen? Oh okay; she thinks it's her phone. Okay, right. And Jonathan has ignored me studiously. Volker, are you able to speak?

Sheri Falco: I think I can speak. It's Sheri.

Michele Neylon: Oh you can speak. Go ahead.

Sheri Falco: I think it works. No, no - oh I'm just wondering if you were testing the line.

Michele Neylon: Oh, no, no, no, no I was - the problem we're having is that Laurie Anderson is typing stuff into the chat, Brian and a couple other people are only dialed in so they can't see it unless I read it. So Laurie is saying, okay, she can't talk.

Volker is talking about updates breaking them up as, A, contact data update, B, transfer. I'm not too sure what he means by transfer; whether he means transfer of holder or what; C, delete, that's question mark. Laurie thinks it's her phone.

Matt is asking - oh it's a registrant transfer. Thanks for the clarification, Volker. Matt is saying to Questions 8-11 get these - get at these definitional issues. And then Laurie is talking about - I'm thinking prevention of cancellation transfer expiration change of registrant.

So, Laurie, is that what you're ideal lock would be - prevention - it would be one that would prevent cancellation transfer, expiration or change of registrant?

Laurie Anderson: Michele, can you hear me now?

Michele Neylon: Yes.

Alan Greenberg: Yes.

Laurie Anderson: Oh good, okay great. Yes, that's what I'm thinking.

Michele Neylon: Okay. No thank you because I thought there for a moment that I was talking to myself which I generally only do when I'm not in the office. So transfer of owner would be owner change according to Volker. Okay. And I'll be evil and ask you which ICANN policy covers an owner change, Volker? I'm not expecting an answer to that one. There isn't one.

Alan Greenberg: It's Alan. I have a partial answer to that one.

Michele Neylon: Okay.

Alan Greenberg: As I understand it there is nothing that ICANN can do to stop a change - from a registrant essentially selling the asset to someone else unless it's in the registrar/registrant agreement that they can't. All we can do is say you can't change Whois.

Michele Neylon: Yeah. It's Michele. I mean, you're probably right. Matt, go ahead.

Matt Schneller: Yeah, I was basically going to say the same thing that Alan just said. But I was also going to add that one of the reasons why I had sort of set up the questions to just ask about current practice - and maybe we

have a second round here depending on the information that we get back.

You know, after we sort of answer these questions internally, see how they need to be tweaked and changed to work better. Once we have the background information on what is currently happening maybe it makes sense to go back with some additional questions about sort of what the ideal might be once we have sort of a working knowledge of what everyone's doing. If what everyone's doing ends up being essentially the same maybe that ends up being our ideal full stop.

Michele Neylon: Okay. Thank you.

Alan Greenberg: Michele, it's Alan.

Michele Neylon: Go ahead.

Alan Greenberg: Is - I think what we want out of this is in questions to registrars we want to ask them what they're doing. And in questions to the providers or to intellectual property people who are bringing the UDRPs up ask them what they would like to see.

I guess we could also ask registrars, you know, if you - if you could do something else what would you do? But, you know, registrars are sort of the guy in the middle at this point and it's not clear that they have a particular desire to do one thing or another other than to meet the contractual agreements.

But from the registrant who's starting a UDRP or from the providers they're the ones that we want to ask, you know, if you were king what

would you do or what would you require. So I think the slant is different depending on which questions we're talking about and who they're addressed to.

((Crosstalk))

Michele Neylon: ...got a point.

Matt Schneller: Extra thought. This is Matt. One benefit that we may get from asking the UDRP service providers what they're currently seeing happening in the real world rather than how they would like it to work is that we may get a slightly different response set from - I don't know, my guess is that the registrars who are going to respond are probably going to be either registrars who are acting in a pretty responsible routine manner whereas the UDRP service providers may see a little bit more of a broader scope of registrar behavior than the folks who are likely to respond to a stakeholder group inquiry request.

Alan Greenberg: That's a good point. Alan speaking.

Michele Neylon: Okay. Just a - Volker has suggested rewording the first question to registrars. And Volker has suggested do you lock? And if so, how?

Alan Greenberg: And when I presume.

Michele Neylon: Well he didn't say that so I'm not going to assume anything.

Alan Greenberg: Right.

Michele Neylon: And Volker is usually pretty precise so. So and then with - that's interesting. Laurie is saying as well that regard to a change of registrant 8a allows this as long as the new holder agrees to be bound by the decision of the provider. Volker agrees. And deletion is also possible according to the rules provided the complainant can take over slash restore at the same conditions as those of the respondent. That's from Volker as well.

