

**Locking of the Domain Name Subject to UDRP Proceedings Drafting Team
Meeting**

TRANSCRIPTION

Thursday 24 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 24 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-20120524-en.mp3>

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

Attendees

Laurie Anderson, RrSG
Randy Ferguson, IPC
Faisal Shah, individual
Sheri Falco, RySG
Alan Greenberg, ALAC (Vice-Chair acting as Chair)
Gabriela Szlak, CBUC
Lisa Garono, IPC
Volker Greimann, RrSG
Hago Dafalla, NCSG
David Maher, RySG
Juan Manuel Rojas - At-Large
David Roache-Turner, WIPO

Apologies:

Victoria McEvedy, NCSG
Jonathan D. Tenenbaum, RrSG
Michele Neylon, RrSG (Chair)
Matt Schneller - IPC
Andrii Paziuk, NCSG
Gabriela Szlak, CBUC
Celia Lerman Friedman, CBUC (standing apology until July 2012)

Staff Support:
Marika Konings
Margie Milam
Gisella Gruber

Coordinator: This call is now being recorded. Please go ahead.

Gisella Gruber-White: Thank you, (Sam). Good morning, good afternoon, good evening to everyone on today's Locking of the Domain Name call on Thursday the 24th of May.

We have (Juan Manuel Rojas), Randy Ferguson, Faisal Shah, Lisa Garono, Alan Greenberg, Volker Greimann, Laurie Anderson, Sheri Falco, (Jasik Maher). From staff we have Marika Konings, Margie Milam, and myself, Gisella Gruber.

We have apologies noted from Matt Schneller, (Gabrielle Schlek), Victoria McEvedy, Jonathan Tennebaum, (Makalaya Nalon), and (Andrete Persuke).

If I could also please just remind everyone to state their names when speaking for transcript purposes.

(Unintelligible) of the attendants. And over to you, Alan. Thank you.

Alan Greenberg: Thank you very much. Are there any suggested changes to the agenda? Hearing nothing. We will continue as is.

The first item on the agenda is review and finalize the surveys, which I suspect is going to take a fair part of the meeting. Partly because I haven't had a chance to do my homework not realizing I was chairing today, and partly because she's more familiar with it.

Marika, can you take us through the items and identify the things which you think may still be controversial or need careful review?

Marika Konings: Yes, this is Marika. So maybe just to - before diving into what's on the screen, I've noticed as well that a few people have sent comments to the list yesterday, (David) and (Brian) from (WIPO), as well as (Luke). And they made comments on the original draft that was in the template. They didn't take in account yet the changes that were discussed at the last meeting and that were incorporated as well in the survey that I inserted in Zoomerang.

So the question would be how do we, you know, accommodate those changes while looking at this survey, which is basically the one that's online. And the idea would be to, you know, to send this out so it makes it easier for people to respond to.

So I don't know if people are comfortable with just going through the survey as it is onscreen, taking notes, and then looking back at the other comments that were made to see if those are in line or to ask those people that made the comments, you know, if they're happy with how the online survey looks or do people prefer to first look at the comments that were submitted on the old version of the outreach questions. What is the preference?

Alan Greenberg: Well from my point it sounds - speaking from my point of view, I think it's reasonable since there are relatively few comments to sort of proceed in parallel, ask them to what extent the comments still apply based on the current version. And if any of us notice anything, then we could certainly jump in ourselves.

But to have everyone compare the comments to the survey doesn't seem to be a practical use of our time.

Marika Konings: Okay.

Alan Greenberg: So I would ask the people who submitted them to what extent they still apply and work from there.

Marika Konings: Okay. I don't think anyone is on the call yet either from (WIPO) or (Luke) I think is somebody, you know, we can communicate to them then after the call and hopefully (unintelligible) for changes I can, you know, make those and send an updated version.

So looking at the one on the screen now that's the questions for the registrars, because the idea would be to send out, you know, two different links to the irrelevant parties with the perspective questions there.

So the first page is very basic. It's just an introduction explaining, you know, what the working group is about and why it's asking for input. Also providing a link to the working group's workspace so people can have a look if they want for the background information on what has been done to date. And just a question asking for a name and affiliation of the person responding.

One question here would be, you know, should this be a mandatory question or should people have the option to complete this survey anonymously?

Alan Greenberg: Well how do people feel on the anonymous issue? No one cares? (Unintelligible).

(David): I think it's a good idea.

Alan Greenberg: You think anonymity is a good idea, (David)?

(David): Yes, that's correct.

Alan Greenberg: Okay. Sheri?

Sheri Falco: I agree with (David). I think anonymity is a - you get better results probably from more anonymous surveys.

Alan Greenberg: Okay.

Marika Konings: This is Marika. So then I can clarify just then that it's, you know, between brackets that it's optional for people to fill that in, so it's pretty clear that they don't have to if they don't want to.

