GNSO
Post-Expiration Domain Name Recovery (PEDNR) drafting team
Transcription
Tuesday 31 May 2011 at 18:30 UTC
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http://audio.icann.org/gnso/gnso-pednr-20110531-en.mp3

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

Attendees

Berry Cobb - Commercial and Business Users Constituency

Mason Cole - Registrar Constituency

Paul Diaz - Registrar Constituency

Alan Greenberg - ALAC Liaison to GNSO Council, Chair

Tatiana Khramtsova - Registrar Constituency

Cheryl Langdon-Orr - ccNSO Liaison APRALO

Mike O'Connor - Commercial and Business Users Constituency

Ted Suzuki - Intellectual Property Constituency

ICANN staff:

Glen de saint Géry

Marika Könings

Margie Milam

Kristina Nordström

Apologies:

James Bladel - Registrar Constituency

Olivier Crepin-Leblond - ALAC Chair

Oliver Hope - Registrar

Karim Mohammed Attoumani - Government Advisory Committee

Michele Neylon - Registrar Constituency

Coordinator: Thank you for standing by, today's conference is being recorded. If you have any objections you may disconnect at this time. You may begin.

Woman: Thank you very much. Okay hello everybody and welcome to this PEDNR call today on the 31 of May 2011. On the call today we have Alan Greenberg, Tatyana Khramtsova, Cheryl Langdon-Orr, Mike O'Connor, Ted Suzuki, Mason Cole, Paul Diaz, Berry Cobb and from staff we have Glen Desaintgery, Marika Konings, Margie Milam, Kristina Nordstrom and apologies from James Bladel, Michele Neylon, Olivier Crepin-LeBlond, Karim Mohamad Attoumani and Oliver Hope.

And may I please also remind you to state your names before speaking for transcript purposes. Thanks and over to you Alan.

Alan Greenberg: And I'm going to turn it over to Marika for a moment while I get my screens back up again. Can you go over what we were supposed to be doing again and perhaps start if I'm not ready?

Marika Konings: This is Marika, first of all apologies for sending out this updated version so late but I think we had a bit of miscommunication between Alan and myself and the intention was to get this out much earlier so people could have a look at it.

So basically what I'm going to cover is what has changed in this version of the report, the main changes were discussed on our previous meeting, some of which include moving certain parts to the annexes so you'll see that Annex B now contains the registrar survey.

And Annex C contains the working group survey, included references I think introduction and just call that - it talks about the working group deliberations or about approach taken by - I've just gone on and look, I think it's in Section 6, collaborations of the working group on Page 23.

You'll see there that I've included two new paragraphs that basically talk about the registrar survey and the working group survey and refer to the annexes for further information on that can be found.

So that information is not lost and I think that the other changes basically related to the changes to the recommendations as we discussed in our last meeting, so that's in section 8 of the report which starts on Page 49.

So I don't know if you want to run through each of the changes Alan or you know give people just a couple of minutes just to you know read through maybe the first initial paragraph basically introduction, it's covered there basically assuming that it has full consensus but with a note that needs to be confirmed by the email.

Like we spoke about last time as well noting that the recommendations represent a compromise between the different view points. I've put in there some language that we had in our initial presentation I think that we did on the proposed final report talking about you know we fell that this will provide additional guarantees to registrants, improve registrant

education comprehension and that they are in line with current registrar practices and have minimal impact on most registrars and other practiced stakeholders.

Also mentioning that the recommendations are interdependent and also the recommendation that the GNSO council should consider those as such.

And then there's a note which we spoke about in the last meeting that basically deals with all the recommendations noting that if there are any contradictions with the URDP or the proposed URS that that should be taken into account as part of the implementation of the recommendations.

Alan Greenberg: Marika on that one I thought we had decided that we were going to eliminate the specific comments we had because there had already been one inserted regarding the URS and I'm not sure if you just didn't remove it yet or that slipped by.

Marika Konings: Can you tell me which page you're...

Alan Greenberg: There was one that the - I think the IPC, I don't remember, in the recommendations, in the revised recommendations towards the end of the main document.

