

**GNSO  
Post-Expiration Domain Name Recovery (PEDNR) drafting team  
23 February 2010 at 19:30 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 23 February 2010 at 19:30 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-pednr-20100223.mp3>

On page:

<http://gnso.icann.org/calendar/#feb>

**Present:**

Alan Greenberg – ALAC - Chair  
Michele Neylon - RC  
Cheryl Langdon-Orr - ALAC Chair  
Ron Wickersham – NCUC  
Berry Cobb - CBUC  
Shiva Muthusamy – At-Large  
Mike O'Connor – CBUC  
Jeff Eckhaus - RC  
Paul Diaz – RC  
Mason Cole - RC  
Ted Suzuki – IPC  
Michael Palage - CBUC  
Glenn McKnight – At-Large

**Staff:**

Gisella Gruber-White  
Margie Milam

**Absent apologies:**

Marika Konings  
James Bladel – RC  
Alaine Doolan – IPC  
Karim Attoumani – GAC

Coordinator: Excuse me. I'd like to remind all participants this conference is being recorded. If you have any objections you may disconnect at this time. You may begin.

Gisella Gruber-White: Thank you (Kelly). Good morning, good afternoon, good evening everyone on today's CEDNR call on Tuesday, the 23rd of February.

We have Alan Greenberg, Michele Neylon, Siva Muthuswamy, Cheryl Langdon-Orr, Mike O'Connor, Ron Wickersham, Michael Palage, Jeff Eckhaus, Berry Cobb, Ted Suzuki, Paul Diaz.

From South we have Margie Milam and myself, Gisella Gruber-White. We have apologies from James Bladel, Marika Konings and Alaine Doolan. Also, please remind everyone to state their names when speaking for transcript purposes. Thank you. Over to you Alan.

Alan Greenberg: Thank you Gisella. By the way, just for once I'd like to see when - after they make the announcement that if anyone doesn't like it being recorded they could drop off, that everyone drop off the call.

Gisella Gruber-White: Let's do that on the last one shall we?

Alan Greenberg: Okay. Margie, are you here?

Margie Milam: I am here.

Alan Greenberg: Would you like to take off where you left off before if you remember where that is?

Margie Milam: If I can remember.

Alan Greenberg: Or we can start it over again if you'd like.

Margie Milam: Oh God. I don't think anybody would want to go through that again. I think I was on page 8. But I don't exactly remember where and I actually would like to go back to 7 if you don't mind, and talk about the disruption of email one.

Alan Greenberg: Yes. We had a discussion about that. Go ahead.

Margie Milam: Yes, well...

Alan Greenberg: Fire away.

Margie Milam: I - that's one where we were at least to begin with, at exactly opposite sides. I view email as one of the many possible services one can get out of a domain name and I would want to see it stop working as the last ditch or one of the last ditch opportunities to tell the registrant that there's a problem.

Alan Greenberg: Yes, I...

((Crosstalk))

Margie Milam: Pardon me?

Alan Greenberg: I think I'm on the same page.

Margie Milam: Okay.

Alan Greenberg: Michele kind of blew me out of the saddle on that one last time. So I think I...

Margie Milam: I mean part of me says it will be really nice to do things like hold all email until their domain is renewed or something like that. But I can't for the life of me really figure out a way to do that. So...

Alan Greenberg: Oh, I think that Michele pointed out that it depends so much on where the email is hosted. The only thing that registrar has any control over is whether or not the MX records resolve. And so...

Margie Milam: I guess before I plunge the rest of the way through this list, I wanted to sort of stop, pick a checkpoint and see whether - where we should go from here. I

mean I think that the purpose of this particular document has been served, which is to trigger a lively debate.

But I'm not sure that this document is all that good. And, you know, what I was doing when I was writing these last three pages was just sort of sketching notes. But in terms of actually advancing the ball on the working group I'm not sure what we get from a discussion about this.

So I thought before we dove back in I'd just sort of take the temperature of the group and see what we wanted to get out of the discussion so that we didn't waste too much time unnecessarily. I mean I'm happy to go through and continue sort of explaining the little cryptic notes.

But they are riddled with errors and it's just one guys opinion and etc., etc., lots of disclaimers. And so, if people want to do that, that's fine. But if you would rather do something else I certainly wouldn't want to stand in the way of the group on that.

Does anybody have a strong opinion? This is purely process not intent. I'm keeping my eye out for this.

Alan Greenberg: I have one but I guess I'd like to hear from anyone else before I chime in. All right, in the absence of anyone else, I find some of these discussions useful because bringing up concrete examples so that we all understand them and understand the pros and the cons I think is - does not give us - does not lead us directly to the final answer.

But I think contributes to a leveling the field so that we all understand some of these issues better. So I wouldn't mind going through them but...

Margie Milam: Okay. Well I'm happy to do it. I just - I - we all have so much to do that I don't want to waste people's time. Let's churn on ahead to page 8. And if at some

point your patience is - runs out just stick your hand out and say Margie this is ridiculous.

So I think I talked about the registrar slamming stuff. That was really an illusion back to a pretty extensive discussion that we've had in RAP, Registration Abuse Policies. I think we've got some language in the report that's out on that.

It's kind of magical thinking but it would be a great way to sort of reduce the confusion, especially leading up to expiry that registrants face. And so I think it would be neat to do. I don't exactly know how. We talked a bit about sort of amping up the compliance activity around this perhaps.

Taking a look at pursuing at the heart of most of the slamming scheme, there seems to be a connection somewhere to a registrar. Although some of the schemes are very complicated and the registrar is by no means the only player.

But anyway, that's sort of what that's talking about. It's why it's in the harder stuff column. The next one is the issue of how inconsistent WHOIS data is in the way it's displayed.

Right now there's quite a bit of dispersion between registrars and registries for that matter, in terms of how the data elements are arranged on the page, headers, etc.

And I think Michele may have mentioned his in the last call that there is a - I think he shared an experience where someone gave him a template to use.

And it could be that that's - all we need to do is make a template more readily available, more public, more emphatically presented and more strongly encouraged for registrars to use. I just don't know.