Alan Greenberg: Yes.

Marika Konings: And then it moves into the...

Alan Greenberg: Marika, if we're going to ask for a name and affiliation we should ask for an email contact also. Again optional. But if we're going to know who it is, we should be able to get back to them if they're not someone who's part of the normal crowd.

Marika Konings: Okay. And I'll make clear on it as well with people, you know, fill in their email address that we're not going to, you know, publish that information online.

Alan Greenberg: Yes.

Marika Konings: So then it moves into the questions and what you'll see. For each of the questions I've tried to, you know, take either yes or no or range questions. Because I understood from the last call that, you know, people really would like to make this as easy as possible for people to complete.

So in some of these questions, you know, I've just made a wild guess on what might be reasonable ranges. So really asking for your input to, you know, give an indication of whether the answers make sense or whether there are any other options that need to be added.

So on the first question it's asking, "Do you lock domain names during your UDRP proceedings?" I think that's a basic yes/no question.

I don't know if people want to add here the option as well, like other, please specify. If you think there's another option that people might want to explain here.

I'm not seeing any hands. I'm assuming that it's - Laurie, go ahead.

Laurie Anderson: It seems like it might be an option - or a good idea to give them the option of adding additional information.

Marika Konings: I think there's (indeed) I can add a (unintelligible) there. Additional information.

So the next question is then asking, "If you answered yes to the previous question, please describe what kind of lock you used to restrict changes on a domain name subject to a UDRP dispute.

One option is EPP lock. And then the second is the other mechanism. And if people select the other mechanism, then the question is if people can please provide further details.

And thinking about this, presumably if people answer no to the first question, the survey basically ends there for them I guess. Is that a correct assumption?

Alan Greenberg: Not obvious to me before I look at the rest of the questions, but maybe.

Marika Konings: Right. So maybe something to, you know, we need to look back at. And if indeed, if the no answer means that they won't respond to any of the other questions because they're all related to when you lock or how you lock that we might need to say, "If you answer no, thank you, you're done and you can go to the next page."

So are there any - on the Question 4, are there any other locks that we should specify here? Okay (unintelligible).

Alan Greenberg: Is there only a single EPP lock or are there multiple locks which might be used in this case? Anybody?

Marika Konings: I think that would be a registrar question, so I don't know if (unintelligible).

Alan Greenberg: Well or registry. Either side should be - but we may not have the technical people on the call today.

We should verify that EPP lock is a definitive answer as opposed to something which may require clarification. I can't think of anything else other - since we have - if EPP lock is definitive, then we have other. I can't think of what other options there might be.

Marika Konings: Well I guess if you're on EPP lock you can have a registrar lock that's not an EEP lock, as I understand.

Alan Greenberg: But that's other, isn't it?

Marika Konings: Right, right, exactly. So you were saying that EPP was the only choice?

Alan Greenberg: No, no. If we have EPP, assuming it is definite there's only one type. And then other should - covers everything.

Marika Konings: Right. So on Question 5, that basically follows what you discussed on last week's call. So once again, if you answered yes to the previous question, "Please describe what kind of changes are prevented by the lock or mechanisms you apply."

Reading this question I realize that (unintelligible) if you indeed lock because it's (unintelligible) all the mechanism that relates to Question 3. So I should clarify that.

Are there any other options we should add here?

Woman: Go lay down. Go lay down. In the corner, go. Lay down.

Alan Greenberg: I hope that's a dog and not a child.

Marika Konings: I'm not seeing any hands. I'm assuming that this is okay.

Alan Greenberg: I think so. Go ahead, Marika.

Marika Konings: So any case there's as well the other options so people can add if there's anything else. And this is an option where people can respond to multiple options. And I think - I got an email from - I think from (Matt) who said that maybe we should clarify that in the question to make sure people understand that they can take multiple options.

Alan Greenberg: Marika, do I understand that circles mean you have to pick one of them and squares mean you can pick multiple?

Marika Konings: Yes, yes.

Alan Greenberg: Okay.

Marika Konings: That's right. So on Question 6, "Do you lock a domain name up on receipt of a UDRP complaint from the complainant, i.e. where the complainant copies a registrar on an email serving the complaint on the registrant and the UDRP dispute service provider. Yes/no/other, please specify."

Alan Greenberg: Okay.

Marika Konings: Question 7, "If you answered yes to the previous question, what is the median amount of time it takes for you to impose domain name lock from receive to notice from the complainant?"

And on here I suggest that some timeframes and, you know, we'd really like some input from the working group there if these are, you know, reasonable and probably the most likely different ranges that we can expect responses to. So it's, you know, from less than 12 hours, between 12 and 24 hours, between 24 hours and 2 working days, between 2 and 5 working days and more than 5 working days. And then again, the option as well to say, "Other, please specify."

