GNSO
Post-Expiration Domain Name Recovery (PEDNR) drafting team teleconference
18 August 2009 at 18:30 UTC

Note: The following is the output of transcribing from an audio recording of the Post Expiration Domain Name Recovery (PEDNR) drafting team teleconference on 11 August 2009 . 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-pednr-20090818.mp3
On page:
http://gnso.icann.org/calendar/#august

Present:
Karim Attoumani - Individual
Alan Greenberg - ALAC
James Bladel - RC
Berry Cobb - CBUC
Mason Cole - RC
Phil Corwin - CBUC
Tatyana Khramtsova - RC
Cheryl Langdon-Orr - ALAC Chair
Michele Neylon - RC
Jeff Eckhaus - RC
Michael Palage - CBUC
Ted Suzuki - IPC
Philip Corwin - CBUC
Sivasubramanian Muthusamy - At-large
Michael Young - RyC
Tim Ruiz (Council Liaison) - RC
Alaine Doolan - IPC
Mark Klein - RC

Staff:
Marika Konings - Policy Director
Margie Milam - Policy
Glen de Saint Géry- GNSO Secretariat

Absent apologies:
Glenn McKnight
Paul Diaz - Registrar
Mike O'Connor - CBUC
Sergey Gorbunov
William McKelligot – ICANN Staff Compliance

Coordinator: All right. One second, please. And this time this call is being recorded and you may begin.

Glen Desaintgery: Can I do the roll call, Alan?

Alan Greenberg: Yes, please.

Glen Desaintgery: Good morning, good evening everyone.

Man: Hello?

Glen Desaintgery: We have on the call today Cheryl Langdon-Orr, Michael Palage, Alan Greenberg, Michele Neylon, Berry Cobb, Mason Cole, James Bladel, Jeff Eckhaus, Alaine Doolan, Phillip Corwin and Karim Attoumani. For staff we have Marika Konings, Margie Milam, and myself, Glen Desaintgery.

And have I left off anybody? Is anybody on Adobe Connect that's has been connected hasn't been mentioned. I don't think so. And we have Paul Diaz Sergey Gorbunov and Mike O'Connor. Has anybody else recorded any apologies - as well as William McKelligott from staff.

Marika Konings: There are no more people on the Abode that are not on the phone yet. Amongst those Ted Suzuki, Tatyana Khramtsova and Siva Muthusamy

Glen Desaintgery: Thank you (unintelligible). Are you able to get on to the call or you're on again to be (able to connect)? I have somebody who needs to call out to who's on Abode Connect. If so, please let me know and I will ask the operator to call you.

Thank you. Alan? And please may I remind you to say your names before you speak because it enhances the transcription - the value of the transcription.

Alan Greenberg: Thank you, Glen. I've just put a note on Abode Connect telling people to ask for a call out if they need it. The first item on our agenda today is finalization of the public comment announcement. Has everyone - excuse me - had a chance to look at what Marika just sent out? Are there any specific comments?

Michael Palage: Alan, this is (Mike Pilage), if I could get in the queue.

Alan Greenberg: Yes, please. And I'm in the queue also after you. Anyone else? OK, (Mike)?

Michael Palage: Marika, the one thing that I found valuable from the presentation was given in Sydney was the presentation by Rob that showed how some of the WHOIS data changes at the time of expiration.

And I was just wondering since WHOIS is a big issue, would the public comment perhaps want to articulate that particular aspect of bringing attention to the community of this practice by some registrars of changing WHOIS data at expiration as that might impede the ability of the original registrant to potentially recover their name.

And again I refer back to some of the work that Rob Hall had done in his presentation in Sydney. So that was just perhaps a suggestion for another question point in the initial questionnaire if the group thought that was appropriate.

Marika Konings: (Mike), can I just ask for a clarification - this is Marika - because what would you like to know? Is it just to inform people of that practice or is there a specific question you would like to get input from in the public commentary?

Michael Palage: Well what I would like to do is since it's not clear right now whether we will or will not have a registrar survey, I really do think we need to drill down a little on what the practice is of registrars are when they change WHOIS data,

since the accuracy of WHOIS data is such an important topic in a number of different ICANN compliance issues.

You know, when registrars begin to unilaterally change WHOIS data at expiration, I think that is an issue that I think some in the intellectual property community would want to particularly look at or focus in their analysis.

Now again, we just had - I forget the woman's name from (INTA) that joined and, you know, historically to date we've not really had anyone from the IPC participating, but I do think that is a point that the IPC might want to look at a little further.

So again, perhaps it's just a point of, it's out there this is an issue. Those constituencies where WHOIS is a concern may want to look at this a little further.

Alan Greenberg: (Michael), for clarity, you're referring to this as registrars change WHOIS. I think, in fact, what you're describing is the practice of transferring the domain to ownership of someone other than the RAE and as a result, WHOIS changes. Is that correct or are you referring to something else?

Michael Palage: I believe - and as I said right now I'm in the car so I don't have access to the PowerPoint presentation that Rob did. But I believe that at expiration - and again this is why what different registrar's do at different phases post expiration is one of the things I think we need to look into and how they are changes that WHOIS data.

So again, I don't have the examples that Rob gave in Sydney. When I get back in front of the computer, in the next hour or so, I can try to send that to the list to articulate that...

Alan Greenberg: Okay, but I'm pretty sure that what we're talking about in the contractual terms which allow the registrar to change the ownership as soon as it expires

or at a later time if they choose. And therefore, WHOIS changes as a result, as opposed to - what you were describing sounds like it is they're putting incorrect information in WHOIS, which I believe is not the case.

Michael Palage: Well it depends. And see this is the issue here. When you hear some of the arguments that registrars have articulated in how they can perhaps take control of the domain name after expiration is they will point to the .com, .net and .org registries where their registrar account is debited at the time of renewal for $6. But as I articulated in one of my first emails to the list, .biz, .tel, .travel and some of the other registries, in fact do not debit.

So they have not been debited anything. So the benefit of that renewal, you know, the question is does it go to the original registrant, or is the registrar somehow inserting itself into some special privilege where it feels it has the ability to change the WHOIS?

Alan Greenberg: But what you're...

Tim Ruiz: Alan, can I get in the queue, Alan? This is (Tim).

Alan Greenberg: Yes, I didn't realize you were on the call. I'm glad you are.

Jeff Neuman: This is (Jeff) (unintelligible). I also need the queue please.

Alan Greenberg: Okay, hold on a second then.

Michael Palage: So we'll let the registrars speak, and then I'll get to the back.

Alan Greenberg: Okay, I really would like not to have a substantive discussion right now on whether what registrars are doing is reasonable and should we allow these practices to continue or try to put some procedure or something in place to stop it. That's the substantive part of discussion which we may need to have but I don't think that's the discussion we need to debate right now.

Michael Palage: So then do you see - if you do feel that there's a future debate, should that perhaps be included in the questionnaire so those people, for who accuracy of WHOIS information is important in other areas will be aware of this practice...

Alan Greenberg: If we do, it should be included in a way where the question does not lead to a bias - a bias question does not lead to an answer that someone may be looking for. In terms of specifics, my comment was, in the middle of the document right at the last sentence of input requested, we're asking does anyone have supporting data relating to the questions above?

I would like to make it a lot more specific and ask the question closer to what we've been discussing in this group - can people cite specific situations, you know, that they are personally aware of where things happen that they believe we should be remedying with this PDP. That wording is obviously not very refined.

But I think we're looking for more information in this public comment on quantifying and qualifying the types of problems that happen in the marketplace. And I think we need to ask the question a lot more directly than what is there at the moment. Okay, next is (Tim).

Tim Ruiz: Yes, that was sort of what I was going to comment on too Alan is that what is the purpose of this particular public posting that we're going to do? Or this - I guess I understood it to be more of a reiteration of the same issues that were raised in the charter and asking for public comment and then, you know, an attempt to try to quantify what the issues are.