But I was thinking that in many of these cases it would simply be helpful to be able to count on finding the data in the same sort of format no matter where one was looking at it.

Alan Greenberg: Well it's not only in - it's Alan. It's not only in the same format but as an example, drawn from earlier discussions, you know, some registrars list the reseller in WHOIS. Other ones simply have a code number and perhaps a process by which one could find one if you know all the secret incantations.

And, you know, that's not a big thing until you're trying to find out who you're supposed to be dealing with.

Margie Milam: Right. Right. And again a lot of this is done under a fair amount of time pressure. And anything that we can do to help people when they're...

Alan Greenberg: Michele?

Michele Neylon: Sorry. I had myself on mute. Just this thing about, you know, how registrars handle resellers. I mean I think as Alan said, yes some people do list the reseller in the WHOIS somewhere.

But a lot of the ones who don't, you know, if - as if they make it very easy for the registrants to discover who the reseller is on their Web site. You just put in the domain name in some cases and it'll bring back the contact details for the reseller.

This entire thing about the timelines and everything else - I mean I don't mean to be blunt but this entire thing about timelines being short - I mean if the domain has expired under normal circumstances you can give them plenty of opportunities.

If the registrar of record provides a facility whereby you are able to contact the correct reseller I don't see what the issue is. If the - I mean okay, sure if

the registrar is a total and utter scumbag then that's really going to be a problem for compliance in other areas anyway.

Margie Milam: This is Margie again. I think that this is where we get into sort of an interesting part of the conversation. You know, there is sort of an emerging theme in this conversations that there are registrars that exemplify all that's good about our industry and there are others that don't.

And the transition between the two is tricky and gray sometimes. And I think that what would be useful is some signposts for everybody to figure out that situation.

The difficulty with punting everything to compliance as we heard on the IRTF call this morning, is that they're not really geared up from several vantage points, sometimes to handle that.

Sometimes they don't have the policy underpinnings to do anything because, you know, so they can't really enforce because there's nothing to enforce. The other is that they're not really staffed to handle that kind of thing.

And so I think at this point in the conversation we're sort of in a way, at the nub of that. How do we handle the situations that are in the gray area? The stalwart registrars for the most part don't present these sort of problems.

The scumbags - I like that term - I'll go with yours, also don't present as many dilemmas. But there is a huge variation in the middle that it seems to me would benefit from some guidance. And I'm not necessarily saying that the guidance has to be the iron fist of policy.

In fact, James makes a pretty good case and he made it again this morning, that by embodying a lot of this stuff in policy we tie the hands of those who want to innovate to get stuff done.

But at the same time, I think it's these kinds of minimum standards and signposts, that if we can figure out a vehicle to agree on, we advance the ball for everybody. A longwinded response Michele but that's sort of the way I feel about it.

And, you know, there's a lot of this consistent minimum stuff on this page where I don't - I really don't want to ram uniformity down people's throats. And again, this is just Margie ranting in PowerPoint. I've got to lay that disclaimer in there again.

But at the same time, you know, our industry is maturing a bit and I think it's time for us to sort of take another step forward to providing consistency and sort of minimum standards of behavior and operation here, where we can, to help the customers of registrars and the registrants and the registries move into sort of the next era of (this).

So, the next one was the same sort of thing. One of the things that I sort of highlighted in the goofy flowchart was the fact that it's awfully hard, especially for an extremely occasional user, which is the typical registrant, to figure out the status of their name, partly because of the way the information is displayed or not and partly because of the nomenclature of the names that we use for the statuses.

You know, I think again, the conversation we had this morning where I stepped on my tie and said oh yes, yes, there's a registrar hold status.

There is no such thing. Oh God, I felt so dumb when I said that. But anyway, you know, it's I think very difficult for a person who interacts with this process, probably the most frequently they interact with it once a year, when they renew, or less because a lot of folks, myself included, renew for, you know, two, three, five, ten years depending on the name.



And, you know, there's the old system design parameter that says that the occasional user is the most difficult user to design for. Because you basically have to reeducate them on how a process works each time they confront the process.

And today, figuring out the status of your domain from WHOIS is very challenging I think for a lot of people. So that's where that notion of status comes in.

Alan Greenberg: Margie I'm reminded of years ago, someone was describing a specific programming language and, you know, various people have said it's very, very difficult to use. And the person disagreed with them and said it's exceedingly easy to use, it's almost impossible to learn.

Margie Milam: Yes.

((Crosstalk))

Alan Greenberg: And we're in the situation here where the less frequently you use it the harder - the worse off you are in trying to get back up the experience curve and learn it if you ever were there.

Margie Milam: Yes.

Alan Greenberg: And I think that's the situation that we're in. It's an exceedingly hard process to learn. If you do it every day it's not hard at all.

Margie Milam: Yes. I think that's right. So anyway, that's what the status thing was sort of aiming at. And the next one was really again, kind of tongue in cheek. A lot of this is tongue in cheek people. You have to understand that I did this partly as a joke.

But, you know, we do have all these terms - automatic renewal versus auto-renew grace period versus redemption grace period, etc., etc. that are really similar. And then on top of that we do have a fair amount of variability as to where it's displayed, whether it's displayed, what kind of language is in it.

Some people have very clear language, some have hard to understand language. And again this is our occasional user who is stumbling around in the - pretty much in the dark. Not because of what registrars have done. I don't want to accuse registrars of that.

It's just that they're not - they don't engage in this very often. So I think that to the extent that we can make those things clearer, and again, you know, we've run right into that same discussion about not wanting to stifle integration gray area to scumbags.

We have to figure out a way I think as a community, to address that.

Alan Greenberg: Well Margie in this case do you mean consistent or do you mean minimum?

Margie Milam: Well I think what we - we run into trouble with minimum and consistent. And we probably need to figure out a different way to tackle this problem. If we say consistent that's - that could be a code word for uniform. And uniform I don't think that flies. I think that's dead on arrival.