Alan Greenberg: It's Alan. My preference would be to use the word typical instead of median. Median presumes they've actually done an analysis. I don't care a lot, but I think it's more likely to result in an honest answer.

Sheri?

Sheri Falco: I was just going to say I think that timeframes allotted are appropriate. So it gives lots of range and it's probably within the range.

Alan Greenberg: All right. Anyone else care on the median/typical? Then Marika, do what you want.

Marika Konings: (Unintelligible).

Volker Greimann: Maybe just one comment on the timeframes -- Volker Greimann here -- is that we are switching from definite hours to working days. Shouldn't that be hours on working days? I'm not sure because at this point I wouldn't be able to answer exactly because we'll definitely be in the more than 24 hours, even though it may be - if it comes in on the weekend, but it's still maybe two hours on working days. So we should maybe write business hours.

Alan Greenberg: Well I suspect that are people who work - non-working who work seven days a week. And we (unintelligible).

Volker Greimann: There might be.

Alan Greenberg: If you really want this an accurate answer, you probably want to have them answer and then specify, are you specifying working hours, days or...

Volker Greimann: Yes.

Alan Greenberg: ...calendar hours, days. I'm not sure we need that level of specificity though.

Laurie Anderson: It's Laurie. Do we want to say business days instead of working days?

Volker Greimann: Makes sense.

Alan Greenberg: Yes.

Marika Konings: Okay, so the only change here is to change working days to business days? We don't make any specification on that it - people should respond?

Alan Greenberg: I think the implication was we should put the same clarification on the first two. That is the hours are on business days.

Volker Greimann: Yes.

Marika Konings: Okay. I'll just add on business days.

Alan Greenberg: Now do we care if someone actually works seven days a week and responds within calendar days? I mean, they're actually saying our business is seven-day-a-week, therefore we're responding in two days or one day or whatever.

I think this will give us a measure of how quickly people tend to respond regardless of whether they work five days a week or seven days a week. That's my level of comfort with it anyway. I don't know if anyone cares - feels that we need something with a higher level of detail.

Seeing no hands. I don't know who's changing the requests to microphones. But if you're doing that you should take down the microphone also because normally the person can't do it themselves.

Go ahead, Marika.

Marika Konings: So Question 8, "Does your Web site list an email address that UDRP complainants use to send you a copy of UDRP complaints? Yes/no/other, please specify."

Question 9, "Do you lock a domain name up on receipt of notice of commencement from the UDRP dispute service provider? First one is not applicable as domain name has already been locked up on receipt of a UDRP complaint from the complainant. Yes/no/other, please specify."

Laurie Anderson: It's Laurie. And I wondered if - sorry, go ahead.

Marika Konings: No, I think you made a comment that it shouldn't be commencement but verification, right?

Laurie Anderson: Yes. Because that's - when we receive a verification request that's one of the questions on it is, is the domain going to remain locked.

Marika Konings: Okay, so I've noted that change.

Question 10 then says, "If you answered yes to the previous question what is the median amount..." I guess we say again as well, "In the typical amount of time it takes you to impose domain name lock from receipt of notice from the

UDRP dispute service provider. Less than 12 hours. Between 12 and 24 hours. Between 24 hours and 2 working days. Between 2 and 5 working days. More than 5 working days. And other, please specify." We're already assuming that we make the same changes here to clarify that on business days instead of working days.

Man: Yes, and are all of them (unintelligible).

Alan Greenberg: Okay. No hands, go ahead.

Marika Konings: Next question then is, "When a domain name is locked pursuant to a UDRP, does the lock prevent transfer to another registrar? Yes/no/other, please specify."

Alan Greenberg: Didn't we already ask that?

Marika Konings: Right. I think a question I put as well in the email, or at least I was intending to because I think under Question 5 we basically already asked, you know, what kind of lock has applied.

So the question would be rather, you know, the questions, I think it's 12, 13, 14 - yes, I think it's 12, 13, 14 whether these are still necessary as I think Question 5 already asks the respondent to specify what the lock does and doesn't do.

Alan Greenberg: Yes, I think the issue is we need a question similar to 5 following 9. It's not clear that whatever lock they may do at that point, I mean, at that point they're only going to answer five if they said they'd do a lock. Now we've asked them about a lock at a different time and I think we need to ask the same question.

Conceivably they could lock it - that's interesting. Is it possible that they may lock it one way immediately and then do some additional sort of lock on commencement, Sheri?

Sheri Falco: Hi. Yes, I only know from our (RES) sort of dispute policy, so it may or may not be relevant here. But we definitely ask for different locks at different times. So there's an initiation lock and then a final lock and transfer and certain pieces can change along the way. That may or may not be applicable to how registrars deal with UDRP as well. I'm not sure about that. But my input is that I am familiar with different locks at different phases of the process.