So I would be a little skeptical about - or a little cautious about including too much information that's actually a substantive debate of the issues. And so if we're going to include anything, like (Michael) is talking about, then I would

have the same caution that it's got to be done in a way that isn't going to prejudice the comments.

You know, it can't be a leading type question. But my preference would be that at this point we stick with what (unintelligible) come up with. But I don't have a problem with trying to be a little more specific in asking for information to help us quantify what the problems are because I mean that's really one of the things we're trying to get to.

Alan Greenberg: That's one of the reasons we're asking for public comments. So I think we've got to be more direct...

Tim Ruiz: Right, but I would be cautious about getting into substantive issues that we might be debating later on. I think those are more for like the initial report, or the interim report, whatever we call it, that will also be posted for public comment. And there will be plenty of opportunity for comment on that at that point.

Alan Greenberg: I mean, the other thing obviously is we'd like to get this out in the next week or two.

Tim Ruiz: Exactly, right.

Alan Greenberg: If we start going into too much depth, we're never going to come to closure on wording on this. (Jeff)?

Jeff Eckhaus: Yes, I wanted to agree with (Tim) on that. Especially, specifically, on the prejudicial part because in Rob's presentation it was - I do have it in front of me, and it was an example of one registrar and it was Network Solutions.

And it's something that they did - or I don't know if they still do, but I'd rather not use terms like registrars are doing this because the example was of one

that did it and it sort of paints a brush saying all the registrars are doing it and it seems a little prejudicial.

So that's why I agree that we should leave that out and it would be for further investigation as part of the current charter and what's up for public comment.

Alan Greenberg: My preference certainly is to ask for essentially, descriptions of problems that are happening and we can analyze, after the fact, what the syndromes are and try to characterize them. But I wouldn't want to lead with, people are doing these naughty things, have you seen it? That's just not the way to get unbiased answers. In my opinion anyway. Anyone else in the queue?

Woman: (Mycale) has his hand up (unintelligible).

Alan Greenberg: Okay, I wasn't watching.

Michele Neylon I was trying to be social. The only comment I would make is for this kind of public comment things to be of any real use, I would suggest that some kind of link to definitions of the terms used in this is provided. Because those of us actively involved in the sort of day-to-day basis may understand the difference between RGPs and grace periods and all that kind of things.

But if you want to get more inclusive responses, some kind of link to a simple glossary of what these terms are referring to would be helpful.

Alan Greenberg: Are you volunteering?

Michele Neylon: Volunteering what? Sorry, it's just that there is a glossary already on the ICANN Web site. I think...

Marika Konings: Alan, this is Marika, can I?

Alan Greenberg: Yes, go ahead.

Marika Konings: Some of the information, of course, is contained in the issues report and explained in detail what the different terms mean and what they do in practice. So that's why, as well, the background documents and links are included. I can have a look to see if these terms are explained as well in the ICANN glossary and include a link in that way, if that might help.

Alan Greenberg: Assuming those definitions are in fact things that others can understand.

Michele Neylon   It's just because the general problem with a lot of public commentaries is that the documents that you end up looking at on the ICANN Web site is so loaded with really oblique terminology that's very hard for a normal human being to understand exactly what the question is, even if people who drafted the document understand it.

Alan Greenberg: I don't think anyone's disagreeing with you.

Michele Neylon   Okay.

Alan Greenberg: Is there anyone else - I have one comment that I think is non-substantive but let's continue on this speaker list if there's anyone else who wants to speak. No?

Okay, what I think is non-substantive is to revert and to interchange the order of background input requested. That is, start off with what we're asking them for and then go into specifics.

I think if you don't catch people's attention quickly on what you're asking, their minds wonder off before you get to that point. Anyone have any objection to inverting those two sections?

Michele Neylon   That makes sense to me, anyway.

CLO: Fair enough, Alan.

Marika Konings: Can I maybe propose that I send out a revised version making the change reverting input requested in the background section and adding the specificity that was discussed regarding to the data requested. Post that to the list tomorrow, give people one more day to review it and then we can open a public common period. Would that be acceptable?

Alan Greenberg: That's acceptable to me. Anyone object? Okay, we've made a decision. If I can find the agenda to know what's next.

Marika Konings: It's on Adobe Connect as well. If you have that in front of you?

Alan Greenberg: All right, the constituency input template. Essentially, if I can summarize it, we are saying we want input and the template is the items on the charter?

Marika Konings: Alan, if I can maybe add to that?

Alan Greenberg: Yes, you may, certainly. I'm a little bit curt.

Marika Konings: As we discussed last week was that I would put together the template, which you can see on the right hand side in Adobe and it was circulated last week, with the basic questions and then for everyone to provide more specific questions or sub-questions to the charter questions to be included.

I have a slight suspicion that not many people had a chance to review or think about it because I don't think there has been any - any suggestions have been made on the mailing list. So maybe people need some more time or want to throw out some suggestions now or feel that asking these questions is sufficient to get constituencies to provide input.

Jeff Eckhaus: It's (Jeff). Can I ask a question?

Alan Greenberg: Yes, please.

Jeff Eckhaus: v   Okay, this is on the constituency input template. Are we looking - just to clarify because I'm a little confused - looking for individual members of each constituency to submit to these or are you looking for one constituency answer? Maybe not an agreement, but how do you expect the responses to come in and from who? Just if you could clarify that, please.

Alan Greenberg: According to the way we normally do things, this is a response from the constituency as such. Now, they may choose to have minority opinions or individual things within it or maybe try to give a single view that is the belief of the constituency, that's up to them. But this is the input from the constituency formally.

Marika Konings: To add to that - this is Marika again. On previous working groups, we've provided templates to constituencies that they might find useful to go through different questions, but there's no requirement for the constituency to fill in this template.

They might choose to, you know, just have one statement or add other information. This is more a tool to provide some guidance on, you know, what questions the group is looking for feedback on.

Alan Greenberg: Okay, thanks. To some extent, we are limited in by the charter to address the questions that were in the charter, in the various - going back to the issues report - to what extent do we want to explicitly ask, are there any other issues that the constituency believes must be addressed while we're doing this.

Or is this the opportunity to solicit? Essentially, the question, have we missed anything? We, being the collective that's gotten to this point.

Tim Ruiz: This is (Tim). The only caution I have about that - I now have a problem with it, I guess. That we're careful not to - we don't let that lead us into (unintelligible) if we get too far off.

Alan Greenberg: On the other hand, if there's a belief that we've missed something then it's appropriate for us to go back and get the charter modified if it's indeed something we missed and not just ignore it all together. I don't think we can unilaterally change scope.

Tim Ruiz: Right, right.

Alan Greenberg: It's something good to do or not worth asking?

Tim Ruiz: I think we'll get it either way.

Alan Greenberg: I mean, I'll give a small example. The last point in the charter says should one be able to change the registrar during the RGP, which is something that is not allowed under the current implementation of the RGP.

                 At the time, I wrote the original documents, and perhaps at the time that Marika and her colleagues did the issues report, I foolishly believed that the statements from ICANN saying you're allowed to change your registrar after the expiration date, was true.

                 Apparently, de-facto now, because of the typical change of the name of the registrant, because of the contractual terms, you de-facto cannot change the registrar when you're trying to renew after the expiration date.

                 So if I had the wisdom today - or then which I had today, that last item would have said - would have dropped off during the RGP and just said, should you have the right to change the registrar. And that's an example of the type of thing I'm talking about.

Alan Greenberg: Okay, I'm happy just leave it be as it is. And as you say, chances are if someone feels something strongly, they'll say it. If they don't, they don't.

Tim Ruiz: Yes, that's my feeling.

Alan Greenberg: I'm willing to go along with that.

Tim Ruiz: Yes.