The trouble with minimum and James and Paul are very articulate on that - you then run a risk of triggering a race to the bottom. Which by specifying a minimum you trigger a situation that really nobody wants.

So, you know, we're bumping into this enough that we almost need to pick one of these minimum/consistent ones and try and figure out a way to solve it in a new way. And I guess that if I were to pick one I'd pick one that was really low risk and really low impact.

((Crosstalk))

Michele Neylon: Sorry to interrupt you but I'm trying to follow exactly what you're talking about and I'm a little lost.

Margie Milam: No. I'm shocked. I'm shocked.

Michele Neylon: Could you please - it's like...

Margie Milam: Well I'm dancing around tough issues. That's why I'm using so many words. You know, let me use fewer words.

Michele Neylon: Yes, okay. I - look I've been - I - look, it's nearly 8:00 pm in my time zone.

((Crosstalk))

Michele Neylon: I did - no, I was in the office shortly after 8:00 am this morning. Cheryl's been up nonstop for 28 hours. Alan is probably similar.

Margie Milam: I've had a nap. I feel good.

Alan Greenberg: I had four hours sleep so I'm okay.

Michele Neylon: Yes, so...

Alan Greenberg: Go ahead. Go ahead Michele. I'm sorry to interrupt.

Michele Neylon: If you wouldn't mind just being a little less ambiguous and being a little bit more concrete about what exactly you're talking about, because I'm more than happy to discuss things with you and to work with you and work with a lot of people but at the moment I'm rather confused as to what exactly you're talking about because...

Margie Milam: Well let me give you an example. So in Registration Abuse Policies we basically broke our pick on the issue of uniformity of contracts which was an issue that came up there. And the reason we broker our pick was this issue of consistent minimums.

And we basically fell into the, you know, it divided right along contract to parties on one side and not contract to parties on the other. And we couldn't figure out a way to bridge that. We couldn't figure out a way to get to consensus between the two sides.

Well in consensus terms that's just a consensus failure. It's not the end of the world but at the same time if we fall into that same pattern with everything that has either the words consistent or minimums embedded in it we're stuck.

And until we figure out a way out of that there's a lot of stuff that we're going to be stuck about. And that would be too bad. I think that everybody would benefit from a way out of that stuckness. That's really what I'm dancing around.

And what I would propose as a way to get unstuck on that is not to take on the most difficult issue as our first try which we accidentally did in RAP. Because if our contracts are difficult.

So we can take on something like some of the stuff on this page which is difficult but not nearly as difficult as contracts.

And we could hammer on a relatively low impact issue partly to solve the issue but partly to figure out a way out of this schism between folks who want consistent minimums and folks who don't. Treat it as a pilot project. Treat it as a test case.

But, you know, do that with an eye to something that could be applied then more broadly if we can find a satisfactory resolution. Is that clearer for you Michele? Oh, James has got his hand up. I'm sorry.

Michele Neylon: Yes. Let James go please.

James Bladel: Yes, just real quickly, this is James speaking. And I don't want to belabor this point too much Margie. But, you know, we had a consensus in registration abuse and it fell apart at the 11th hour but we did have one there briefly.

And I think what it's - the key here is can we achieve some agreement without normalizing or standardizing or commoditizing, whatever word you want to use, the registrant experience across all registrars.

Margie Milam: Yes.

James Bladel: And I think that's where it gets touchy, you know. We had made investments in products and services but also safety features and recovery services and all of these other things that frankly we feel differentiated from the bad guys.

And so when you talk about normalization, you know, it does flip that equation on its head and turn it into a race to the bottom rather than raising, you know, raising all boats, you know, it turns into who can - who can do less for the least.

And I wanted to point out too, just another thought is, when we talk about throwing things to compliance I think that, you know, compliance, you know, there are some folks within maybe the registrar community that sees compliance reflexively as some kind of a threat. I don't.

I think of compliance as a way of preserving those investments that the registrars - especially those that participate in ICANN, have made to go

above and beyond in serving their customers. So I think I'd welcome compliance.

And in fact I would go so far as to say I would love to see ICANN put a moratorium on new policies for a year and just make that investment in enforcing the policies they have.

Margie Milam: Yes. And, you know, I just thought of a new analogy and new analogies are dangerous because they're usually bad. But one possible analogy is that if we were making cars I certainly would not want to mandate that all cars had all the same features.

But I would like to make sure that all cars had brakes sufficient to stop and, you know, seatbelts sufficient to keep the passengers from going through the windshields which wouldn't break, etc., etc.

And I think that where I get in trouble at least when I think about this, is that a lot of this stuff I don't view as product differentiators. I view them as basic safety features. And that I'd hate to legislate a way of product differentiation. But at the same time I'd like to keep the eye on those safety features.

And figure out a process by which we can do both so that we can still have robust competition in the market but with some sort of safety net that says this is, you know, and I'm going to use these and, you know, these are almost becoming loaded words.

That's the problem with them is that, you know, we've used them enough in these debates now, that when you say consistent minimum it's starting to trigger a response and I hate that.

But, you know, something like that so that we could - and that's why I think a pilot test case around something that isn't quite as explosive as the uniformity

of contracts discussion might be a really useful thing for us to find the boundaries of that.

Because I don't think that we're really in wild disagreement camps. You're right James. We did get close to a consensus and it did fall apart at the 11th hour and we really just didn't have enough time to hammer on that consensus to get it back.

But that's another thing that these things clearly take, is a lot of time and a lot of conversation...

Alan Greenberg: Margie?

Margie Milam: ...to get worked out. Go ahead Alan.

Alan Greenberg: Yes. I mean James asked - not James. Jeff asked what's the goal of the conversation? And I think the analogy you gave is not only a good analogy but is the crux of this discussion.

And that is how do we differentiate between features on the car and the safety features and basic minimums which in fact if you look at legislation in real countries, they do legislate.

You know, at one point seatbelts were a feature and now they're required. And how do we identify in this process what the seatbelts are and what the safety issues are in regard to domain exploration.