Alan Greenberg: Okay, so should we be asking after Question number 9 what locks do you apply at this point or what locks exist at that point? Because conceivably they could be adding a lock, you know, adding something to the previous set.

Marika Konings: This is Marika. Would it be easier to make it a question like, you know, "If you answered yes to the previous question, is the lock different from the one that, you know, you described in Question 5?" And if yes, "Please specify the difference." Would that...

Alan Greenberg: Question 5 they would only have answered -- I'm going to back -- if they had answered yes to the lock question.

Marika Konings: Right. So if they didn't answer...

Alan Greenberg: They won't even have answered Question 5 if they had said no.

Marika Konings: Right. But then they're asked to specify what lock is applied.

Alan Greenberg: That's the question I was asking. Do we want to ask which lock is applied after 10? Or do we want to ask which things are locked? Because it could be a cumulative issue or could - is what I'm saying make any sense to anyone?

If they do a lock at both times and they're different, I think we're interested in what is locked at that point, not necessarily what have they locked. Just a minor change in the wording.

Question 5 currently says, "What kind of changes are prevented by the lock mechanism that you apply?" And I think the question after 10 is, "What kind of changes are prevented by the locks that are now in force?" Or something like that in effect.

Marika Konings: Okay. I'm just writing that down.

Okay, so then we have a new Question 10 that will be inserted. And on the existing Question 10 we already agreed to the changes.

So do we replace then Questions 11, 12 and 13 with that, you know, question on what changes are now prevented by the lock that you have applied? You know, if you answered yes to - what is that, Question 9?

Alan Greenberg: Don't we also need - the answer, yes, I think is we've replaced that set of questions by the one. But don't we also need a question saying equivalent to Question 4, "What mechanism did you use?"

And I think we should be essentially replicating the initial one of what you do when you receive the notice with what happens on commencement.

Marika Konings: Okay. Do you also want to provide an answer then to people saying well nothing changes? I guess we should include nothing changes from, you know, the initial lock that was applied.

Alan Greenberg: This is for Question number 9.

Marika Konings: It would be the new Question 10. New Question 10 if you're asking for like, you know, what mechanism do you apply to say yes. I guess the answer might be well it's exactly the same as the lock described under Question 4 and 5.

Alan Greenberg: Wouldn't that mean that they had answered not applicable - as domain already locked? Isn't that the same thing?

Marika Konings: But I think they - because the Question 2 basically asks do you lock during UDRP proceedings, but that one is not specific in the time. So I guess people might - their answer as well, you know, the same what they would answer when we start asking about specific points at time at which the domain can be locked. Or am I misunderstanding that first question?

Alan Greenberg: Okay, I'm confused at this point so...

Marika Konings: I understood the first question as being a question saying in general, do you lock names during UDRP proceedings and we ask people to describe. And then we actually go into the detail of asking well, at which point do you lock? Do you then lock at, you know, when you receive the notice? Do you receive it when you receive the verification request? That's how I (had) that question.

Alan Greenberg: Okay. I think you're asking...

Marika Konings: Maybe...

Alan Greenberg: I think you were asking do we need an option saying there's no change because it was already locked, and I have no problem with that.

Marika Konings: Okay. So other than...

Alan Greenberg: No one else seems...

Marika Konings: I think it might be easier as well by people seeing it in writing if it all makes sense.

Alan Greenberg: Yes, I think so.

Marika Konings: And I think as you discussed on the last call, you know, maybe it helps if some of the registrar participants can actually go through the survey and answer it and then provide feedback as indeed whether, you know, do all these questions make sense or if there are any further clarification of if there are any duplication in there that we should address.

Alan Greenberg: Yes, okay, (unintelligible).

Marika Konings: Then we said to get rid of Questions 11, 12 and 13, I think. Is that right?

Alan Greenberg: Yes.

Marika Konings: Fourteen probably as well because we have that covered on the list of changes.

Alan Greenberg: Well we don't really have it with that caveat of a proxy or privacy, but I'm not...

Marika Konings: Right.

Alan Greenberg: ...quite sure what it means. Does the lock prevent...

Marika Konings: I'm wondering if this should be a separate option that's included in the Question 5, which now will be replicated on which changes are prevented by the lock. Or do people feel that it's already covered what is described there in one of the options that is currently listed under Question 5?

Laurie Anderson: It's Laurie. I think it's important that we keep the part in about removing privacy, you know, as part of the verification process.

Marika Konings: So should this question then be integrated into Question 5 as one of the options people can take as something that's prevented or is allowed?

Laurie Anderson: Let me (look). Hang on a second. It almost seems like - to me it seems like it should be its own question.

Marika Konings: Okay. And I said, you know, once you go through the whole questionnaire if you still feel that, you know, it belongs somewhere else or it's not on the right spot, that's all easy to move around.