Marika Konings: So as it is, you would like to have it sent out to the constituencies, then other questions there will be a reasonable deadline. And maybe to ask to some of the people here that are part of different constituencies, what time is normally needed to complete a request like this.

Mason Cole: Alan it's Mason.

Alan Greenberg: Yes, before that, is there a norm for these things? My recollection says there is a norm, but I don't recall what it is, whether it's 21 or 30 days.

Marika Konings: I think normally it's driven by the deadline for the issues report, but as we're being a bit more flexible with the different deadlines because they're not realistic, we might allow more time here as well.

Alan Greenberg: Okay, just to put it in the timeframe. If we allow 30 days, we're talking about the end of September, which means we have the input in well before the (Seoul) meeting. My preference would be see it a little bit earlier than that. But let's go to the list, Mason?

Mason Cole: Yes, I think 30 days is fine. I think with registrars I would in this instances I would ask for that amount of time for two reasons. One is, in the U.S. anyway there is a great deal of folks vacationing or taking time off around this time of year so it may hard - it may take a little bit longer to collect the data.

Second reason is, we have such a number of people who tend to want to contribute to a discussion like this so it takes time for everything to get synthesized. So from my point of view, a little bit extra time would be helpful.

Alan Greenberg: Other comments?

Michael Palage: This is (Mike Pilage). I support Mason. Let's just go with 30 days. We're still well in advance of (Seoul). Let's get the data and let's get the feedback from the constituencies to do our job right.

Alan Greenberg: Okay, (Mycale), do you still have your hand up from the last time or is this a new one?

Michele Neylon It's from the last time. I'll take it down, sorry.

Marika Konings: This is Marika. Just for the record, the bylaws state that constituency statements should be submitted within 35 calendar days after initiation of the PDP, so we're well beyond that deadline.

Alan Greenberg: Okay, then since we're already well beyond it and there's been two statements - excuse me - in favor of 30 days, let's do 30 days and let's get it issued as soon as we can. Everyone in agreement?

Man: Yes.

Alan Greenberg: Okay, all right now we're onto the subject that some people have said we should deep six of the continued discussion of the registrar survey. I'd like to propose two things, number 1 that we not treat this as a survey but in my mind a survey is something we send out to everyone and expect people to voluntarily respond to it.

I would suggest that we change the method of doing this instead of making it a survey, make it a collection of data from a selected number of registrars and I would like to see resellers.

And make it a staff responsibility with help from whoever else feels they can contribute. And I know (Michael) has already said he's been collecting some of this data from registrar Web sites to start with. I think staff is in a position to outreach and get information which might not be on their Web site - might be, not private but not necessarily on their Web site.

And I would also suggest to the extent possible that this data be identified with who the registrar is but if necessary that some data could be redacted to not make it identifying information if the registrars feel that that would, you know, be something that they - would force them not to participate. Any thoughts on this?

Michael Palage: (Mike Pilage), as a compromise I could go along with that.

Mason Cole: Mason, I got a couple of questions.

Alan Greenberg: Sure.

Mason Cole: So I'm sorry what are you envisioning? So someone from staff would be responsible for calling or getting in touch with a selected number of registrars to ask the fullest of questions as proposed by (Mike) or, or a...

Alan Greenberg: No, no I think the next part of what I was going to say we then have to refine what it is we're asking for. So I wasn't proposing the full list as specified by (Mike).

Mason Cole: Okay well let's not...

Alan Greenberg: As a general process instead of sending something out and hoping someone sends it back and by the very nature whoever sends it back is a self-selecting group that may not give us a good cross-section.

Mason Cole: Right, yes okay well let me not get - I agree with you let me not get ahead of the game by talking about what's on the list right now.

Alan Greenberg: And I although would like to see names beside the answers, there are certain things such as prices and stuff like that which although it may be - I'm not debating at this point but it may be reasonable to collect the data but not to identify it with particular registrars. And I have no problem if some of the data is so redacted like that and we just get statistical results.

Mason Cole: So I guess I would have a question for a Marika in that does, you know, does staff have capacity at this point to take this on? And a maybe a question even before that one which is what would be statistically significant in terms of total number of accredited registrars to have any level of data that would be considered valid?

Marika Konings: This is Marika, I cannot answer question what is statistically valid but from staff capacity I guess it depends on the number of questions and indeed the number of registrars who we'll be targeting. I think we definitely can help in facilitating and, you know, if there's some individuals willing like (Mike) to help out I think we should be able to do it.

                    As long as we're not surveying all the registrars of course and not the whole list of questions.

Alan Greenberg: I'll tell you my motivation for doing it and if the group were to agree with that it removes some of the need to be statistically significant. And that is I'm interested in understanding not an antidotal version of what happens as Rob Hall gave us but essentially some range of processes and outcomes.

And I mean I know talking - just talking to a half a dozen registrars that the process that each follows from the minute that a domain expires through the next 30, 45 days ranges all over the map in terms of how they treat the entry in DNS. How they treat WHOIS, how they treat, you know, what options they provide to the RAE.

And I think we need to understand what the range of experiences at the registrar - registrant fees before we can try to say how the policy should be changed or how practices should be changed. So I'm not necessarily looking for statistical significance but more an understanding of what the range of options are.

Mason Cole: Okay and I don't mean to bypass you here, Alan, but I just need to ask Marika if I may what, you know, Marika would this would be done by the policy staff or by someone elsewhere on staff?

Marika Konings: I would need to check an attorney, I think some of the information would be probably be policy staff information that's easily available on the Web site and that's a task I think I could conduct. But if there are more specific questions it might make more sense for example for the registrar liaison who has the contacts with the right people to ask some of those questions.

Mason Cole: Okay.

Marika Konings: But again there - we're flexible and depends as well on availability and the capacity for us.

Alan Greenberg: And Mason I'm curious why that matters from our perspective? I know why it matters from staff perspective.

Mason Cole: Well, for a couple reasons. I mean, you know, one is I think if that compromise method were to go forward I think it matters who does the asking because it affects, it affects what level of compliance, or not compliance - or

not compliance - what level of cooperation and disclosure you get from registrars.

Alan Greenberg: I would suggest if you think one method is better than the other we're getting cooperation.

Mason Cole: I think if this were to go forward...

Alan Greenberg: ...know of.

Mason Cole: Yes I think if this were to go forward you would do better with Marika's staff then you would or the liaison then you would anywhere else. And then I guess one last question, you know, does - how long would this - how much calendar time do you anticipate this would need to take to get something that would be usable?

Marika Konings: Again that really depends on how many registrars we're targeting and how many questions we're asking. It's very difficult for me to estimate at this point, you know, if it's two questions to, you know, ten registrars. Well it could be a couple of days, a week. But if we're asking 50 questions to 50 registrars of course it takes a whole lot of more time.

Mason Cole: Right, okay.

Marika Konings: I think for this group as well, to think about how quickly they would like that information as to how broad they want to go with the questions and how many registrars or (unintelligible) would like to target.

Mason Cole: Yes.

Alan Greenberg: Marika you just beat to my - to my statement of since we want the data yesterday, that I think is going to constrain us in targeting how many registrars and what we're asking. I see some hands up, (James)?

James Bladel: Yes thanks Alan this is (James). Just a question and perhaps I'm just not getting something here. But if our goal is to collect and synthesize data to put some boundaries around this issue.

                  What is the value in naming the registrar responses and why that couldn't be a sterilized into Registrar A, B, C, et cetera? I'm just trying to think of how it informs this group to have those names identified.

Alan Greenberg: I can give my answer. For things that are non controversial that is there on the Web site anyway they're effectively public knowledge, knowing who it is simply allows me to go back and say Go Daddy does such and such but I'm little but confused can you please elaborate.

                  And I don't think it gives us any more or less than that, that's my thought. I don't know what other people feel about that. Anyone want to specifically address that before we go on to (unintelligible)?