If you go back and look at the words that were used when the RGP was first invented as it were, and then when EDDP was implemented, the expression that was used was restore the safety net.

So indeed it has been - these things have been viewed as safety issues for a long time now. And I think our challenge is to get back to the point of - try to

identify which things are in fact sales differentiators, which are features and which are basic safety features which one can expect.

And I don't know how we come to closure on that but I think that does - from my point of view, does address what we're trying to look at today and indeed what this whole PDP is looking.

Jeffrey Eckhaus: Hey Alan it's Jeff, if I could just - so...

Alan Greenberg: Sure.

Jeffrey Eckhaus: ...that's my question. Is that okay, so I understand that concept of, you know, what's - of your analogy which works for the seatbelts. But what does that work - what is that helping us towards and what is that what we're trying to do?

Because I'm still trying to figure out - I don't think we've made that decision. Is there a problem? Because we're already looking at all of these solutions. And I think somebody said this before. I mean are we - at this point where we're still - we have been - we're looking at solutions in search of this problem.

I still think we haven't answered the questions about is there a problem and we're suddenly jumping ahead to, you know, what should be features, what should be mandatory versus - we're still trying to figure out what the issues are and I don't think we - I don't - unless we, you know, somebody said unless you're stating hey, we've answered that question.

And here are the answers. I still - I don't know why we're jumping to the next base here.

Alan Greenberg: Well to some extent I think the survey which is going on in parallel with this discussion, is to try to understand what people think there is a problem that we need to address and what people think there isn't a problem.



But I think - I - well perhaps it - I'm culpable because I suggested to Margie that it was worth talking about some of these things. Because I think talking about them gets us closer to a common ground of what the issues are.

Now, you know, I'm not sure everyone's going to agree with that. James you had your hand up I thought, but it disappeared.

James Bladel: I was in agreement with Jeff.

((Crosstalk))

Alan Greenberg: Margie you still have the podium. Do you want to continue on this or go quickly onto your last slide?

Margie Milam: Yes. Let me just whip through to the last slide. That's the one where I threw the grenades.

Alan Greenberg: Well you - the last point on this one I don't think you did. But you can skip over it if you wish.

Margie Milam: Let's see. The last one on page 8 is oh, this is where I was drawing that part of the flow chart. Any part of the flow chart that had about 9 million branches, I decided could use a little simplifying and so I just put this one in. And we've talked about this.

This is the one where there is tremendous dispersion, etc., etc. To Jeff and Paul and James's point which is to Michele's point, I mean, you know, one way to do this is just wrap this up and say okay, you don't pay, you don't play and everything post expiry is buyer beware.

And in fact I could support that. Basically what it is, is if you the registrant don't pay your bill then poof it's done. The next day it expires and none of this

fancy shmancy stuff with little options and little drops and all that good stuff.  
It's just out of the zone.

And then there can be some sort of mad scramble for everybody to get that name. I think that when you do that, when you take that position you're basically folding your hands and saying let there be a train wreck.

And I think you should probably be careful what you wish for, for your dreams they may come true.

Alan Greenberg: Margie if you could qualify though, why are you assuming that if the RAE has no rights post expiration that the registrar of record doesn't either...

((Crosstalk))

Alan Greenberg: ...not the case. You seem to be linking those together which maybe pleasing for some people but it's not in my mind, a foregone conclusion.

Margie Milam: Yes. I think that the point of all that is that it's - there is a post expiry period that's in place. There are a whole host of different ways that that's handled. And one way to do it is to scrape it clean and start over and just say well, that was a mess. Let's try again.

And I think if we said that then it, you know, the rules should be simple. When the domain expires it goes out of the zone.

Alan Greenberg: Right.

Margie Milam: And indeed, one of the ten registrars we surveyed does exactly that.

Alan Greenberg: Yes. James.

Margie Milam: But, you know...

Alan Greenberg: Sorry.

Margie Milam: ...that's a pretty extreme position.

Alan Greenberg: Go ahead James.

James Bladel: And I was just about to say I don't necessarily agree with Margie's position. I think it's kind of on one edge of the extreme.

But it does raise some interesting thoughts/points here which is, you know, would we better served rather than trying to build a safety net with small enough holes in it that, you know, could test every possible scenario.

You know, kind of like the goalie in the game on Sunday, right, that can stop just about anything coming their way. Or would we be better served perhaps if we just eliminated those - all of those layered periods and exceptions and scenarios and things.

And allow the registrars to innovate on - and registries as well through the (RSEP) process, to say here are our advanced name protection services. This is why you should choose us.

And put that out in front of - educate the consumers to a larger degree and say essentially that this is what we are bringing to the table. Because I think that really what we're getting to here is consumer choice, consumer responsibility and protecting consumers somewhat from the choices that they've made.

But also protecting them from the actions of elicited players in the marketplace. So thanks.

Margie Milam: So James just to carry that on, would it make sense to make sure that all of those activities happened pre-expiry? That post expiry it was all exactly the same?

James Bladel: You know, I would even like to - I'm not sure I understand. But I would actually like to see this level of consideration and thought and concern about the post expiry period, entering into the registrant's mind before they even register the name. Okay?

Margie Milam: Yes.

James Bladel: So that they're actually - they're not looking at, you know, so that they're thinking about these things. Well what about transfers? What about some views? What about post expiration?

Because I think, you know, personally and I know that I have some colleagues on this call from some other registrars, but I think, you know, given the choice I feel pretty confident that we're going to win our share of customers given that choice.

Alan Greenberg: But isn't that the - one of the issues that I mentioned before that you already know the language. The typical person that we're worried about that has post expiration problems when they go to register the name to begin with, don't have any clue that these are even issues they should consider.

It's hard to differentiate yourself when you selling something no one understands.

James Bladel: Well why is that though Alan? You know, I mean - I mean why would someone buy a piece of real estate without thinking about how it could be sold?

Or why would someone, you know, I guess why - we should be asking why are these things not being raised at the beginning of the cycle, only when, you know, there's a problem? You know, is that an outreach, an education issue? I don't know.