Question 15, "If the UDRP is decided in favor of the complainant after expiration of the 15-day wait period after a decision, do you move the domain name into an account accessible only to the complainant? Yes/no/other, please specify."

Alan Greenberg: Okay.

Marika Konings: Question 16, "If the UDRP is decided in favor of the complainant after expiration of the 15-day wait period after a decision, when is the lockdown removed? Within one day after the expiration of the wait period. Within one and two days after the expiration of the wait period. Between three and five days after the expiration of the wait period. More than five days after the expiration of the wait period. Or other, please specify."

I'm assuming that we should add here as well the business day (unintelligible).

Alan Greenberg: And a typically in the question. In this case we're not specifying median or typically, we're just asking for a definitive answer always. And I think, again, we want to rely on average, typical, something like that.

Marika Konings: And just to make sure as well, like from I think a registrar (unintelligible) on this call, are these reasonable timeframes that you think provide a good range of answers? Or will everyone respond...

Laurie Anderson: Yes, absolutely.

Marika Konings: Okay, good. And Question 17, "If the UDRP is decided in favor of the registrar do you unlock the domain name once the 15-day wait period has expired? Yes/no/other, please specify."

Question 18, "If you answered yes to the previous question, how quickly do you unlock the domain median time period..." I guess you'll want to add probably as well then the typical time period.

So within Monday after expiration of the wait period, between one and two days after the expiration of the wait period, between three and five days, and then more than five days are all that (unintelligible) specify.

Alan Greenberg: Can I go back to the previous - under what conditions can someone say no? Is there any basis for asking them - do you blatantly refuse to give the domain name back to the registrant who just won the dispute? Anyone?

Laurie Anderson: It's Laurie. I suppose if the 15 day period has expired and they don't - it and it hasn't been unlocked and then received it - a new court complaint, you know, a new - a dispute against the domain (unintelligible) there wouldn't but...

Alan Greenberg: That's a real edge case.

Laurie Anderson: The other thing I was wondering is - I know we're saying 15 day wait period but because the UDRP says ten business days I wonder if we should change that to ten business days.

Marika Konings: And this is Marika. Is this one (unintelligible) because I remember the email from John Berryhill. Is this one of the cases because where two different timeframes and two different documents?

I remember he - I think, spoke somewhere about that in one place it's N time business days while in another page it talks about the 15 day wait period? Or is that related to something else?

Laurie Anderson: I don't think I've ever seen the 15 day wait period listed anywhere. I was just thinking, well, that's 15 days - you know, ten business days is working regular days, calendar days. But I'm just going by - you know, what the UDRP itself says and it refers the ten business days.

Marika Konings: Okay, I can make that change and if anyone else has any...

Laurie Anderson: I mean if somebody disagrees then, you know, absolutely let me know because - I'm just going by probably most registrars have, you know - are relying on the UDRP itself.

Marika Konings: Right, I'll mark the changes in red line so people can see what has changed and, you know, comment accordingly if they feel it's not accurate or something wasn't it.

Laurie Anderson: Okay, great.

Marika Konings: Alan is already - back on the call. He was disconnected. I think we just left off on Question 18, I guess we would make the same changes as we discussed before making it, you know, typical and adding the business period.

And then we should probably as well - we changed the wait period, we should just, you know, change it as well to the ten business days or - yes, as the language is in the UDRP.

And then the Question 19 is basically the last question of - you know, the questions that we've developed as a group. This open-ended question where we're just asking those responding if there are any other issues or information the working group should take into account as part of the deliberations.

People here will have opportunity to just provide any kind of information they think is helpful.

And then...

Man: Marika?

Marika Konings: Yes.

Man: (Unintelligible), okay, I have a question. You are talking about languages. I don't know - I don't see - please correct me if I'm wrong if in any question there are something related to - what kind of language they receive a UDRP petition, yes?

I don't know if it does mostly peer maybe (unintelligible) of these (unintelligible), yes? It's just a comment, yes.

Alan Greenberg: Yes, it's Alan. What question are we on?

Marika Konings: We actually went to the survey. We're at the end of the Question 19 and I think it - because I explained that basically this is the end of the survey questions that we developed and the next page basically looks at the chart or questions.

Alan Greenberg: Okay, thank you.

Marika Konings: And to the additional question, there is no indeed there on language but I'm not really sure how that links into the question of locking or not locking and

the details on that. But I might be missing something so I don't know if that's a relative question, what information we're looking for.

Man: Okay.

Man: One question to Question 17 of the questionnaire, should we maybe add another option of not implementing the waiting period in case of a decision in favor of the registrant? Because if I read the UDRP correctly the ten day - ten business day waiting period only applies in the case of a decision of cancels or transferred not in the case of a decision in favor of the registrant.

Sheri Falco: So just repeat - what should - so what should that option then read? Not implementing the wait period because?