Okay. So does any - what about - so what do people think of okay here is the full text that Volker is suggesting for question one to registrars, full text number one.

Do you lock domain names during UDRP proceedings and if so how as opposed to so are you - so what I think Volker is talking about then is we remove question two. Question two question one become a single entity. You merge them. Thoughts, feedback?

Laurie likes the idea. Matt?

Alan Greenberg: It's Alan speaking. Does the question how is that going to come up with a really definitive answer?

Since the registrar is the one who has custody of all the information they might block something by simply refusing to accept updates.

And it - I'm not sure. You know, that's not going to - get that's not equivalent to an EPP defined thing which is well defined.

Michele Neylon: No but it does give the same impact though doesn't it?

Alan Greenberg: It might.

Michele Neylon: No it does.

Alan Greenberg: Okay how - I'm not sure it's going to get - give enough specificity...

Michele Neylon: Oh I see what you're saying okay.

((Crosstalk))

Alan Greenberg: ...what is being locked if they're doing it purely within their own systems.

Michele Neylon: Okay Volker wants to speak. Volker go ahead.

Volker Greimann: Okay maybe we could expand that even more. How do you define lock and then we leave two in. That would even work as well.

So you ask him if you lock and what the - do they define as a lock in supplemental tech answer. And then you can ask too what kinds of mechanisms you have to implement that which you defined as locked.

Michele Neylon: Okay. Alan?

Brian Beckham: No sorry this is Brian again. My hand isn't up. No I'm I think we're getting closer to what we want the comments in the chat seem to be homing in on on recognizing that if we just use simple words we may not get the answer we need.

Michele Neylon: Okay. So maybe what we need to do then is just what I would suggest I'm trying to - we're trying to synthesize this.

We ask a simple question and have an - and then have an explanation afterwards. So a simple question as worded by Volker, do you lock domain names during UDRP proceedings and if so how?

And then, you know, please provide details of, you know, which - which EPP locks and/or other mechanisms you use et cetera, et cetera. Would that be - would that work maybe?

Brian Beckham: I think we're getting closer. We have to make sure and I'd like - I guess I'd like to hear from staff that we're asking questions which can be reasonably summarized and processed.

Michele Neylon: Margie?

Margie Milam: Yes I think - this is Margie I think that would work. And I don't see any problems in summarizing with those questions.

Michele Neylon: Okay. So I mean for me as a registrar Margie and Alan, you know, I don't - if I can't understand the question I'm being asked very, very quickly and easily if it's not a simple question I'm - I probably don't want to answer it because if I misunderstood the question I'm going to have problems.

It's the simpler the language the better. And the other thing as well is that, you know, short surveys which - a limited number of questions will probably get more replies.

If it gives then people a very, very long survey then nobody is going to answer the damn thing.

I think four vendors have sent me questionnaires this week. I've clicked on the link, gone to it. I'm being told that it would take me 45 minutes to answer the questionnaire as none of the vendors have the common sense to offer me a big shiny object for answering the questionnaire.

And by shiny object I'm talking something that I might actually want or an Amazon voucher or something. I close the window and didn't bother, so yes.

Okay then Volker suggests that we lie about the length of the questionnaire. Yes Volker as ever comes up with very practical solutions.

Thank you Volker. Remind me never to register a domain name through you. Oh damn, I already did. Never mind. I'm only joking.

Laurie's suggestion would be that the question should be yes and knows or is it we should expect a yes or - and a no? I'm not too sure what she means.

Laurie could you explain what you mean by the yes or no? I'm sorry I'm having difficulty following this?

Laurie Anderson: Yes sorry. I was just thinking if we say, you know, do you - if we ask the question do you want the domain and then say do you prevent and then list the different types of locks or what you're actually preventing with your lock.

Oh okay. Okay so you give a list of all the possible things and it's yes no, yes no, yes no.

Laurie Anderson: Right. And then that way then we get the answers that we want.

Michele Neylon: Oh okay perfect. Thank you. Thank you for clarifying and apologies for being thick.

Sorry I have no excuse because that was 3:00 in the afternoon so I have no excuse whatsoever.

Matt please go ahead.

Matt Schneller: I was going to suggest maybe I just reorder this a little bit to group these questions a little bit. Questions Number 3 through 7 are essentially timing questions.

Questions 8 through 11 are essentially definitional issues how is, you know, what is a lock to you and then 12 and 13 are sort of conclusion resolution things.

If it would be helpful to throw in some subtitles and just sort of group these so people can visually track what's going on in what section of the questionnaire maybe that'll help it flow a little bit better.

Michele Neylon: All right Michele I agree, make it easy for people. You're less - you're more likely to guess replies.