There was a paragraph added with regard to the URS on perhaps I think it was redirection of websites.

Marika Konings: Right, yes I didn't remove that, that probably was an oversight.

Alan Greenberg: Okay. So the intention was to remove all of the internal text and simply put the single caveat saying someone should worry about it but it's not us.

Marika Konings: Right, because I saw that that was the intention of...

Alan Greenberg: Yes, that was why I believe our intention, okay. I would - my inclination would be to tend to scroll through the document and identify the changes and you know just not stop unless someone has any major comments on them.

Marika Konings: Right, actually and then going to the next change you see that's actually the note you're referring to Alan because that talks about the URS, so that note should basically be removed. I think that was a leftover from last time.

Then in recommendation two, you see the other change that we discussed last time in relation to the interruption, I think we agreed that we should be by the registrar to the extent that the registry permits such interruptions.

Alan Greenberg: Where are you by the way in the document, are you at the recommendations at the end?

Marika Konings: Yes, recommendation two, this is on Page 15. I haven't updated them in the executive summary because (unintelligible).

Alan Greenberg: That's why I have a different - going back to the original document because I made a couple of notes on it.

Marika Konings: It said the PDF version that's on the screen.

Alan Greenberg: Okay.

Marika Konings: So - and recommendation two in the rationale I tried to add the note on what we discussed I think as part of the comments that the - why we have a floating period as several people commented you know that they didn't really understand it.

And why wasn't that at the beginning or that the moment, so tried to explain that. So if it's not clear or needs to be done in another way, we need to make suggestions.

Alan Greenberg: Marika back on number two, the - where did the footnote come from? I know someone suggested it but I'm not sure if we ever discussed...

Marika Konings: It's one of the comments that was made and I think people then suggested that we should just include it as a footnote.

Alan Greenberg: All right, isn't 443 the one used for secure pages?

Marika Konings: Hope you're not asking me because I have no idea.

Alan Greenberg: If it is I don't think those are intercepted so I'm not sure that should be there. Maybe we should get - have someone technically inclined make sure that that is indeed accurate.

Marika Konings: You have someone in mind?

Alan Greenberg: I can get someone here or if someone - Michele - if Michele was on the call I'm sure he'd volunteer. But let's - if I don't come back with a - my recollection is that one point during our early discussions we talked about intercepting not only pages that were in clear text but ones that were encrypted.

And I think we decided that that technically was not possible. So I'm not sure we want to require it here. So let's put it on this to do list, either I'll try to get something or we'll try to get Michele or someone else to address it.

Marika Konings: Okay, so then further down the rationale has been added and moving further down in the rationale for recommendation three, or the greatest part of the comments is to - the need to post expiration.

Recommendation four, it's updating the language as we discussed in the previous call that instead of staying all on sponsored gTLDs and would now read with the exception of sponsored gTLDs and a footnote that would explain what unsponsored TLDs are and that they no longer exist in the new gTLD program.

Included a reference here to the technical steering's group implementation proposal for the RGP basically noting that staff should consider that as part of the implementation.

I don't know if there are any - if people have had a look at that proposal or if there are anything else that needs to be added in relation to that.

Alan Greenberg: No, I'm happy with that wording.

Marika Konings: Then moving on I think the next one is then recommendation seven and eight, they basically reflect the suggestion that Alan made and I think there was one additional change that was made.

I think instead of instructions I think we changed it to guidelines if I recall, while it sort of has been updated here as well.

Alan Greenberg: Okay.

Marika Konings: Recommendation ten, we've agreed to take out the subject to an exception policy, I think on the last call there was agreement that there's no need to have an exception policy so that where it has been deleted on Page 53.

I'm actually noting that in a rationale we need to remove as well the mention of the exception process. We still talk about that.

Alan Greenberg: We're just going to remove that whole sentence I presume.

Marika Konings: Yes. And moving on to Recommendation 12, there was a suggestion to add the wording which includes renewal instructions, I think that was as well following on from public comments.