Man: I mean the question currently is if - do you elect the domain name once a domain name - 15 day wait period has expired, yes, no, others please specify. Should we maybe add another option? Reimplement immediately.

Alan Greenberg: But I - it's Alan speaking. I think what you're saying is the UDRP procedure does not call for a wait period.

Man: Correct.

Alan Greenberg: So why are we introducing the concept? Why don't we stop the sentence after the domain name?

Man: That would be another option.

Marika Konings: So then it would say if the UDRP is decided in favor of a registrant when do you unlock the domain name? And then you have the option saying, you know, immediately, after the 15 day wait period, or others please specify.

Alan Greenberg: But there isn't a 15 day wait period.

Man: Correct.

Marika Konings: No, it's only a ten day wait period. Alan, there's a ten-day wait period that's optional, is that correct?

Man: I understand the UDRP as there only being a wait period in case the decision goes in favor of the complainant, not in favor of the registrant. If the decision goes in favor of the registrant the UDRP at least as published by ICANN does not include the ten business day wait period.

Man: Or 15 you were saying.

Man: Yes.

Laurie Anderson: This is Laurie. The only time there's a wait period involved is after the decision against the registrant.

Marika Konings: Okay, so if I understand it correctly we should basically just remove in Question 17 completely the wait period and just ask when do you unlock? And I guess then the options might be - what are then the typical ranges that you would suggest? Like, within one day, after receiving the decision, or like as above?

Alan Greenberg: Well, it's Alan. I don't think we need Question 17 at all. You may want to include an option in Question 18 of we don't unlock it but I don't think we need it as a separate question because, you know...

Man: Yes, but we should remove - in that case we should remove the reference to the wait period because...

Alan Greenberg: In 18.

Man: In 18 because there is no such period for decision in favor of the registrant.

Alan Greenberg: It's after notification of decision or something like that.

Man: Correct.

Alan Greenberg: So cover the edge case of we refuse to do it or we have some ulterior motive for not giving it back to the registrant, perhaps we want to include that as an option in - you know, or maybe that's the other in the current 18.

Marika Konings: Right, so I'll move it - (unintelligible). So we should make the change in 17 just removing the 15 day wait period or we only need Question 18?

Alan Greenberg: I don't think we need 17.

Marika Konings: Okay, so how do we rephrase 18 then because now it refers to the previous question.

Alan Greenberg: Instead of expiration of the wait period it's after receipt of notice of decision in favor of registrant.

Man: And the question would be rephrased, if the UDRP is decided in favor of the registrant how quickly do you unlock the domain name.

Alan Greenberg: Correct.

Marika Konings: Okay.

Alan Greenberg: And a reference to business days again.

Woman: Yes.

Laurie Anderson: This is Laurie. Just for clarification, I just was looking at it and 8A and B reference 15 business days but that is - that has to do with transfers to a new domain name - or transfers to a new registrant or changing registrars during a dispute.

Woman: Do we need any further changes based on that, Laurie?

Laurie Anderson: No, it was just a clarification because we were talking about the 15 days but the ten business days only applies to decisions against the registrant.

Woman: Okay, okay.

Marika Konings: So then there's Question 19 where, you know, in case we've left anything off people have the opportunity to, you know, add other information or, you know, provide links to additional information we might want to look at.

And then basically it goes to a separate page, the next page, and that's basically just asking for input on the charter questions, just making clear that this is optionally but I think as, you know, part of the (unintelligible) the working group might also want to give, you know, the parties we're reaching out to the opportunity to just provide their feedback on the charter question and take that as part of, you know, reviewing the comments received.

And I think that's the end of the registrar survey.

Man: Do you want input on the charter questions or - it's too late to change the questions?

Marika Konings: Right.

Man: Is - are they offering us any advice on what we should do? Is that...

Marika Konings: Exactly, links partly together with the - you know, the outreach that working groups are required to do as well, the stakeholder groups, and constituencies where we typically - you know, working groups typically (unintelligible), well, these are the charter questions we've been given. You know, any information you want to share with us or any opinions you have, you know, please let us know.

Alan Greenberg: Yes, I think we want to ask for essentially guidance on what we should do, not - because as it reads right now it almost sounds like we're saying, were the charter questions correct and how do you critique them.

Marika Konings: Right, okay.

Alan Greenberg: And it's a bit late for that.

Marika Konings: Yes, and I saw that I think in the comments that (Brian) and (Dave) provided. I think there were some suggestions to any of the charter questions to clarify those but as you said, I think, you know, we're unfortunately probably beyond that point and, you know, these other charter questions were - we've been given and have to respond to. But in course, in answer those you might provide clarification.

Alan Greenberg: We can choose to create an interpretation of what the question really meant because - although I don't know if it's applicable in these, there are times when the charter questions were not phrased in the optimal way but that's not something we're asking people outside this group.