But I'm not content to say that, you know, the registrant is just coming along and registering names. And anything that happens to them after that is completely, you know, within the realm of what ICANN should be looking to fix.

Margie Milam: ...manage the queue just a little bit...

James Bladel: Yes, all right.

Margie Milam: ...and let Michele and - actually let's let Cheryl jump the queue and then Michele.

Cheryl Langdon-Orr: Okay. Thanks very much for that. I was really just going to barge in and have - be a tiny bit repetitious on some of what we said last week.

And that is that when you've got situations where there is predictability and it has been a lot easier to educate and influence pre-market decisions and decisions around contract and it's a more meaningful exercise if indeed some (minders) come out.

And it points back to something that's come through the registrant's mind that says oh, I must remember to do that even if it is in ten year's time. And that's not buying into that if other stuff happens like we've had in some of the examples.

But it's got to do with an opportunity for a next phase of industry maturation. And I think we need to keep that in our minds as well.

Margie Milam: Thanks Cheryl. Michele?

Michele Neylon: Coming back a bit to what James was saying - I mean ultimately the, you know, there is, you know, registrars are going to market themselves as providing...

Margie Milam: Hey Alan, could you mute?

Alan Greenberg: Pardon me?

Michele Neylon: Providing better services than their competitors. It's what we do. It's what James's company does. I'm sure that the others do too. I mean, you know, that's what we're all going to do.

And, you know, the thing is if somebody insists on registering a domain name with a company that has very strange terms of service then, you know, there's not much we can do about that.

If you like - if you want to use that car analogy again, if I insist on buying a car in a back alley from a very (grotty) garage then, you know, I'm not - I can hardly expect to be as good a quality or come with the same kind of warranties as if I went to a garage which was located on the High Street besides the others. I mean it's just my random thoughts on this.

Margie Milam: Well, you know, I mean let me take this thought that James had to another extreme, being an extremist kind of guy. And say that I don't know in other countries, but in the US there are laws about how you can sell cars.

And there - in real estate there are disclosure laws about the loan that you get when you buy your house. The loan has - the interest rate has to be described in a certain way, etc., etc.

And so one way we could do this is we could take James's notion that says we really need a better educated consumer at the time of sale. And the question I would have for you is, you know, I've forgotten - one of you guys that I'm friends with, was marketing domains as Valentine's Day presents last week.

And what do we do about that? I mean to a certain extent somewhere along the lines we've got to face up to this notion that if domains are big deal to real estate things, it's incredibly valuable and there's a lot of harm when you lose it, somewhere in this process we have to slow things down.

Either at the beginning or at the end. And I don't know that I care which end but I think that when we have it fast at the beginning and fast at the end we get in trouble. Thoughts about that? Berry, do you want to go?

Berry Cobb: Thanks Margie this is Berry. I - this is Berry speaking on his personal behalf and not on the (BC). And with kind of what James was talking about is something that I could possibly support for a couple of reasons.

I, you know, I'm not 100% familiar with the history behind auto renew grace period and redemption grace period and those kinds of things. And as long as we've been involved with this I've tried to educate myself even further. And also providing a hand in and trying to document what this process is.

The bottom line is that it's a train wreck of a mess from whether you're educated about it or you're the layman registrant that has no clue. So in many ways I could support that we get rid of all of this stuff. When the domain expires the - when - or let me back up.

When the registrant registers that domain, the education becomes simple. If you do not renew this domain at the date you - that it's expired, you will lose it. Period. That's the consistent process that sets the expectation and there is no ambiguity behind it.

Then that allows the registrars and other market participants to be innovative and differentiate themselves and - if they want to offer additional services at a certain fee that protects the registrant.

But I mean where we're heading right now is personally if we held onto any kind of grace period at all I think there'd have to be some sort of consistency there.

And right now it just opens up the door for too many gaps and too many opportunities to gain or take advantage of the system. So I'll stop there.  
Thank you.

Margie Milam: Let's see. Who's next? Somebody's not muted who's really great at breathing into their mic on their phone. So if everybody could mute that'd be great. Ron, do you want to go ahead?

Ron Wickersham: Yes, thank you. This is Ron. Yes. I've argued in the past and consistently to use a term on the table, been shut down on the aspect of uniformity yet I want to stress on - a view of uniformity of post expiration because they're - because the registrant has an expectation of uniformity for registration.

That if you register a domain DNS will work. You will be delegated - if you choose to hire someone to manage your DNS okay, that's part of the education that they have to get to even get started.

But when we come to an expiration it is not always an idiot or an uninformed - it can be over issues that we've had listed where some employee moves on, they didn't keep the notification name mailed to the same.

So I don't see a problem in uniformity of a - of what happens when you - when a domain name expires so long as we keep it really simple so that we know what happens when you register a domain name.



It shouldn't be - I would argue strongly that it should not stop and be unrecoverable if it accidentally expires. But uniformity makes it simpler to differentiate. The problem of differentiating these innovative offers is that there's no uniformity to argue against.

If there is a uniform policy then the ultimate customer gets a better education because you can say compared to the uniformity here's what we're offering. So uniformity is not interfering with innovation.

Margie Milam: Thanks Ron. We've got a bit of echo on the line. I think somebody's come off mute just recently. That was exciting. Let me just read the notes a bit if anybody else has any comments and then we'll go on to sort of my last page and sort of wrap this up.

The last page is page 9. And on this page I've tried to put all the grenades. I think one grenade is this whole phenomenon that Rob Hull talked about in Seoul I think. Where he basically said if the domain is any good it never gets out of the grace period because the registrar keeps it.

And somehow there's something in that - if we go back to all those other businesses. Maybe real estate agents keep the houses that are good. I don't know. But somehow there's something wrong with that just intuitively.

And I know people have made millions - sometimes tens, sometimes hundreds of millions of dollars doing this. And I know that I'm going an ox when I say it. But I think that we've just go to confront that one head on.

That's not one I would pick as our first try because I think that this is a very tough issue. But I put it out there because it's out there. It's out in the broader (unintelligible). There's a lot of anger about it. Lots of quarters.