Recommendation 13, just remove the square brackets, I think that's also part of our review of the public comment to basically add that or make that sentence part of the actual recommendation.

And then Recommendation 15 and 16, those are the updated languages in relation to the comments we received and whether

working group agreed that it would be appropriate to add a new recommendation conveying best practice recommendation.

I don't know if people want to take a few seconds to read that.

Alan Greenberg: Okay, no hands, let's go on.

Marika Konings: I don't if for 15 if we want to write a separate rationale or just note maybe that as a result of public comments received these recommendations were added. I think Recommendation 16, the rationale of 14 applies as well.

That recommendation...

Alan Greenberg: I don't think we need it but it doesn't hurt either so you're call.

Marika Konings: The Recommendation 17 we're basically change the - saying no recommendation to more affirmative recommendation saying that a transfer of a domain name during the RTP should not be allowed.

And then I added a recommendation in relation to review as we discussed also on the last call.

Alan Greenberg: Yes, the earlier discussion in the report talks about periodic review which is not reflected here. Is this what we want or do we want periodic? I mean unfortunately we don't - we won't have a baseline to compare it to because we - you know we don't have any specific data before.

But my suggestion would be periodic. You know perhaps every 12 months or something like that.

Marika Konings: One thing to note there might be - in thinking of the review of the GNSO itself that you might want to say 12 months after the last review has concluded or something like that.

Otherwise you might want to risk - if a review might take a comprehensive approach, maybe in the form of a PDP or if people feel that's needed, that of course takes more time and you know in the 12 months might not work.

Alan Greenberg: I'm confused about - sorry, I didn't just follow that.

Marika Konings: No, so you're saying a review should be carried out every 12 months if a review takes a substantial time, for example data needs to be gathered or research needs to be done that needs to be discussed with a working group or...

Alan Greenberg: Okay, I see what you're saying. I guess I envisioned it somewhat differently. I envisioned it as reporting from compliance, not dissimilar although the details are obviously different than what was done for domain tasting.

And I would suggest that we want some words and I drafted something, I can put it in the chat if you want but let me read it.

It says to do this it is expected that ICANN compliance will have to refine its complaint interface to more effectively track post expiration recovery problems.

In my mind unless they do that we're never going to get anything better than what we have today and that's not very satisfactory. And yet some relatively minor changes I believe will allow them to track much more effectively.

Cheryl?

Cheryl Langdon-Orr: Thank you Alan, Cheryl Langdon-Orr for the record. I think what we really need to do if we're going to say that in Recommendation 18 is leave the Recommendation 18 as it is written and make an additional sentence in that which then reflects the desire for periodic review.

Because recommendation 18 is - sorry?

Alan Greenberg: Whatever it is it covered up your last words.

Woman: ((Foreign language spoken))

Woman: The subscriber's phone is switched off.

Cheryl Langdon-Orr: Okay. So an additional sentence reflecting that desire for periodic review and mentioning text that Alan could provide to us because they're two different things. This is speaking specifically about an initial review and then as we all have discussed there is a desire for ongoing which may be no period - sorry periodic ongoing which may be in no way as large or as significant a review as Recommendation 18 is asking for.

In other words as Alan said an update from compliance. And my line's starting to get noisy so you might need to mute me, sorry. Thank you.

Alan Greenberg: Okay so you're viewing recommendation 18 as a real significant review of the whole thing as opposed to are we still having a problem yes or no?

Cheryl Langdon-Orr: That's correct. As opposed to implementation review, that's how it reads to me and I have a problem with that.

Alan Greenberg: That was not my intent when I originally suggested it but let's go to Marika and then Paul.

Marika Konings: This is Marika, in addition to reporting something that compliance might be hard to do as well is to carry out a regular audit. I think there are several items in the recommendations which probably shouldn't be put to audit.

For example the posting of renewal fees or information to be provided like they've done on previous occasions so that might be another mechanism that combines my views as a way to make sure the recommendations are implemented as intended and report back to the council on how those recommendations are taking effect.

Alan Greenberg: Yes, I think that's a valid point. Paul?