Just actually one stupid question that sprung to mind, while there are very large number of registrars how many UDRP service providers are there?

I mean I thought there was only like three or four? Am I missing something? Does WIPO or is the other loss, the national forum and there's the check loss. Who else is there?

NAF and WIPO. Who's ADNDRC? Is that the check course or is that something else? Oh (Asia) okay and this (unintelligible) is also the checklist.

So we're literally looking at - so you're basically looking at four or five UDRP service providers. So it wouldn't be unreasonable to expect 100% reply from them whereas you're not going to get anything close to that in terms of the other side. No this is something just that crossed my mind.

Okay the bulk of based on the chat I'm seeing here just for the record for those who are dialed in the Volker and Laurie and Jonathan were confirming which providers were involved.

And Volker is saying that most of them are coming - most of the complaints they get are via WIPO or NAF. The others don't really contribute.

Speaking personally I think we've only ever had WIPO and NAF. That's why I wasn't even sure who the other providers were.

Anything else on that? Do we all agree with the concept of adding little hedgings for the various sections? I'll take silence to mean yes.

I presume we would not be sending the questions aimed at UDRP service providers to the registrars, that we'd have two different questionnaires? Was that the idea? Yes Margie, go ahead.

Margie Milam: I'm sorry just wanted to back up. Where did we end up on number one? Can you clarify where we are in Number 1 and Number 2? I just want to make sure I've got the instructions correct.

Michele Neylon: Okay sorry. My understanding and then we - and Alan or somebody can contradict me is that we would try to use a kind of simplified language that was proposed by Volker with the kind of the list concept from Laurie I think.

Margie Milam: Okay that's what I thought.

Michele Neylon: Laurie...

Margie Milam: A (lid) is the list. Is it everything that was in the chat that Laurie sent out or is it something else?

Michele Neylon: I think everything that's in the chat. If there's any additions that we need I think you'd need to add something about account change.

What else is there that you need to add? Laurie would you - is there any other types of lock that you would like to add in there?

Laurie Anderson: I think that probably - I mean and I'm not sure how other registrars do it. But an account change, if you can't make any changes to the domain name the account change shouldn't happen.

If it does happen as long as the registrant doesn't change it shouldn't matter because it's the registrant that's the responsible party.

Michele Neylon: Okay.

Laurie Anderson: But the ones that I listed are the ones that we prevent. If there's something that is allowed under the UDRP then, you know, if there - like the fee change of registered name holder and, you know, somebody wants to change that then they would have to agree to be bound by the - in writing to be bound by the decision of the provider.

Michele Neylon: Okay. And (Gabriella) also made the suggestion they can add another option. So if there's some other kind of lock that we haven't thought of or meant to put it in there, you never know. There might be something else.

Is that - Alan go ahead?

Alan Greenberg: Yes regarding that last comment isn't the requirement to accept UDRP decisions part of L registration agreements? So anyone taking over a registration implicitly agrees to that?

Michele Neylon: Good question. Laurie?

Alan Greenberg: I'm assuming it's one of the things that registrars have to put in the agreement.

Laurie Anderson: Yes. If there is a - if there's private sale, you know, between two registered name holders it depends on whether or not the registrar when the customer can - if the customer doesn't change his account whether the registrar requires them to agree to the registration agreement. I would think that they would.

Alan Greenberg: I would assume that part of any registration agreement is that if you transfer the - it's not ownership but if you transfer the rights to this domain name that the new person has to abide by them. I would assume that's a boilerplate in any agreement.

Michele Neylon: Alan?

Alan Greenberg: If not we have a real big problem.

Michele Neylon: Alan there you are being - assuming things. Jonathan go ahead.

Jonathan Tenenbaum: Yes this is Jonathan here. And yes just to kind of echo those same comments by Alan I mean, it, you know, that it should be the part of any registrar's agreement with their - the registrants that any transfer or sale of the rights and right, it was a good distinction between rights and ownership but there as well.

But yes, any transfer of the rights should require the new registrant to have to assume, you know, the responsibility of adhering to the terms of service terms and conditions.

And that should be part of - it's on the registrars to make sure that that's part of their Ts and Cs. But, you know, that should be part of the process.

As I make my - a note to make sure that ours cover that but yes that's where that should be covered.

Alan Greenberg: It's Alan speaking. If that isn't the case today that registrars are required by the RAA to put that in a registrar's registration agreement that would be a barn door that I think someone would have noticed was open a long time ago.

Jonathan Tenenbaum: Yes, no agreed. I'm almost, you know, positive without saying that I'm positive that the yes the ICANN the accreditation agreement would put the responsibility on the registrars to - for adherence to, you know, any UDRP decision and that kind of thing.