And at some point or another I think it's going to hurt ICANN if we just snooze through it. So that's my rant. Jeffrey go ahead and beep in.

Jeffrey Eckhaus: Yes, I just - yes, no I'm just trying - I'm not even going to tackle that and just discuss it because I'm not even sure how it - why that even is germane to this discussion on what happened, on if they're allowed, you know, on that whole revenue in that piece.

I, you know, that's what - I'm just - we're veering off into all of these crazy directions and other pieces. And I don't know, maybe I'm just trying to bring us focus and bring us back as - I've been on these calls for like - what - we've been on these calls for five, six months.

I've, you know, looking at the data that the average PDP is - lasts a year and a half. I'm just trying to get us focused because I really don't understand - we're going through this - how this affects what the discussion is and, you know, because it's going to bring up a hornet's nest.

You're going to bring up a lot of discussion, you know, commentary. I'm just trying to see how that affects the whole post - this discussion that we're having now.

Margie Milam: Well this discussion happens during post expiry. And since this PDP is about post expiry this is...

((Crosstalk))

Jeffrey Eckhaus: ...understand it happens. But how does that affect what we're looking at?

Margie Milam: I think that it affects what we're looking at because it changes the way that registrars operate. You know, this is essentially an operational process review of policy that's in place as - and with - we've been over the ground of how complicated it is.

Jeffrey Eckhaus: Right. But again I'm sorry if I'm just being a pain on this. But I'm still not sure how this affects registrants and their ability and do they have enough notification. Can they recover their domain name? We're still - I'm still going back to the - we need to answer those questions.

And we're just going off on these tangents. I'm sorry if I'm, you know, it's just I - maybe I've reached my breaking point today with these calls after six months of, you know, the same issues - the same discussions. And I'm not picking on you here.

I'm just trying to see, you know, what's our focus? What's our goal on this?

Margie Milam: Well, you know, I think our goal is for this little segment, the little Margie Show segment, the goal is really to just discuss what one guy, (Mikey), sees.

And the thing that started me was the contention that the process isn't complicated. That was the contention that triggered me to write that silly process flow chart.

And so I wrote the flow chart and as I went through it one of the huge sources of complexity, to remember that's the whole points of this thing, is the varying ways that registrars handle the monetizing of domains after they expire, when they're in these convoluted multilayered train wreck of a process.

Jeffrey Eckhaus: So - I'm sorry. The monetization does not - that does not affect the complexity. That's what I'm just trying to - I'm trying to get into this because we're just going off and we're just assuming that these things are connected.

And that one piece cause it, you know, that affects another piece and I haven't seen anybody - that's, you know, we've gone two weeks on looking at, you know, some of these pieces here. And I'm just - sorry, I'm just getting frustrated.

I don't know how the monetization - what their - a registrar's monetization method, how it affects the ability of the registrant. If there is something let's just say there's a direct piece and let's just move on with it. But I'm not - I'm just trying to figure this out here.

Margie Milam: Well, you know, my response to that is let's say that, you know, I think I raised people's hackles with this once before but I'll do it again. You're a registrar, you've got a very - let's say a medium, valuable domain. It's worth, I don't know, two to a thousand, \$200 to \$1,000.

Jeffrey Eckhaus: Okay, so I'm just going to stop right there because one, as a - I am a registrar and how do I know what a valuable name is? You know, to me I wanted to buy Eckhaus.com. I think it's worth \$10,000 to me.

Margie Milam: Right.

Jeffrey Eckhaus: I don't know if I'm - if I have it registered with Network Solutions what - how do I know what they think it's worth? You know, these - that's what I'm saying. These assumptions of - and I go back and I started this even with Rob Hull by saying what - no valuable domains.

Who's to assign what are just valuable a domain is and to who? So I - let's - can we stop - those assumptions are...

Margie Milam: Well let's stay with Rob's discussion. I mean what Rob was...

((Crosstalk))

Jeffrey Eckhaus: ...with what you just said about let's say a registrar knows that a domain is worth \$2 to \$3,000.

Margie Milam: Right.

Jeffrey Eckhaus: How does a...

Margie Milam: Right.

Jeffrey Eckhaus: ...registrar know?

Margie Milam: Well there's two ways. There's at least two that I can think of right off the bat which is probably wrong because I'm not real good at this. But one way a registrar knows is you can go out and, you know, throw it up on monetization and do the arithmetic on PPC (Risk).

And that's what Rob was describing in his flow chart, was that throw the name up and you watch it for four days and you extrapolate how much money it makes. It throws off \$200 to \$500 a year it's worth, you know, that timeshare cost of money.

So that's one way to figure out how valuable it is. And it's only, you know, theoretically it will only take you a day or two to figure that out. The other is that there are all sorts of automated ways.

The one that comes immediately to mind is Estibot.com where you can simply go look it up and Estibot does that same arithmetic based on traffic and search queries and blah, blah, blah.

And so now if I'm a registrar and I've got a pile of names that are falling off the end of renewal period even I, Mike the complete nitwit when it comes to programming, can write a script to automate that, so that names that come off registration that are worth more than X are something I'm really interested in and I keep them because I'm going to make a ton of money.

And in fact registrars do that.

((Crosstalk))

Jeffrey Eckhaus: ...after the expiration process correct?

Margie Milam: Right. After expiration. Absolutely.

((Crosstalk))

Jeffrey Eckhaus: Sorry. My whole point is being if it goes through an expiration process then...

Margie Milam: After it expires.

Jeffrey Eckhaus: Right. And then - right, so then you're saying it would have, you know, they would look through there. How does that monetization - how does it affect the original registrar's ability to renew it, to come back after it in the post - in the auto renew grace period?

Margie Milam: Because now the registrar has a conflict of interest.

Jeffrey Eckhaus: Right.

((Crosstalk))

Margie Milam: ...registrar has the choice of making \$200 by keeping the name or \$2.00 if they renew it.