Paul Diaz: Thanks Alan, appreciate the concern that was expressed about the lower end of the time frame that we have, the 12 to 24 months, just because we've seen how long it takes things to get going if we do it every 12 months, just getting ready for the first one.

Then the next one would be due, and to that end we also probably need to be just be brutally honest amongst ourselves about the capabilities that the compliance has.

Yes I agree that some you know by tweaking the software they use to collect data, you know we'll get much better answers more actionable answers and actionable data.

But you know we've been talking to them for the course of a couple years and they've been talking about making changes and you know then push comes to shove and they start asking about you know is there any budget for it and this and that.

And I'm just not very convinced that they're going to be able to do things with their existing software. The idea of an audit approach might be better and I guess ultimately if we as a community need to revisit this issue, we're definitely going to want something kind of substantial, not just a simple all right, some people again believe that there's still a problem.

We're going to want to be able to point to something actionable, data that's been collected before we have to you know kind of dust off and resurrect PEDNAR number two.

Alan Greenberg: Yes, I mean the thought of convening something of this class again it's just not going to happen. It's not likely to happen without it being a PDP and it's not likely to be a PDP.

So I don't think we should really pretend we're going to have a significant review effort done by volunteers. I mean one of my rationales for suggesting this to begin with was because we've gotten no action from compliance.

And this - you know at some level compels me to do something and to be candid I looked at what they're doing right now and if they simply change that bloody form to allow you to select more than one entry, you know not just select the best one, they would get good data.

Much better than they have today. You know there may be some refinement needed other than that, but just at that level they would get much better data from the point of view of understanding whether there's recovery problems or not than they do today.

So my inclination is not to presume this is going to be a major review effort because I just don't think that's going to happen.

I can't imagine it happening unless it gets to the stage of some group requesting a PDP and an issue report again and so I think you know my inclination is to keep this low key and you know get some information on a regular basis from compliance and push them if it's not good enough but not to presume it's going to be anything more involved than that.

I think that's unrealistic. Marika?

Marika Konings: This is Marika, the message would probably be to maybe find another word to...

Alan Greenberg: sorry? You got buzzed out.

Marika Konings: Yes, I think the word review does you know does have the connotation that it requires a lot of work. I'm thinking you know we're reviewing the IRTP that requires you know five different PDPs looking at those issues.

We're talking about UDRP review where I think we're envisioning as well a very big project so maybe a different wording might be appropriate and to really convey what is intended with that kind of - and one note as well I'm assuming that one - that these recommendations are final and adopted and implemented.

It will be easier as well for compliance to translate those into you know categories in that form, because I'm actually assuming that some of the categories track obligations that registrars have under the RAA.

So if these are specifically (unintelligible) for them easier as well to I guess add those as categories and say well you know under RAA this now applies so if you have a complaint about this specific provision, you said this or that, you know take the box.

So hopefully that will go and hand in hand.

Alan Greenberg: Well if it's a general agreement that that's our target I'm sure off line we can come up with some better words than review. I don't like wordsmithing online but is there general agreement that we're not looking at a substantive review but reports on a regular basis?

We have Mikey agreeing, we have Cheryl agreeing. That's about as much agreement as we ever get from people actually putting tick marks up, so let's assume that Marika and let's work offline and come up with some better words or you can suggest if you want, whatever works.

Marika Konings: Okay.

Alan Greenberg: And I still feel we need to point out - because I think this is going to - if nothing else the board will see these words when they're adopting these recommendations that we are expecting action from compliance.

You know and they will have to take some action and we can quibble over the exact wording but I think it's important that we say this is going to require compliance action.

Okay, let's keep going.

Marika Konings: This is Marika, I think that was about it and I have one more sentence on the next page that basically just says what the next step is, that you know the report has been submitted to the council and it's now in their hands to consider.

Alan Greenberg: Do we want to make a statement somewhere, and I'm not quite sure where it fits, it's not really a recommendation, but in line with the new PDP processes we're talking about that the PEDNAR working group or a subset of it is willing to work with staff as an implementation team, subset or superset of it.