Marika Konings: Right, so I'll clarify on Page 3 then that we're looking for input on these questions and - to help inform our discussions.

So with that, what I'll do is produce a red line in Word of the charter - of the changes we discussed and, you know, send that back to the working group. So all (unintelligible) today can just review if it reflects what we discussed and

as well, you know, those that weren't on the call can provide additional input or changes to those.

Des that work for everyone?

Alan Greenberg: Yes, I was just curious, what does over quota mean?

Marika Konings: Where is that?

Alan Greenberg: Right at the end, you're saying standard options for over quota. What does that mean? Too many people are responding.

Marika Konings: Right, yes, I think in certain surveys you can limit the amount of responses you want to receive so I guess - I can set here, I only want ten people to respond and that's enough.

Man: No more than 4,000.

Alan Greenberg: Right, I think that will be wishful thinking. So, okay, let's pull up the other survey. While Marika's doing that let's look at the - we're not likely to finish this next survey and go on - and have time for anything else. Are there any other items on the agenda that we need to address before we leave? Should we either do it now or allow time for it if there's something?

Marika Konings: And this is Marika, I think just one question on 5, I've already got feedback from several of you that you're attending but there quite a few people that didn't respond either. Maybe just a show of hands that are planning to attend the ICANN in Prague and will be available to attend the working group meeting on the Thursday, I think from 9:00 to 10:300 that day?

Alan Greenberg: I can't say for me - I can't say absolutely I can attend that meeting but I will be in Prague. And three people have their hands up. Sheri?

Sheri Falco: No, I think it's showing hands, I'm assuming.

Alan Greenberg: All right.

Sheri Falco: I don't know if that means the others that are not showing hands that if they're not attending or - you know, might be participating remotely. Maybe we can put up a red Cross if they're not able to attend at all but I think otherwise we do have - because we have sufficient that will be there or participating remotely to at least - for now plan to have...

Alan Greenberg: Yes, (unintelligible) in the morning is a reasonable time in both Europe and North America. So let's - it looks like we'll have some critical mass there or participating remotely.

Marika Konings: Okay, excellent. So other than the survey intended for our UDRP providers, the first page there is the same. I guess here maybe as there - you know, only a certain number of UDRP providers I guess you might want to ask which one is responding and so making that a requirement instead of optional, would that make sense?

Alan Greenberg: I would think - I would think so.

Marika Konings: So then the first question is, is what percentage of UDRP that you handle do registrars lock the domain names at issue? And again, as I said before, I just made up some ranges here and would really like to hear from - you know, especially (David) whether these ranges make sense and then we'd give some, you know, valuable input to the working group.

So the ones that are listed here, less than 25%, between 25% and 50%, between 50% and 75%, more than 75%, and others please specify.

(David): Thanks, Marika. Yes, from our perspective that's a - I think useful way of capturing the ranges. We can respond to this question on that basis. You've

got, of course, our texture of suggestions on the provider questions already there. So it's probably not very useful for me to go over those all in detail unless you want me to.

I think it might be useful as I mentioned in the brief email that I sent in just before the meeting started, and I'm sorry I was a bit late for it, it might be useful to consider as a prelude to this first question whether - and I very much agree with Alan that it should be a requirement for the providers to identify who they are.

Also asking the providers to provide some illustration of the number of UDRP disputes that they're providing the input (unintelligible) on because if we're talking about percentage ranges then maybe - I mean the information's going to be a lot more useful if we have an idea of what those percentages actually mean in terms of the numbers involved.

Alan Greenberg: So we're looking at number per year or something like that?

(David): Well, I think that the number - I would ask for an overall number first if that's going to be the representative sample that's provided or otherwise ask in the individual question for the provider to indicate the number and year of the range or size of the sample in the individual question.

I'd probably ask the question generally overall with the outset and then in each individual question if there's a variation depending on the size of the sample that that then be specified.

But to some of the questions I think we will be able to provide data based on an (unintelligible) case approach because we captured that information and in some other instances we're going to need to be looking at sample groups.

Marika Konings: Okay, thanks, (David). I'll have (unintelligible) to look as well and putting these two together with the comments you submitted and the email you just

sent so I can make these changes and like with the other survey I'll produce a red line so you have an opportunity then as well to see if that, you know, captured what you just said and wanted to change.

(David): There was one other point that I just wanted to mention which was I very much agreed with Alan's suggestion earlier although we didn't put it in our comments, but the substitution, I think, of the use of the word typical for median is preferable also from our perspective.

The other point is whether you also want to give some consideration to including in each of these questions an option which indicates that the requested data is unavailable. There will be some of these questions, I think, that we can provide very useful information on. There will be others, I think, that we just won't be able to collect the data for.

Marika Konings: And so - (David), just a question for you, because I think in some - at least on the registrar survey I think we're assuming as well that, you know, people will make a guess.