James Bladel: This is (James) one more time, sorry I was a little slow on the mute button there. But the only concern I would have with that Alan and I would just put out that if we were to make any - down the road make any comparisons based upon that data, hold up any particular responses as exemplary or hold up any others as negative and then essentially insert judgment into that data.

                  That's really all I'm getting at with this with this point.

Mason Cole: Mason here.

Alan Greenberg: How do the other registrars feel about this?

Mason Cole: Mason here. (James) actually I think makes a pretty valid point, you may get better cooperation with registrars if there's an assurance that their answers

would be anatomized. And, you know, as you can tell we're a little bit suspicious group to begin with.

If there's the opportunity to give data in a way that, you know, as (James) suggests removes the suspicion or fear that later on judgments can be made either inside the community or outside in the marketplace itself then I think you'll get better cooperation.

Alan Greenberg: Then I'll ask the question the reverse way, is there anyone who can make a case for why we should keep names on it given what Mason and (James) have just said?

Marika Konings: This is Marika, my only question would then be we then just have a list of the registrars that we've surveyed and basically attach that list to the anatomized data so at least there is an overview of which registrars have provided data or...

Alan Greenberg: I think we would have to do that otherwise we have no ability to really judge how representative it is and how much of a cross-section it is. Is that reasonable to Mason and (James)?

Mason Cole: Mason here, it's a, you know, it's up to you how, how I think it really is up to you how you want to present it. I would just say I think the more...

Man: The more anatomized it is the better.

Mason Cole: ...the more anatomized the better the data.

James Bladel: Agreed, this is (James). I agree with that.

Alan Greenberg: Let's withhold judgment on that for the moment then.

Marika Konings: There are a number of people in the queue on Adobe, Alan.

Alan Greenberg: Yes, no I was just trying to address that one. Okay back to the queue, (Tetiana)?

Tatyana Khramtsova: Yes, so I've been (unintelligible) working group with (getting) answers for this question from (native agreements) of different registrars because I know that English version (unintelligible) of English version and for example Russian version are the same (way).

But there are some differences for foreign people and for native people. So I can check and maybe this is for some registrars who can change (anything). Because I don't think all of them will (answer) for all of questions?

Alan Greenberg: No I don't think well I think we need to respect the question significantly in any case but yes thank you. (Shiva), are you there?

Siva Mutusamy: Yes I'm here.

Siva Mutusamy: Can you hear me?

Alan Greenberg: Now we could here you now, yes.

Siva Mutusamy: Survey (limited to) a few select registrars, how are these registrars to be selected? Usually in an exercise like this we have the approach of select number of registrars we tend to approach the ones who are very responsive. And the ones who are responsive are usually the people of good practices.

So how are these registrars to be chosen for the response, that was my first point. I mean the other point is that some of the questions in the questionnaire are such that a registrar would be very reluctant to part with information. Do they expect any registrar to disclose candid responses to all these questions?

Alan Greenberg: Well we've already said that we have not determined what the list of questions is. So I think part of it is up to us to make sure we ask reasonable questions. How to select the registrars is something we're going to be - we have to discuss next, Margie?

Margie Milam: Yes I just wanted to point out that if we're concerned about a statistical significance if the answers are anonymous. At the staff level we could at least indicate how many registrations are reflected in the answer, in the other words on a collective basis if that would be useful, you know, in analyzing the results.

Alan Greenberg: I think it would be useful and I think that addresses part of (Shiva)'s question of how do we select them. And I think we're trying - we're going to select them to try to get a good cross representation of registrant experience. So large registrars and diverse types of registrars I think are probably what we will look for.

Margie Milam: That's right and you would tell us what kind of registrars you'd like us to look at and we resort back, you know, if there was geographic diversity and, you know, large versus small that sort of information on a aggregate basis.

Alan Greenberg: (Mycale)?

Michele Neylon   Sorry I'm amusing myself. Not just to reiterate what the other registrars was saying, the more anonymous the data, the more likely you are to get better results. And you're more likely to get people cooperating to be perfectly honest.

Alan Greenberg: Understood, I think we can make a final decision once we've gone back and looked at the specific questions. I have a question for the group, now from my perspective an awful lot of the problems which and it caused the initiation of the request for issues report in the PDP relate to resellers.

To what extent do we want to try to capture the registrant experience and the terms that are seen at resellers in this survey? From my perspective if we don't I think we're avoiding most of the problem that caused us to be here in the first place. That a reasonable position to take?

Mason Cole: It's Mason, Alan with a question. So I that's I think that's fine, the only question I have is how would you go about getting a hold of them and asking them the questions?

Woman: Good question.

Alan Greenberg: I think the answer to that in my mind again; whether how practical it is is the combination of asking registrars that have very heavy reseller models to ask them for perhaps a cross-section. And just Web searches, it's not hard to come up with a bunch of resellers. And, you know, they may or may not be statistically valid. But there are high and low profile ones to pick.

Mason Cole: I'd have to defer I'm sorry, Mason speaking again. I'd have to defer to the other registrars on the call on that one because the registrar I'm representing does not operate on a reseller model so maybe the others could...

Alan Greenberg: You're clean. Comments from others? Margie did you have your hand back up again?

Tim Ruiz: This is (Tim Allen) when you get a moment.

Margie Milam: No.

Alan Greenberg: Okay (James) and then (Tim).

James Bladel: I'm sorry, I lost the Adobe window where the queue was indicated. So the question is that whether registrars that have a network of resellers established whether they would want these questions to go through the

apparent registrar or through ICANN directly or is not at all an option? Apparently not, am I understanding correctly?

Alan Greenberg: From my perspective if we say lets ignore the cold concept of resellers then we're choosing to statistically eliminate the largest part of the perceived problem. So I don't think that's a wise way for ICANN and this...

James Bladel: And I think...

Alan Greenberg: ...work to proceed. But I'm just...

James Bladel: And this is (James) I just think that, you know, and I'm not advocating that we ignore or exclude any instances or statistically significant data that can be achieved through resellers. I just - and I think I posted this earlier on the list.

Feel - I'm still just having a little bit of confusion over why we would need to make the distinction between a reseller and its current Registrar when as I think (Tim) and some others have responded that, you know, from a compliance perspective from ICANN is there's no distinction between the actions of reseller and its apparent registrar.

Alan Greenberg: There's no legal distinction, but in practice there are distinctions. For instance, right now ICANN does not even know who any resellers are other then anecdotally by accident. So clearly ICANN does no compliance, different registrars we know have different models.

Some registrars say, I am really the registrar, someone else may be doing the front office work, you know, to find the customers, but they still deal with me for a lot of the things. The expiration processes are handled by the registrar.

Other registrars have models where the resellers are very independent and the words that were used by someone the other day to me, was that that they

want - the reseller wants to be viewed as a separate organization and the name of the registrar is never mentioned and they handle all the parts of customer relationships.

So the models are quite different, and in some cases the registrar may be able to speak on behalf of all their resellers. In other cases, they can't. I mean, I'm not saying, you know, those models are good or bad, but I think those exist in the marketplace.

James Bladel: Okay, understood, and I guess my only point and then I'll let it go for now, is that if we were to see a skewing of the statistical data or if we were to quantify that there is an issue particularly with the resellers versus registrars, I think acting upon that or exploring different policy options around that start to fall apart unless you're actually talking about the parent register.

So I just want to make sure it's not a - we're not chasing a wild goose here.

Tim Ruiz: Gentlemen, this is (Tim). Can I...

Alan Greenberg: Yes, please, (Tim).

Tim Ruiz: Yeah, I think (James) is making the main point here, and that's - put a little bit differently, and that's that one, I think it's going to be very difficult for staff or anybody else to try to quantify what resellers are doing, just given the current situation.