So and then that - and then again like I said, that pushes the responsibility to the registrars to make sure that their terms cover the, you know, their registrants so that they're adhering to those terms which, you know, so it's somewhat of a pass-through so that they would have to be responsible to adhere to any UDRP decision.

Michele Neylon: Okay. Alan?

Alan Greenberg: No I'm nothing more to add to that point.

Michele Neylon: Okay perfect. All right just keeping an eye on the time here. We got about just over ten minutes to go.

Right, the other questions there for the registrars, do you lock a domain name upon receipt of a UDRP complaint from the complaint i.e., where the complainant copies a registrar on an email server the complaint on the registrant and UDRP discrete service provider?

I think that's pretty clear as a question personally. Does anybody have any issues with that question?

No, moving on. Question Number 4 what is the if so - okay so Question Number 4 it refers to Question Number 3.

Okay right sorry, I'm just reading that you know what. So it's a follow-up from Question Number 3.

Okay Question Number 5, does your Web site list an email address that UDRP complainants should use to send you a copy of UDRP complaints? That's very straightforward.

Number 6, do you lock a domain name upon receipt of notice of commencement from the UDRP discrete service provider? Again that looks pretty straightforward.

And again a follow-up if so what is the medium amount of time it takes you to impose the domain name lock from receipt of email notice from the UDRP dispute provider?

Actually one thing I would add there is I would remove the reference to email. I would make it just receipt of notice as opposed to email notice.

Go ahead Alan.

Alan Greenberg: Yes I agree with that. But six, shouldn't six be asking do you lock it after receipt of notice of from the UDRP provider if not already locked?

Because otherwise people who have locked it already will say no to that and that will be somewhat misleading.

Michele Neylon: That's a good - that's a very valid point. Thank you Alan. Yes that makes sense.

Alan Greenberg: It of course is possible to use two different kinds of locks at two different times but I'm not sure we can ask that level of depth.

Michele Neylon: I'm not sure we want to.

Alan Greenberg: Well...

Michele Neylon: I'm not sure we can even answer it even if we did ask it.

Alan Greenberg: Really this whole set of questions is trying to get at tell us your current practice regarding UDRP and locking?

Michele Neylon: Yes.

Alan Greenberg: But if we last get in such an unstructured way we will not easily be able to analyze the results.

Michele Neylon: We have to ask it in a structured fashion. We have to ask it in a fashion that we actually get the right answers - sorry, not the right answers. That sounds wrong.

We're not - you have to get the answers that oh bugger, how do I word this? You get the answers that are correct and describe - that describe the situation accurately, getting my words mixed up.

Margie and then Jonathan.

Margie Milam: Yes I just wanted to have Alan clarify what change you wanted at the end of Question 4? I didn't get it?

Alan Greenberg: No it's Question 5 is what I was talking about. Do you lock the domain name upon receipt of notice of commitments from the UDRP dispute service provider if not already locked?

Margie Milam: Oh okay got it.

Alan Greenberg: I'm not sure where that phrase should go but somewhere in that sentence.

Margie Milam: Thank you.

Michele Neylon: Jonathan?

Jonathan Tenenbaum: Yes and this is Jonathan. Yes I mean the way that I looked at the questions was sort of like the first grouping was to really pin down the timing of the lock of the registrars.

And then the second grouping was to, you know, really get into sort of more of the detail as to the actual, the type of lock and what the restrictions on those - the lock - what those restrictions would be

basically put on the domains pursuant to the locks that are put on there.

You know, at least that's - so, you know, I think that was - at least how I was looking at the way we were structuring the questions at least for the first and sort of second grouping and, you know, just trying to make sure that in that first section then when we were really trying to pin down the timing like do you lock up on complaint?

Do you lock upon notice of the commencement of the action versus the complaint of - from the complainant -- that kind of thing.

And then as we got into the second grouping of questions it was, you know, what restrictions are placed on the domain pursuant to those - the lock that's put on?

So I think it was we were just trying to talk about what we were really looking to get at. I mean that's at least how I was viewing what we were doing with these first two groups of questions.

Michele Neylon: Okay thank you. Alan?

Alan Greenberg: Yes it strikes me that maybe we should be asking the questions just the way you just said that of when if ever do you lock a domain name during UDRP process?

And, you know, what impact does that lock have or how do you perform the lock and what impact does it have? Do we need to ask a whole bunch of questions if really that's all we're trying to get at?