Jeffrey Eckhaus: Okay. So my point - this goes back to my original - do we have any evidence that this has occurred? Like concrete examples, not anecdotal - I've heard or whatever. And this is my whole point is do we see this as being a problem before we're going through these solutions?

((Crosstalk))

Jeffrey Eckhaus: ...rest on that.

Margie Milam: Well the great divide and I don't want to point fingers at specific registrars on this call, but if you don't think that registrars have built massive portfolios by (unintelligible) the names that expire from their customers and keeping the good ones you're naïve.

Jeffrey Eckhaus: Oh, no, no, no. I'm not saying that. I'm not arguing that point. What I'm saying is how has it affected a registrant's ability to get back a domain name after expiration?

And do we have concrete examples that what you're saying registrars are doing has negatively affected the ability or do they not have the time? Which - because we're not going - this PDP is not in discussion of registrars' businesses practices but about registrants and post expiration.

Margie Milam: Well now we're facing angels on the head of a pin. Because one approach to this, another totally ludicrous extreme approach kind of like the throw out all post expiry stuff, would be to stop this PDP and do a WHOIS style data study of this.

And I guess we could do that but it would I think frustrate an awful lot of people if we did. You know, this goes way back to the sort of middle years of the domain world where, you know, the name spinning guys and the map name guy and all that...

((Crosstalk))

Jeffrey Eckhaus: ...with post expiration. That's - I'm just - sorry, I'm just trying...

Margie Milam: Sure it does.

Jeffrey Eckhaus: ...to get people to focus.

Margie Milam: It certainly does. When do you think that happens? It always happens post expiry.

((Crosstalk))

Jeffrey Eckhaus: ...the name pacing.

Margie Milam: Well...

((Crosstalk))

Margie Milam: No. I'm talking about people getting names on the drop.

Jeffrey Eckhaus: Right. So that was - so just to be clear, when a domain is dropped it's gone all the way through the post expiration period, it's been deleted, it's gone through RGP and then it's dropped so it has 75 days. So let's not confuse it...

((Crosstalk))

Margie Milam: ...now what we've got is a situation where a registrar is the only person who can do all that stuff that you just described but they can do it before that process has ended because they can start tasting the name the moment it expires rather than the moment that it drops off the end of the process.

Jeffrey Eckhaus: Right. Again, so...

Margie Milam: And they're the only party that can do that. They are...

Jeffrey Eckhaus: I'm not disagreeing with that. What I'm saying is and sorry, we should end this discussion. Is there been evidence and - that this has affected registrants from renewing their domain?



And do we see this as an issue that people are not able to renew their domains that takes it away because of that business practice? That's - the answer - we just need to know an answer to that. Not allegations or anecdotal but do we...

((Crosstalk))

Margie Milam: If you don't want allegations and anecdotal then we have to stop this PDP and go do a study.

Jeffrey Eckhaus: And you probably won't get the answer out of that either.

Michael Palage: As soon as this (unintelligible) can I get in the queue possibly?

Margie Milam: Oh sorry. I haven't been paying any attention to the queue. James is first. Michele's next and then are you on...

Michael Palage: I'm not on Adobe Connect.

Margie Milam: Oh you're not. Okay Michael after the other two guys. I have totally mismanaged the queue. James, Michele, then Michael and then anybody else? Go James.

James Bladel: Yes Margie. And, you know, I think - I'm not going to go too far on this. I just - I want to challenge the idea that, you know, because Rob Hull, you know, as much as I respect him and like him personally, but because it was included in the presentation that we're just, you know, going with that.

I think Jeff is absolutely right. I don't necessarily take that claim, you know, at face value and nor do I see it as a basis by which to charge off, you know, and solve a bunch of problems. I think that, you know, there maybe some truth to that. I don't know.

We'll have to - but I - we have nothing to go on. And, you know, you mentioned Estibot by name and I just want to point out that domains - we make a lot of comparisons with real estate but domain names are really about like art, okay?

Their value comes and goes. They're faddish. They, you know, you talked about PPC casing and things like that. But that can change day to day, week to week, month to month and, you know, based on whoever lost on American Idol that week.

So, you know, I don't think that that really is a foundation on which we can inform a fact based policy process.

And I think that - I'm trying not to sound frustrated or wear that on my sleeve but I think that if we hope for whatever comes out of this group, whether it's recommendations, best practices or if we create a whole, you know, new book of consensus policy.

If we have any hope at all of that being effective we have to know exactly what it is that we're trying to solve. And we have to be able to measure the impact that that policy had on the problem. And if you don't know the problem to begin with I feel like we're just going in circles.

Margie Milam: Well we do have a chicken and egg problem with data. We've discussed this in other working groups. We talked about it in RAP a good bit and, you know, I'd be find, you know, punching the hold button on this one and putting together a study to try and get the data.

Man: Margie do you have any real belief that we would be able to get data?

Margie Milam: Oh, I think we could. I, you know, I'd have to put my thinking cap on, on how to structure the study but I think we could. Michele, you go.

Michele Neylon: Okay. I would pretty much echo what Jeff was saying. I mean look, we're meant to be talking about a registrant's ability to recover a domain name. Nothing else.

I mean I - if a registrant's domain name expires and we as the registrar of record happen to do something in terms of monetizing the domain through parking straight afterwards. Well so be it. But that doesn't - that has no impact on their ability to renew the domain name.

I don't see how the two are connected. I also don't - I mean also on Margie's wish list here, I don't really understand this entire thing about the conflict of interest. I don't see it as being a conflict of interest.

I mean there's no reason why a registrar or one of the related businesses cannot be involved in any and all of those activities and still give the registrant the right to renew the domain if they decide to pay for it, within a reasonable timeframe.

But if they come back six months later to renew a domain name then it's obviously going to be gone. So that's happened. I've seen that happen. I mean it's ridiculous. Because, you know, you have to draw the line somewhere.

And the thing is again, like Jeff said, I mean we need concrete examples of these massive conflict of interest, not just kind of hearsay. I'm sorry.

I just - I - this entire working group has been round and round and round about the supposed issues yet it's failed time and time again to provide concrete examples of these massive issues that supposedly exist.