With Go Daddy, like 99.9% of our resellers (unintelligible) have those expirations goes through our systems, so you deal with that. The other .1% don't do anything with it, so. But we understand that that's not true necessarily with all reseller models.

So I think it's going to be very difficult to try to go to those resellers or try to get any kind of empirical data from resellers. I think the thing to keep in mind

is that as we discuss, you know, policy, possible policies or best practices or whatever, I think just keeping in mind that there's that reseller network out there.

You just need to keep that in mind as we discuss or you know, try to formulate any recommendations about what we might want to see done and so I don't know what other information we would need that would really help.

I think all you're going to find even if we did get data from resellers is pretty much near of what registrars are doing. So if we get a good cross-section of registrars, what their practices are, I think that's going to be pretty reflective of what's going on in the industry as a whole.

And then as we discuss policy, best practices, whatever, just keep the reseller model in mind as we redevelop those.

Alan Greenberg: I guess I'm not willing to take that as gospel, at the very start of our process. Now it's clear in my mind that all we can end up doing is setting rules for registrars who may have to pass it on to resellers, you know, pass on the obligations and such.

Tim Ruiz: Take what as gospel? I mean, gospel or not, the plain fact of the matter is getting data that's useable from resellers is going to be difficult.

Alan Greenberg: But some of them...

Tim Ruiz: (Whether) it's gospel or not, it's just fact.

Alan Greenberg: Yes, some of it may come from Web sites. That's not all that difficult. Getting them to cooperate...

Tim Ruiz: You're going to ask registrars to identify their resellers, which is an issue in itself because to do that, you'd have to go and get the reseller's permission,

you know, blah, blah, blah, unless, you know, there's a way for us to go out and identify them ourselves, or for staff to do that.

Alan Greenberg: I guess - I don't want to make this a debate between the two of us, but I guess if staff comes back and say they just couldn't do it, that's different than not asking. Any other comments?

Michael Palage: (Mike Pilage). I think Alan, you raise a good point. Let's ask staff to do it. If they can't do it, then we determine what to do. So as I said, if in fact staff runs into the problems that (Tim) has articulated, we address it at that time.

Michele Neylon Do you mind if I jump in here?

Alan Greenberg: Please, go ahead. Sorry, I'm losing track of whose hand is up from before and whose is new. Go ahead.

Michele Neylon Okay, the only way - okay, it would be a conflict, it would be problematic for registrars to go to resellers, get the resellers' permission, et cetera, et cetera, et cetera. But there are plenty of public sources of information where you can easily see, you know, which companies holds large quantities of domain names.

I mean you can simply cross-reference that against those that are either registrars or subsidiaries of registrars. So I mean just looking as Webhosting.info, for example, if I was to look at the list for Ireland, there's probably 30 companies listed on Webhosting.info.

There's only one ICANN-accredited registrar in Ireland. I mean both laughably, most of the registrations are held by the registrar, which would be us, aren't actually on an accreditation since we've only started using our own accreditation in the last few days. But that's neither here nor there.

But the point being that if you look at us as a country which has say, let's say hypothetically, five ICANN-accredited registrars, and there are 25 or 30 companies listed on a site such as Webhosting.info. Which I'm not saying is, you know, the be-all and end-all of statistics, but should give you some kind of barometer, you can cross-reference the two with - you know, that list with the ICANN-accredited registrar list.

It shouldn't be rocket science to work out, well, okay, in country X you know, and Y% of the market appears to be with this particular company, that company isn't an ICANN-accredited registrar so there must be somebody that's a reseller. It doesn't really matter who. You can just talk to them. And that's just my...

Alan Greenberg: Yeah, that's pretty well my view of how one would do this also. It almost doesn't matter who their resellers are.

Michele Neylon Well that's the entire thing. I mean if you go to the reseller - I'm sorry, if you go to the company that appears to be a reseller directly, then you're not asking the registrar to divulge information that they may not want to divulge, for a number of reasons.

Plus you're not going to run into the complication of this backwards and forwards asking permission, everything else. Did you ask us, for example, for a list of our resellers? I'd tell you politely to get lost, because I can't give you that information. I'm legally (unintelligible) from doing this.

Alan Greenberg: On the other hand there are resellers who...

Tim Ruiz: Let me points something out on this. You know, that can probably be done, and if staff is going to go to the Web sites, you know, and look up information, you know, then if it's out there it's out there. I don't know what staff would think about cold-calling people, or what those people would think about getting cold-calls from ICANN.

That might be another issue, but you know we're talking about this statistical, you know, how statistically valid some of this information is or whatever. Here's the thing. There's 900 registrars - of course you can group those into what, maybe 200, 300 and some-odd registrar families.

You know, that's a manageable number to maybe get some kind of statistical sampling of a cross - or a cross-section. When you're talking about resources, Go Daddy alone has 30,000 resellers all over the world, and we're not even the biggest.

When you take in resale you're talking about hundreds of thousands of resellers all over the world of all different types and, you know, so I'm not sure - you know, just let me throw that out there at least so that when we do get this information we can keep it in context.

That if we've got information from 100 resellers, you're talking about, you know, a teeny tiny sampling of the resellers that are out there.

Alan Greenberg: Indeed. On the other hand, if you have a few resellers that you know do large volumes, you might want to volunteer them just because that will give us a good data-point that you have something...

Tim Ruiz: I want to know what volumes they do.

Alan Greenberg: Pardon me?

Tim Ruiz: Well, that's the key, you know, even trying to determine the volume. I mean you can tell how many sites somebody hosts. That doesn't necessarily tell you what they're doing as far as domain registration, but.

Margie Milam: Yes, this is Margie. I have similar concerns to that raised by (Tim) because of the volume of resellers that are out there. I'm not suggesting that staff wouldn't engage in the process.

I think we would need to get some very clear guidance from the group as to how we would go about identifying those resellers and what sorts of cooperation we may get from the registrars. Because I can't imagine a situation where we would randomly call up resellers without some sort of introduction and expect very much response from them, given that they're not a contracted party with ICANN.

So certainly, you know, we're willing to explore it. You know, we'd like more guidance from the group on how you think would be appropriate to deal with resellers. But I think that's new territory for us. I'm not aware of other situations where we've done research with respect to resellers, and I'll certainly check that internally.

Alan Greenberg: On the other hand, you do get complaints, and those must identify resellers in many of the cases.

Margie Milam: Yes, that's true. We'll certainly take it back to the compliance department and see whether they have any suggestions on how, you know, on how it would be possible to identify some resellers.

Marika Konings: And this is Marika, just to add to that, I think it would be, I mean, helpful if this group would come up with a list of registrars that they would like to see surveyed and indeed include any resellers that they think might be appropriate.

And then we can review, indeed, how easy it is to find - because it will depend, as well, on the questions. Because some of the information is easily available, for example a Web site, you know, then it doesn't matter that we don't have someone to call or to speak to on the reseller side.

But of course if it's very specific questions that might be perceived as intrusive and especially from a party that they normally don't have a relationship with then, of course, the situation is different.

So a first step might be to identify who that sample of registrars or resellers might be or might look like. And that might give an idea as well of how much time it will take. I heard (Tim) mentioning 200, which is quite a large number and, of course, we will take quite some time to gather that kind of information.

Alan Greenberg: I would not think we're looking at something that size. That's my opinion.

Tim Ruiz: And this is (Tim) again, Alan. So that just, you know, leaves us with the issue about how useful or valid the data will be in our discussions. Or how really unique it will be from what we find from the registrar information. Which I still will be total amazed if what we find resellers doing is anything different than if we did a good cross section of what registrars are doing.

It's just based on (vinyl) of the industry. And which may not be comprehensive, I understand. And I think the key issue, still, is that, no matter what we find out about what resellers are doing, the bottom line is that, whatever recommendations we come up with, if we want to meet - we just - we need to make sure that they can be applicable to resellers though the Web - because we can't do policy on resellers.