Jonathan Tenenbaum: I guess my thing with that -- and this is Jonathan again and the, you know, my issue there is that what you - and to some of what Michele was talking about earlier where, you know, people want to fill this out quickly and just answer yes or no questions.

I think if we are, you know, putting a more open ended question that requires, you know, a little bit more effort on the part of the registrars to actually layout what their process is and then what the lock does I think that the two issues there are one it may impact the response the - and the responses that we get.

And then number two if we have to go through and then kind of parse through the responses to summarize them in a way and there are some sort of distinctions and nuances in a lot of them I think there could be a lot more work on the back end to kind of synthesize and put together all the answers. At least that was how I viewed it.

Alan Greenberg: Yes well and I just asked the question I guess I was imagining a multiple choice answer of, you know, you lock it when you get the notice from the complaint, you lock it on notice of commencement from the UDRP provider, or any other option. And then you could have another and that...

Jonathan Tenenbaum: Yes.

Alan Greenberg: ...you could fill in.

Jonathan Tenenbaum: That's not a bad idea.

Alan Greenberg: And the same with locks - with the locks their there may be some obvious ones and then they could fill it in.

So I'm not - is that - I mean I hadn't thought of that before but if that's what we're really getting at maybe we should ask it as clearly as that.

I'm not sure what we would be missing if we do it that way instead of what we're looking at right now in this series of questions.

Michele Neylon: Okay Matt?

Alan Greenberg: I'll go back to sleep now.

Michele Neylon: Alan don't do that.

Matt Schneller: So I guess the one benefit we get from asking a series of questions rather than having it a little bit more open ended although but your last suggestion ended up sounding a little bit like a series of questions or at least a series of options which I think would get to the exact same thing.

If we have it too open ended we may will get a response that something like we lock it as soon as the UDRP starts. And that could mean either upon notice in the complainant or upon notice of commencement.

And we don't - we won't have enough information to determine which the respondent meant.

But as long as we have it broken up in, you know, whether we have it as options or a series of questions, you know, if we can send this out with some radio boxes for people to pick and vote I don't care what the mechanics are. I think that's fine just as long as we give a really clear set of options as to what they are.

Michele Neylon: Okay thanks. Anything else on this? Jonathan agrees.

I just found an interesting statistic completely unrelated to locks but all about UDRPs which was something like what is it that only one - only four - of 9000 out of a total of 220 million domain names are subject to UDRP -- a tiny, tiny number.

Anyway Margie go ahead?

Margie Milam: I put in the notes the changes. I didn't catch a change in Number 7 but Matt in his chat indicated there was a change in Number 7. Can you guys repeat that?

Michele Neylon: Yes I think I suggested removing email, no email from the sentence so it says received of notice.

Margie Milam: Okay thank you.

Michele Neylon: Because I'm - unless I'm mistaken some of the providers can send notice in more than - using more than one means. So I could be completely wrong.

Brian Beckham: Michele this is Brian just to jump in for a moment. I don't know where the certificates come from but and I'm not sure what it's directed

towards frankly. But I can tell you that at WIPO we've had more than 9000 cases at WIPO alone.

So I would question if that statistic is accurate. Maybe it's meant to cover a certain time period but overall I...

Michele Neylon: Oh, no, no it - sorry. It's the - I think it's just - I was looking at an article about 2000 I think it was 2011 was the period.

And I think the statistic was from NAF only. I'll have to actually read the entire thing again carefully.

Brian Beckham: Because obviously that doesn't cover the span of the over ten years the UDRP...

Michele Neylon: No, no, no, no, no...

Brian Beckham: ...across all providers nor does it cover defensive registrations or registrations acquired on the open market.

Michele Neylon: Margie go ahead.

Margie Milam: Oh that was a mistake. I'm lowering my hand.

Michele Neylon: Oh okay. Right, it's three minutes till the top of the hour. I don't think we have time really to get into more of any of these other questions.

It would not be a bad idea for people to have a look at - look over these, the questions and see if there's anything that they would that they see as problematic and if that needs any clarification.

Try to look at it in terms of if you were the person answering this, you know, is the question clear to you? Can it be made clearer?

Are we going to get back accurate answers based on the questions submitted? So we hope to just finish this off next week.

And then the next meeting is next week. So oh on the notes over in the right Margie just to admit yes Question 4 deleting email to Question 6 was adding if not already locked and again Question 7 was the same reference to email just to confirm that.

Any other questions or issues that need to be raised at this time?

No okay then enjoy the rest of your week. Thanks.

Man: Thanks Michele.

Michele Neylon: Thanks everybody.

Man: Thanks Michele.

Man: Thank you.

Woman: Bye-bye.

Woman: Thank you. Bye-bye.

END