And there's lots of talk about what an average registrant may or may not think, what may or may not happened. And to be perfectly honest, it's gotten

to the stage now where I dread these calls. Because we're dealing with a lot of hearsay. We're not dealing with hard facts.

To say that there is no way of garnering any facts about what actually happens to registrants I think is unacceptable because there is a way - ICANN is capable of collecting complaints and does so. So I mean is there a huge number of complaints regarding the renewals?

I mean is there - are there tangible things? I mean this entire thing is - at the end of the (unintelligible) I was totally exasperated. And I think to be perfectly honest, I may have to leave this working group if this continues because I really don't have the time for this.

Margie Milam: Well this may mean that it's - my nefarious plot is working or I don't know. Michael, you go.

Michael Palage: Thank you Margie. So here's my question to the group. And I agree this - we have been going around in circles and I generally have been quiet which is generally hard for me to do. But here's one thing I look at.

With expiring domains, the expiring domain market as a whole, whether people forget about it, etc. VeriSign when they proposed the wait list service, obviously had done some analysis into this, if you will, secondary market of names once a name expires.

So if anyone has any data our friends at VeriSign may have that data when they were considering their wait list service that maybe of value, being able to identify actually - accidentally deleted names versus names that were intended to, if you will, slip through and be allocated.

So perhaps VeriSign marketing people have some data for us to use in that area. And as far as trying to solve the problem it does seem like we are going around in circles.

And this is not unlike what happened in connection with the domain name tasting where there were lots of people talking about lots of problems. And guess how the problem was solved.

The problem was solved when registries came forward and used the funnel process to put forth a registry service to bring order to an otherwise disorderly marketplace.

When (New Star) and affiliates brought forth their proposal it worked. The GNSO saw that it worked and then became a consensus policy binding upon all registries.

So while we - while I hear tons of talk about innovation, choice, you know, how registrars can distinguish themselves, how about we recognize the fact that with the new gTLD perhaps we allow and encourage new TLDs to offer services to protect registrants?

Give them the choice that I've heard time and time again, innovation choice, all this good stuff, right? How about we empower registries to give that choice in a uniform manner within that TLD?

Margie Milam: I love it when he talks like that. James, go ahead. Or Alan, you were up there first. You go and then James.

Alan Greenberg: Okay. A couple of things. We got sidetracked a lot on the whole issue of whether it is appropriate for registrars to make money on expired names. When this whole process started there were a number of people who fought tooth and nail to try to have the proposed PDP include the issues of, you know, related to should the registrar of record have a preferential position.

Or should everyone go back to stage zero. And the decision we made at that point was as Michele said, whether we like the concept of registrars making

money off of expired domains or not it doesn't - as long as it doesn't prohibit the RAE from renewing the domain it's not really our business.

And I really think we need to stick to that particular aspect of it. The issue of do we believe there's a problem that we have to fix, hopefully the survey will be out in a week, if enough people do it. And maybe it'll go onto other groups. We'll get an idea of whether there is a belief there is a problem.

I personally do not believe we are going to get hard numbers no matter what we do. You know, Michele asked are there complaints about renewal? And there are a large number of complaints about renewal. If you add up all of the various categories with map to renewal the numbers are there.

But we don't know exactly what the complaints are. And it doesn't appear that we're likely to get any harder numbers from compliance on that. So in any case, someone else had their hand up and we should go onto them. We only have 15 minutes left in this meeting.

We need to decide if we're having a meeting next week. And if we are doing - or decide what the current status of Nairobi is before we leave. Margie...

James Bladel: This is James. I lowered my hand.

Alan Greenberg: ...back to you.

Margie Milam: James took his hand down. He had his hand...

Alan Greenberg: Okay.

Margie Milam: ...up. But...

James Bladel: Yes.

Margie Milam: Okay. It's getting close to the end. The last two - well the last - the very last one is the SIC registry. And I'm just engaging in Chinese water torture here. I, you know, it's come up in tons of other PDPs and there are lots of cool operational things that would happen with a SIC registry.

And I just made up the one in the middle just as a mechanism. So I kind of feel like I'm done. I certainly have frustrated the registrars enough. So Alan, I think I'm going to hand it back to you.

Alan Greenberg: Okay. All right. Some of - as for the people who are going to Nairobi people are starting to travel around about the middle of next week. Is there a feeling that we want to have a meeting? My inclination is to say no meeting next week.

We won't have the results of the survey back and at least for some of us, we're going to be chasing our tails trying to get things done. Is there general agreement on that? Given the frustrations that I've heard today I suspect there will be general agreement.

But is there anyone who objects to canceling the meeting next week and scheduling the first meeting for the week after Nairobi?

Man: Sounds good to me.

Alan Greenberg: I will take silence to be assent.

Man: Well assuming we have the survey results back by then. Yes.

Alan Greenberg: The survey is - I believe is terminating on the first of March, I think, which doesn't give people a lot of days. If you haven't done it please do it. But - and certainly regarding - even if we extend it a few days it will be done - we'll have the results by the end of March, by the end of the Nairobi meeting.

I'm pretty well sure of that. Maybe Margie can give me some insight. But I feel comfortable in committing Marika on that.

Marika Konings: Yes. I think that's fine.

Alan Greenberg: Okay. In terms of meeting in Nairobi, we - at the last meeting we said let's keep it on the agenda with the understanding that we may well cancel.

And my inclination at this point is to simply cancel it unless there are people who feel that there'll be enough of a critical mass there to allow us to do it effectively. Anyone feel strongly that we should keep the meeting on?

There will certainly be plenty of opportunity for those of us who are there to talk in the corridors or get together in ad hoc groups. But turning back an hour which is during a coffee break anyway, I think my inclination is to cancel it at this point. Objections? Hearing now I'll assume it's done.

We're ten minutes before the hour and I think unless there's anything else anyone wants to bring up we'll call it quits.

Man: Thanks Alan.

Man: Thanks Alan.

Alan Greenberg: Okay. Take care. Bye-bye. Thanks Margie.

END