We can do best practices. We can come up with a best practice for resellers that - I'm not sure what that would really mean. It would still have to be pseudo-registrars. So whatever we do, whatever recommendation we come up with, it has to be - we just need to use that thinking.

That we want registrars to, you know, pass this through, to be able to enforce this back on resellers, as we'll, we just understand that that's a key issue.

And formulate our recommendations based on that. And so I think, you know, that we could expend a lot of time on this reseller research to get drizzled back for what we'd invest in it. This is just something to think about.

Marika Konings: This is (Marika), if I can just make a suggestion. Would it be an idea just to start with a few and just see what kind of - a few registrars and if anyone has suggestions on a number of big resellers, and just start there. Do a few and see what kind of data that gives and then decide where to move from there?

Alan Greenberg: As soon as we come up...

Marika Konings: Instead of immediate taking a very big research effort and maybe finding that we don't find the relevant information that we're expecting or...

Alan Greenberg: I would think, as soon as we come up with a list of questions, that is how we should proceed. I support that. (Mycale), did you have your hand up again? We're still...

Tim Ruiz: I can give you a little bit of help. I mean, the two biggest resellers on the planet are Google and Yahoo. So, and maybe you could throw Microsoft in there, perhaps, although I don't know if the volume's quite up to that. But, those would be three big resellers.

I think they're pretty well known and the registrars that service them are pretty well known. But I think when you check it out, you're going to find they don't do - none of them do anything with expired names. The registrars deal with it all.

Alan Greenberg: Yes. And knowing that makes our problem simpler if, indeed, that's what we find is the norm.

Man: See, I don't agree, Alan. I don't think it's going to make it simpler. I think, if this group comes up with recommendations, they have to consider the fact

that they want resellers, want it to apply to resellers as best as possible as well, regardless of what we find out.

And I think that's going to be an issue we have to deal with one way or the other. And that's kind of the point I'm trying to make.

Alan Greenberg: Yes, I mean, you've made the point that whatever rules are made for registrars, if their obligations are taken over by resellers, they have to follow the same rules. It's up to the registrar to ensure that, but the rules that a registrar is subject to don't get waived because they use a reseller.

Man: Right, right. That's my opinion, right.

Alan Greenberg: Yes. Any rules we make are not going to be different for resellers. You know, the RA currently has some words about resellers and maybe it needs more words, you know, if we end up changing some practice or policy.

But what I'm looking for now is not to try to set rules for the reseller, but to find out what the current state of the art is if a registrant deals with resellers. And identify whether, in fact, it does look like it's different from dealing with a native registrar or not.

And, based on the numbers that you've given, we're clearly not going to get statistically valid information, but we will get a sampling. And that's the reason I brought it up to begin with.

Mason Cole: So if I may - this is Mason, can I ask a question?

Alan Greenberg: Sure.

Mason Cole: Again, if all we have is a sampling and it presumably couldn't be relied on in terms of being rigorous research, I mean that just suggests to me that that's not enough basis to propose to change anything.

Michael Palage: This is (Pilage), if I could get in the queue...

Alan Greenberg: Yes, and (Jeff) is ahead of you, though.

Michael Palage: No problem, I'll wait.

Alan Greenberg: (Jeff)?

Jeff Eckhaus: Okay, great. So as, you know, I'm listening to this as a person who I know will be approached because at INAM where, you know, the reseller model is our main model and we have well over 30,000 resellers.

                    So, you know, the part I'm trying to understand about these questions for the resellers and trying to figure it out is, what we're looking for, unless what I'm wrong here, is the different methods that what happens in post expiration.

                    And I think, you know, with 900 plus registrars and a huge - in the many different business models, do we really think that, by not going to the registrars directly, that there're some different models that go through the resellers that are going to be completely different than what the registrars do?

                    That we need to go out, that there's that much, you know, differentials in the business models? That we need to go to staff, have them do all this work, have people come to people like me, ask me to go to resellers and go through all these steps.

                    Is there any real information we think we'll get above and beyond going to the registrars themselves - that we need to take these extra steps?

Alan Greenberg: I can give my opinion. In my mind I think it is worth going through that exercise to find out if there's any difference or not.

Jeff Eckhaus: So you think that beyond the - that you're saying - that you think that beyond the whatever number the registrars, the 900 plus, or let's call it, you know, a couple hundred at, you know, entities, that the resellers will have different ones besides those? Is that what you're saying that you think that there's - that the resellers have different ones beyond there?

Even though there're sort of, you know, I can't really go into that. I know (Tim) tried to touch on this, that most of it goes through the actual registrar themselves and the expirations. So I personally, I mean, from someone who knows this, I don't think you'll have a much different business model on these resellers.

And personally, I think it would be a waste of everyone's time to do this. I think the business models for the registrars themselves would give a good indication of what happens.

Alan Greenberg: I think we differ.

Man: (Unintelligible).

James Bladel: What I'm - what I'll risk saying here is that I think, from Go Daddy's perspective, you know, there's a significant potential in the aftermarket for domain names. I think we all realize and recognize that.

So, you know, we're very unlikely to allow resellers to capitalize on that without involving us. I mean, that's the bottom line. I don't see any of the registrars considering or taking that any differently. I would be highly amazed and if that is the case, we're talking about a teeny-tiny number.

You've got to remember the top ten registrars control like what? Close to 80% -75%, 80% of the domain registrations on the planet?

Alan Greenberg: I'm getting...

James Bladel: I understand your concern, Alan, I just...

Alan Greenberg: I'll give you an example of...

James Bladel: Spent a whole lot of time and effort and money on something that's going to have just like, you know, almost negligible value to us in the end. But...

Alan Greenberg: I'll give you an example of, you know, I can't tell you the, how prevalent it is, but there are Web hosting resellers who formally state that they will keep the domain in their name for your convenience so they can make changes. And therefore, the original registrant never actually has his name show up in WHOIS.

And then that's not a practice that I think any registrar would do other than through a privacy service. And yet resellers do it.

James Bladel: And how is that - I guess I'm trying to struggle with how relevant that is to our issues about whether the name is recoverable or not. That's what we're doing, that's the issue of this group, right - is (unintelligible).

Alan Greenberg: It turns out it's very relevant because people may never get notices for instance - even if the registrar sends out the expired notice at themselves.

James Bladel: And then we get into, you know, if somebody through their own choice goes to, you know, Vendor A and enters into an agreement for this service or that service based on their rules, you know, or the way they're going to proceed, other that later - yes, we just get into some pretty sticky situations that I think are going to be difficult.

From a registrar's perspective, you know, that hosting company is the registrant. And their customer agreed to that. But I think...

Alan Greenberg: I wasn't trying to use that...

James Bladel: No, no, I think that's a known practice that happens. I don't think any of us would debate that. We know that. We don't need to do the study to know that. That's very common. It's been happening ever since, you know...

Alan Greenberg: The only reason I brought it up is not to remedy that particular thing, but to point out that some resellers have practices very different from what a registrar, most registrars do. (Jeff), you had your hand up.

Jeff Eckhaus: Oh, sorry, I want to take it - well maybe I'll just take it down there. But I think, you know, I can't, you know, I think maybe you might have - we might have to have some further discussion on this because I think (Tim) and I have this unique vantage point, how we really have a good understanding of the business model.

Maybe we can have this discussion with staff and walk them through it and some other people because it's - I think if we did without - it's tough to give some of the details, but it would really show why maybe this survey or the thing would be unwarranted or unnecessary. I don't know, that's a suggestion I'm maybe I'm throwing out there.

Alan Greenberg: (Sheryl), you had your hand up and then took it down. Are you, you're down now?

Cheryl Langdon-Orr:v Mainly because it was covered in somebody else's statement. That's all.

Alan Greenberg: Okay. Anyone else? There were some hands up that disappeared.