I know that you have specific data available but do you think others might - in case where you don't have the data still would be willing to make a wild guess or you think that wouldn't help the survey and it's better then to allow them the option to say, we don't have the data.

(David): I think that if we're going to ask people to make a wild guess we should include a provision for them indicating that it is a wild guess. I think if we want specific data then we should be clear about that because I think what we don't want to be doing is getting into a situation where we're comparing one set of data with some responses might be high precision and others might be, you know, shots in the dark.

Alan Greenberg: I think it's reasonable then for each question to ask - maybe we word it more politically than a shot in the dark but...

(David): I mean approximation or a best guess or, you know, an appropriate estimate or something of this nature might be helpful. I mean some of them, I think, from our perspective are going to be quite speculative.

So there's a number of the questions which, you know, invite the provider to give you information on cases where the registrar lock, you know, may have prevented changes to registrant data, you know, in the Whois or the registrant - registration information.

And of course it's entirely speculative from the provider's perspective, you know, what may have caused any lack of change. There could be any number of reasons for that. So that's going to be a difficult one for us to reply on, I think other than - at the level of a guess.

Alan Greenberg: It's Alan speaking, looking at Question 3, does the provider actually know necessarily? I mean you'll know if something horrible happens halfway through the proceeding that you think shouldn't have happened because it should have been prevented but in the general case where things unfold as they should do you even know if there's actually a lock in place?

Or everyone's just being good girls and boys and not changing anything?

(David): Well, but the two ways that we ascertain that information is from the public Whois, which of course, anybody can access. And from the registrar's reply to our provider registrar verification request.

So we know when the domain name is locked in reply to an RBR but we have no idea whether or not the registrar is going to lock the domain in reply to the filing of the UDRP complaint that's copied to that registrar unless the registrar tells us. And that's something that we don't see in a lot of cases.

So that's going to be a - not quite in the shot in the dark category but it's going to be something that we don't have a lot of information on.

Alan Greenberg: Yes, and in the registrar question we're asking when do you lock it essentially and here we're simply saying, is it locked. Do we care about the timing from this question's point of view?

Marika Konings: This is Marika. Maybe an option would be indeed to add to all the questions another button that just says indeed - you know, requested data, it's unavailable but, you know, an estimate would be and then allowing people to fill in what they think it is. So maybe that's away of - and separating out the hard data versus, you know, guessing what it might be.

(David): Yes, possibly - I mean I - yes, I think that's a good suggestion, Marika.

Alan Greenberg: Or...

(David): I mean we can provide good data on the types of feedback we get from the issuing of the (unintelligible) request in the RBR request that we send to the registrar.

But I doubt we're going to be providing much useful insight on the median or the typical time period between the receiving of a copy of the filed complainant and when the registrar would then choose to lock the domain. It's just not something you track.

Marika Konings: So this is Marika. As we're running out of time and I know some people have already dropped the call, you know, maybe I can just indeed take what (David) has sent me and, you know, make changes on the basis of that and just send it out to the working group again so people can have another look at it and, you know, we come back to it on the next call. Would that work?

Alan Greenberg: I think given the time we don't have much choice but to do that.

(David): Yes, I agree.

Alan Greenberg: Sadly that means you have to make some decisions on your own but I trust you.

Marika Konings: I'm happy to make decisions but then they're overruled again so no problem.

Alan Greenberg: It's all done in good faith.

Marika Konings: Exactly.

Alan Greenberg: And good cheer.

Marika Konings: Exactly.

Alan Greenberg: All right, then we're three or four minutes before the hour. We are decided there will be enough people in Prague to have some level of working group meeting but we're not in a position to do a public meeting. I think we decided that last time.

And I give you all back three minutes of your life.

Marika Konings: Alan, just one correction because the meeting will be public - yes, no, just want to clarify, the meeting will be public as such. It's not a closed - I mean unless you want to have it as a closed session but it means that people can wander in and, you know, see us.

Alan Greenberg: Yes, I have no problem. It's the working group meeting but it's open.

Marika Konings: Right, and one thing the working group might want to consider is what other working groups have done typically as well is, you know, have half of the

meeting or three-quarters of the meeting dedicated to a real working group conversation.

But allow at the end of the meeting some time for those that, you know, did make the time to comment to actually ask questions or ask clarification or provide input, you know, to have a bit of a dialog if others have, you know, shown up to (unintelligible).

Alan Greenberg: I'm certainly fine with that.

Marika Konings: Okay, that's all I have.

Alan Greenberg: All right, three minutes back - or two minutes anyway. Thank you all for participating. We'll see you all next week, I guess.

Marika Konings: Thanks, guys.

Alan Greenberg: Bye-bye.

Man: Bye.

Marika Konings: Thanks.

Man: Bye.

Man: Bye.

Man: Bye.

END