It's not something that council has ever seen before so I think we really want to raise the issue at that level. No one agree, disagree? Silence being agreement.

Marika do you - does it fit somewhere in your mind?

Marika Konings: This is Marika, I'm sure we can find a place to fit it in, but it might be something that we need to call out eventually when the motion is made so it's clear there as well.

Alan Greenberg: Because I mean we - since it is in line and suggested by the - what we believe are the draft recommendations going to be going on PDP processes, I think it's reasonable that we follow it. I'm just not quite sure how to say it.

I don't sense any disagreement that we should flag it somewhere in you know briefly in the report and then perhaps focus on it more in the motion.

All right, is the will of the group that we go through the other comments that were made, largely made by me but Marika made some changes also in the report quickly?

Or do you want to just have them implemented and people will take a look - can review them when they do their final pass in the report. Any preference among those on the call, we got no comments from James, I'm assuming either he didn't have any or didn't have the time to do it and same with Michele.

Any desire to spend the time right now? Mikey yes, go ahead.

Mikey O'Connor: Hi Alan, this is Mikey. I think the question is what's the timing? Are we trying to get this in to the council meeting that's happening in Singapore in which case are we under a bunch of time pressure?

In which case we should probably crank through them now or not.

Alan Greenberg: Well I believe - but Marika correct me, that our timing was such that we wanted to get it produced prior to Singapore so we could talk about it on the weekend at the GNSO meeting.

I don't believe our intention is to either - is to do anything although we could raise a motion, get a motion in, in time for the council meeting in Singapore.

But it would just be you know showmanship because they're clearly not going to vote on it at that point. So I think our intention was to have it wrapped up so we could get there and say it's finished.

I don't think there was any particular time constraint other than the next week's meeting is likely to be our last meeting prior to people get on planes.

So the timing of next week is the week we have if we're to get it published prior to Singapore. Marika was that roughly what we decided?

Marika Konings: This is Marika, yes, but just to note because I'm getting on a plane on Wednesday so ideally we would basically - I could push out a new

version based on you know what we discussed today, you know tomorrow morning European time.

And maybe get people until I don't know, Sunday evening to send you know comments, added suggestions to the list. So based on that I can push out another version so that you know the Tuesday call will really be the sign off meeting.

I mean if people are fine with the report we might need it, but if we're going to need the time and indeed send it out and I think probably council members would appreciate it, because we'll have some time I think on Saturday to discuss it.

And you know ideally they have a chance to at least you know maybe look at the executive summary and go over the recommendations so there's time for questions.

And then there might be further discussion on the council meeting on Wednesday but sorry, ideally we will get it published on next week, Tuesday.

Alan Greenberg: To be specific you attend this call in the evening on Tuesday and you're leaving on Wednesday so you're not going to have time to do it, do anything after next Tuesday's meeting other than maybe selling Berry cosmetic.

Marika Konings: Right.

Alan Greenberg: Well I've gone through all of them, I'm happy with them so I can certainly live with the suggestion that we do it online. We do have another hour in this call. I don't think there's that many changes.

I think there's enough time to go through it quickly and still go through the new items in the review tool. So I think we can do it at this point and at least everyone on this call will have gone through it once, if not having done it privately.

That acceptable? Seeing no complaints, let's try that. So we scroll back up to the top and where do we start, after the executive summary I guess? Marika go ahead.

Marika Konings: Alan, this is Marika, I think we're actually - I'm thinking one week ahead because actually we're not starting traveling until the week after. So we actually have next week and...

Alan Greenberg: Hold on, did I jump the gun more than I should have?

Marika Konings: I did too because I was already thinking as well that we're - so we actually might have a little bit more time than we assumed because I think the 14th is the real drop date for (unintelligible) which means we still have next week, 7th of June to discuss or go through items that people identify.

Alan Greenberg: If I pulled out the right year calendar I'd be in better shape. Hold on. So next week is the 7th, you're right. So we do have time, so do you want to take the - do you want to come up with a new version as - based on what we saw today and people can review what should be at that point the almost final documents?