Michael Palage: (Pilage) was still in the queue.

Alan Greenberg: Oh, I'm sorry.

Michael Palage: No that's okay.

Alan Greenberg: I don't see your hand I forget I've - I'm sorry to use the technology. (Mike).

Michael Palage: That's okay. I think the one thing that, I think we have to keep in the back of our mind as we undertake this working group's activities is creating openness, transparency and predictability for the registrars.

As I demonstrated in one of my original emails, there are different registries that that have different practices, right now, depending upon what the backend infrastructure provider is. And then - NewStar offers one thing for biz, tel and travel. The affiliates' backend infrastructure for org has a different thing.

What we need to look at is, right now we have 20 gTLDs. What happens when we add another couple of hundred in the next 18 months? What are we doing to safeguard the registrant? Again, openness, transparency and predictability. Those, I think, are the three key driving points that we need to be looking at.

So if we only have one or two problems and although the, shall we say, some people may want to point and say, oh, it's not only a couple, it's not significant, why are we undertaking this?

I think we need to scale this and say, what is going to happen when we have a fundamental change in the name space over the next 18 months, where, potentially, with integration we're going to have registrars acting as registries - this, that and the other thing.

So I think we need to keep that long term perspective of the problem we're trying to solve. Just offer that for consideration for everyone.

Tim Ruiz: Just to respond to that just a little bit, this is (Tim). On the other hand, you know, we can't go too far in trying to solve problems that don't yet exist. And the best we can really do is look at what is the current data that we have.

And, I think you know, we try to start trying to solve problems that could possibly happen, you know, we could have all kinds of working groups started and all kinds of things that may or may not prove fruitful in the end, or useful.

Alan Greenberg: (Phil)?

Philip Corwin: Yes, without taking an overall position on which questions should be asked or whether any of them should be publicly related to a particular registrar, I do think it would be useful as this goes forward to take the perspective of the registrant. Particularly the one who may not be as sophisticated.

And to note, and it won't be - if the only information revealed that's associated with a registrar is what's publicly available, there'll be no need to identify it as being publicly available.

If other information is associated with a registrar from ICANN staff work or other surveying, I think you just want to differentiate that and whether it's from the Web site or from the contract and whether the registrar has a chance to review the contract prior to entering into it.

I'm just - my point is, I think overall information about registrar practices, with the extent when you get it - reseller practices is useful, but I think some aspect of this exercise should be, what is the - what can the registrant easily understand just from going to the registrars or rather business - whoever they're using (front) to their Web sites.

What information is readily available so that they can understand what notice they'll be given prior to an expiration and what their opportunity is to renew

post-expiration and at what cost. I think that's - it's important to have that registrant perspective in the (word) product.

Alan Greenberg: I'll point out that the lack of that information, if it's not publicly available, is also a message that we need.

Philip Corwin: I'd agree with that, yes.

Alan Greenberg: I mean, if you as a registrant cannot find out what happens and, you know, I'll use Go Daddy as an example, what happens with Go Daddy after the second of expiration occurs?

That's indicative also of a situation where the registrant cannot make an informed knowledge unless they're smart enough to know what is missing. And I don't want to imply that that's the case with Go Daddy. We have a long list of people with hands up and we're starting to run out of time, so I'm going to ask you to be brief but go on. (Jeff)?

Jeff Eckhaus: Sure, this is (Jeff), I'll be quick here. (Mike) had mentioned a few times and I saw it in his questions was the different registries and their different models of when they debit and the accounts.

So, you know, there's no argument there, they do do that, but I'm not sure how that affects anything because there's really the ones that, you know, the majority are in the COMNET base and that's VeriSign and their system of when they debit on, you know, on the auto-renew date.

So, what I'm just trying to figure out is why this has come up in a discussion. It's not that there's actual registry choice that I can see.

Alan Greenberg: Let's defer that till when we get to the actual questions.

Jeff Eckhaus: Oh, okay. Okay.

Alan Greenberg: I support what you're saying, by the way. (Mycale)?

Michele Neylon   Sorry, still amusing myself again. Now just two things, one, there's one major problem here and that is what an actual registrant is. Because as both (Jeff) and (Tim) said, you know, it is - the problem from the registrar perspective is that the hosting provider, or Web developer or Web designer, whoever, may be seen to be contractually the registrant, whereas, the persons actually paying for the domain would see themselves as being the registrant.

Tim Ruiz: Well from the registrar's perspective, though, the hosting company paid for the domain name. You know, let me give you another example. One - and I'm sure we still have them, but I'm not as close to all of our individual customers as I (were) back in, like, 2001.

But I personally knew, like, almost every one of our customers when I first started with Go Daddy. One of our biggest customers - excuse me - he didn't offer a hosting service. He was a customer.

He had several thousand names in his account. So it was interesting to discover that he what he - and so from our perspective he was our customer. He didn't have a reseller program at that time. We didn't even offer one.

But he just set up a customer account. And he would come in and occasionally register domain names. Well, what he was doing was, his business was basically licensing those names back to various businesses who wanted to use them and they paid him a licensing fee.

But he maintained the domain names, maintained ownership, you know, blah, blah, blah. You know, now when you're talking about registrars who have millions of customers. And how do we discern that or try to make some sort of call on that? You know, that's not even an actual reseller relationship. So those things exist as well.

Or, you know, or the agent company or the law firm that registers the main names, you know, and their law firm's name and whatever in order to protect the confidentiality of their client.

And so there's all kinds of things there that I think, when you get into trying to determine how you say this, you know, who's the actual registrant. You know, it's irrelevant. The actual registrant is the person who's the customer at the registrar and has come in and paid for the domain name.

Alan Greenberg: (Tim), I think that goes back to my original point of we're going to have to be very clear on definitions of some commonly used words.

And you know, do we need to differentiate between someone who is doing this kind of business essentially surreptitiously without being upfront and someone who's operating a privacy service where that's the reason for them existing.

And I think we need to discuss this in substance. I don't think this is the right place for it. But you're mentioning an important issue that we're going to have to tackle.

Tim Ruiz: Right. And then be careful not to, not to extend out into getting, you know, getting bogged down into business models outside of the registrar's business because they're all over the map.

And trying to figure out how they're going to regulate that is just, you know, I think going to be very problematic. And focusing on, you know, the post expiring domain name recovery, which is focused at the registrar. Anyway...

Alan Greenberg: I've lost track of - (Mycale) your hand is up again?

Michele Neylon   It was - I haven't taken it down.

Alan Greenberg: Oh, you're - okay, sorry. I gave the microphone to you but you didn't get it. Okay. Go.

Michele Neylon   I think (Tim) - I mean (Tim) has a very valid point. I mean, there's no - from the ICANN perspective, the registrar has a relationship with their registrant whether the registrar's registrant is doing something else with the domain afterwards is impossible for the registrar to know or for the registrar to control.

But the probably - the flip side to it is that the user of the domain may see themselves as being the owner of the domain because they're paying somebody for the use of that domain. Or they won't understand the difference.

Man: Yes.

Alan Greenberg: Right. And I don't disagree with (Mycale), I'm just saying that there's limits on what we're going to be able to do.

Michele Neylon No, I don't. Don't get me wrong.

Alan Greenberg: (Unintelligible).

Michele Neylon   And I don't - don't get me wrong. The problem, the problem I think is that comes back to the complaints that ICANN receives and the complaints other consumer groups may receive with regards to the entire post expiree thing.

I mean, just going back to the simplest thing is what about the notifications. So, I don't think there is an easy solution to it. And I wouldn't propose that there is. It's just I think - I can understand both sides of this and it's just - I don't see how any of its going to be able to navigate to what I was ending up and terribly entangled.

Alan Greenberg: There are potentially easy answers, but probably not implementable ones. If I was the ruler of the universe, I would say that if a domain is registered, the contract with the original person wanting that domain name, if the name will not be registered in their name, then the agreement that that person signs or agrees to must make it crystal clear that that's going to happen.

Now, how you actually enforce that, how you word that, I'm not quite sure. It comes back to what (Mike) was saying in terms of openness and transparency. That an innocent registrant should have a chance to understand what's going on.

And it shouldn't just depend on them having six years of experience and the insight to ask the right questions. You know, again, I don't know how we implement that.

All right, we're running out of time very quickly. I think there's general agreement that we go ahead and try to collect some information. What process are we going to use to try to refine the list of questions so that it's a reasonable list and short enough that it's implementable?

I think trying to go it on mass in this group is not going to be practical. And I think we're going to need some small breakout group to do that. Comments? Anyone still alive?

Man: Well, you're at the volunteer points so everybody gets real quiet, right?

Woman: Anyone who speaks may have their name taken down and held against them in them and the (unintelligible) subgroups.

Alan Greenberg: I'm willing to work on it. My problem is from this coming Sunday through the next one, I'm unavailable. So either we defer until after that or start between now and Sunday. And if anyone else wants to work with me, I don't think (Mike Pilage) cannot say he wants to.

Michael Palage: Well, I guarantee if I volunteer there will be a strong outcome for some other colleagues. I think we need someone on the registrar side to also work on this.

James Bladel: Alan, this is (James), I will either step up or jump on that hand grenade, however you want to view it.

Alan Greenberg: All right.

Man: Well done, (James).

Alan Greenberg: Can we exchange email in the next 12 hours and try to find a time that's agreeable to us? And we'll have a small conference call one way or another.

Michael Palage: Yes. And I think unfortunately for registrar participation, there is an event this week. So it is going to be problematic to get something done before Sunday, just putting that out there as well.

Alan Greenberg: If we can try, otherwise we'll defer until I come back, I guess.

Marika Konings: Alan, would you like us to set up a little doodle to see if we can find a time.

Alan Greenberg: Yes, thank you. (James), when do you head up to Toronto?

James Bladel: Tomorrow morning.

Alan Greenberg: Are you available tomorrow? Or - because the events are Thursday, Friday, or are you already tied up in meetings on Thursday? I mean on Wednesday?

Michael Palage: In fact beginning Wednesday afternoon. So possibly some time on Friday or Saturday.

Alan Greenberg: All right, Marika, let's try. I'm not optimistic we'll manage. But let's try to find an hour or an hour and a half to do that when people can, including some staff member, you, if possible. But if not -

Marika Konings: And shall I otherwise as well include already some dates for not next week but the week after?

Alan Greenberg: That would be fine with me.

Marika Konings: Okay.

Alan Greenberg: The gods of airlines are with me on back Sunday nights, but with plenty of opportunities to misconnect along the way. Next meetings. I would suggest we meet...

Cheryl: You've missed Item 5 on your agenda, Alan. Nor are you going to have time to address it.

Alan Greenberg: That's the statement that (Garth) sent us?

Cheryl: Correct.

Alan Greenberg: I don't think he's on this call.

Woman: That's also correct.

Alan Greenberg: And I don't think we have since we're six minutes before the end...

Alan Greenberg: ...the start of another call.

Cheryl: Yes, I'm well aware.

Alan Greenberg: So I would defer that one until - my personal opinion is much of what is in that document is not really related to post expiration issues, although peripherally it is. And it warns a little bit of concession but not very much.

Jeff Eckhaus: Hey Alan, it's (Jeff). Can I make a quick comment because this is directed at me, or there were some points on this?

And I'm not going to - just because (Garth) isn't on the call and I think I sent an email, I don't know if it went through. But about the relevancy of the report and the accuracy, I'm not even going to go into that part.

But just, I think, Alan, I agree with you on the main, on the main, on the point you just made is that this group is a post expiration domain name recovery and...

Cheryl: Exactly.

Jeff Eckhaus: ...and that he discussed is a brokerage company and doesn't offer any registration services. So I don't think - I think it's - doesn't - shouldn't be discussed in this group, has no relevance to it. And I'll just keep it short and sweet on that.

Alan Greenberg: Yes I - since we're not talking about it instead of not talking about it. My feeling is that it's an interesting example, without trying to go into exactly how accurate the details are, of the kind of situation a registrant faces when dealing with this marketplace.

Cheryl: But beyond that, that's about the only observation I think this group should be making on it.

Alan Greenberg: That's right. So it's an example of how confusing the world can be. And part of our job may be to try to make that world simpler. But we're not going to fix all the ills of the world.

Cheryl: And a large share of that comes back to education of the registrant and the end user, which is not the bailiwick of this group.

Alan Greenberg: Okay. Next meetings. I would suggest that we not meet next week. This group can, but I can't join you. And I would suggest we not schedule a call for next week. Schedule it for two weeks from now.

Woman: Yes.

Alan Greenberg: And attempt to schedule a meeting weekly. We seem to be particularly unable to work other than the six hours after the meeting and the six hours before a meeting. And given that, I would suggest that we try to meet weekly.

Cheryl: Hey, at least they work then, Alan. Don't knock it.

Alan Greenberg: That's better than some meetings.

Man: (Unintelligible).

Alan Greenberg: Does that sound reasonable to people?

Man: That's 12 hours ahead of past logs, I think.

Michele Neylon   The next one will be the first of September, is that correct?

Man: Yes.

Michele Neylon   All right. I'm telling you in advance, I won't be able to make the one on the 8th of September.

Alan Greenberg: Does it sound like a reasonable plan in general, however?

Tim Ruiz: No, Alan, I won't make the 8th of September either. That's - I'll be on an anniversary vacation, so...

Alan Greenberg: Well, congratulations.

Man: ...and that's something I can...

Alan Greenberg: I would suggest we do what is being done with a number of other working groups. That is schedule them weekly and each one we have the opportunity for canceling the next one. You know, if we have other work products or we know enough people won't attend. But that we put them on our calendar.

Cheryl Langdon-Orr: Alan, the only one on the third, so the only issue on the first for me, (Sheryl) here, is that I will actually have to be on mute for the most of the call. And I won't be in the Connect room because I'll be traveling to a conference that starts that day. So I'll be in traffic.

Alan Greenberg: I think we're going to have that kind of situation on an ongoing basis for many of us.

Cheryl Langdon-Orr: Yes.

Alan Greenberg: But does that sound like a reasonable plan, though? At this point, to schedule starting the first weekly and cancel as necessary?

Michele Neylon That's fine.

Man: Okay, sounds good.

Cheryl Langdon-Orr: (Shiva) has his hand up.

Man: Agreed.

Man: Then (Shiva) can talk.

Siva Muthusamy: Hello.

Man: Yes?

Siva Muthusamy: Yes, between our next meeting, is there a possibility that the group could open up for a few more participants and see that we have on (unintelligible) 23 names of the (unintelligible) six - except for six people, the rest of the participants are from business (unintelligible).

Man: I'm sorry, say that again?

Siva Muthusamy: Between now and the next meeting, is there a possibility that we can invite more members from at large or from (unintelligible).

Alan Greenberg: This group is open should people choose to join us they are welcome.

Siva Muthusamy: Okay. It's still open?

Alan Greenberg: I have repeatedly invited people.

Marika Konings: And just to add, a few new names have been added to the list but haven't been updated yet on the Wiki. So we do I think have now some representatives as well from the IBC constituency so. I'll update that ahead the next call.

Siva Muthusamy: Okay, thank you.

Alan Greenberg: Anyone else before we close?

Cheryl Langdon-Orr: Please close. We have less than 35 seconds to get on to the next call, Alan.

Alan Greenberg: I thank you all for your participation.

Man: Thanks, Alan.

Alan Greenberg: And thank you, Marika, for the marvelous job you're doing.

Marika Konings: You're welcome, thanks.

END