Are you going to integrate the comment - there were a number of comments where I made where I didn't actually put text in but made some suggestions. You want to leave those till the comments?

Or do you want....

Marika Konings: I already integrated most of them, in some cases I left your comment just so people are clear where that change came from. But you know I can take those mentions away but I think for most of them I basically just integrated them.

There are some items you know where you ask questions and I asked I think some updates from compliance, whether there's additional information to add to this section that deals with compliance feedback.

So what I can do indeed is push out an updated version tomorrow morning and maybe ask everyone to review and send comments added, suggestions ahead of next week's call, so then we can maybe run through those you know if there are any changes or suggestions, run through that call.

And then we'll have some time you know a couple of days after that to actually update the report and finalize it. We should have plenty of time to get it out by the 14th.

Alan Greenberg: Okay, that sounds good. I do have one comment as I was going through the review though. I had suggested that instead of the detailed attendance table in the body of the text we move that into an appendix

and put in the body of the text just a list of the stakeholder groups and the names of the people who participated within each group.

Thinking about that there's an awful lot of people who attended one or two or three meetings or a small number of meetings or dropped out many, many months ago.

My inclination right now is to say in that list within the body of the report we include the people who have perhaps participated more than 50% of the calls and then list the full list of people and their actual attendance record in the appendix.

How do people think about that? And we'll go to Mikey afterwards, unless it's on this item. We have Mikey and Paul, let's go.

Mikey O'Connor: This is Mikey; I'm fine with that idea. The reason I had my hand up is maybe what we do is we cut this call short and say - and push out a final for review draft to the list and say heads up everybody, this is the release candidate.

Give it the final review, comment on the list if you have issues so that we don't - hopefully have a whole lot more to do, you know I think we're all growing a bit weary and you know rather than grind through every single one, maybe we could just do the rest of this on the list. Just a thought.

Alan Greenberg: I thought that actually was what Marika had been suggesting but maybe I misunderstood what she meant. But I'm fine with that. I'm quite happy. Paul?

Paul Diaz: Yes, thanks Alan, I agree with you and Mikey, pushing it to the list makes sense. As far as the attendance thing, yes, I guess I'm going to be a little old school about this and think it should be in the body of the report.

And it is what it is. People who join the group and attended one or two meetings and then never participated again, honestly I'd rather not hide that in an appendix, and you know just let the record speak for itself and not try to set a threshold for you know they attended half the meetings or what have you.

You know that's distinct from the issues that the working group focused on, the spotty at best attendance and the non-participation of several constituency groups is a message that should be delivered to council pretty clearly. You know and so I mean not trying to be difficult here and if the group really wants to move it out, okay.

But I think that it's sending an important message about the overall policy process, how things are done, and you know it's like why try and not just speak the truth?

Alan Greenberg: You've just convinced me.

Paul Diaz: You know and like we've said, you know we had very strong representation from a certain stakeholder group, obviously, you know and that can be another issue about you know down the road, hey do you want to go back to the old you know not working group, but the one where you had a designated rep?

And you know all those things, it becomes data that you can provide.

Alan Greenberg: You've convinced me. My recommendation gets changed so let's see if we can compress the tables so it doesn't make four pages. All right, we have general agreement on rejecting my original suggestion and the new one and presenting all the data perhaps in a more compact form.

Okay, then I think we're done, Marika the job is yours at this point and we'll look for the report and I promise to read any note you send me completely so I understand whether it's something just to me or the whole group which is what happened by the way to the rest of you.

I thought Marika had sent something to the whole list and she in fact had asked me should she send it out to the whole list. Short of anyone else putting up their hand quickly, I thank you for your participation.

We'll meet again in a week and you have three quarters of an hour back to your real life.

Paul Diaz: Awesome, thanks Alan.

Marika Konings: Thank you, bye bye.

Woman: Thank you very much (Jeff) that will be all.

Coordinator: Thank you.

Woman: Have a nice day.

Coordinator: Thank you, you too.

END