**Registration Abuse Policies Working Group
TRANSCRIPTION
Monday 04 January 2010 at 15:00 UTC**

Note: The following is the output of transcribing from an audio recording of the   Registration Abuse Policies Working Group meeting on Monday 04 January 2010, at 15:00 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-rap-20100104.mp3
On page:
http://gnso.icann.org/calendar/#jan

Present for the teleconference:
Greg Aaron - Registry stakeholder group - Working Group Chair
James Bladel - Godaddy Registrar stakeholder group
Berry Cobb – CBUC
Mike O'Connor – CBUC
Rod Rasmussen – individual
Martin Sutton – CBUC
Greg Ogorek - Individual
Robert Hutchinson – CBUC

ICANN Staff
Marika Konings
Margie Milam
Gisella Gruber-White

Apologies:
Faisal Shah – IPC
Philip Corwin – CBUC

Coordinator: This call is now being recorded.

Greg Aaron: Thank you. This is our RAP Meeting for 4 January, 2010.

                     Why don't we begin with the traditional roll call?

Gisella Gruber-White: Absolutely. Good morning, good afternoon, and good evening to

                     everyone, happy New Year to you all.

On today's call we have Mike O'Connor, James Bladel, Martin Sutton, Berry Cobb, Greg Aaron, Rod Rasmussen, Greg Ogorek; from staff we have Margie Milam, Marika Konings and myself, Gisella Gruber-White. And we have apologies from Phil Corwin and Faisal Shah.

(So if you don't mind) everyone, please just state your names when speaking for transcript purposes.

Thank you.

Greg Aaron: Thank you very much. Okay, this is Greg Aaron.

What we're going to be doing this month is going through a master document and reviewing mainly the recommendation sections. Although we'll need to pay attention to any other text that anyone has questions or comments about.

Over the holidays Marika put together a rough draft of an initial report so she has the format now and that includes line numbering and so forth. And she sent that over to me.

And I've been working my way through it and we've been putting all the material from the wikis and so forth into this format.

I got part way through my work during the holidays and have to admit I'm not finished. So what I'd like to do is finish that over the next couple of days and then we'll have that document up on the list where we can see it.

In the meantime what I suggest we do is start going through the recommendations especially and then in the meantime, you know, we'll have that document up. And then if people have edits to it especially to text sections we can do that markup and Marika will be the keeper of the master document so she has changes come in from a few different directions. She'll do redlines and keep a master that incorporates all the changes.

Later this month Marika and I will put up a poll and this is something we did in the Fast Flux Working Group and it seemed to work pretty well.

But it's going to be a poll and you'll be able to go through it page by page and you'll look at the recommendations for each section and so forth and you'll be able to either say yes, I like this or no, I don't or here are some changes and so forth.

And that'll be a way for us to kind of measure where people kind of feel they are at the moment. It's also a way to gather any edits.

And then we can figure out how close we are in various points and see if we can make some edits to get to consensus. If not, then later on we'll do another poll. And we'll do some formal voting. We'll work hard to record everyone's votes and that'll be a way to do it.

And since we're going to be doing it online, it also gives you a few days to go through it at your leisure rather than trying to do the voting on the phone which can be a little confusing as we're reading through things. This way you can have it in front of you.

And the polling facility will also record whatever one writes in so that'll also be accurate.

So that's the plan for the month. And what we could do today is start working on the cybersquatting recommendations.

And what I suggest we do is we lie down - where are the recommendations? Okay, here are the recommendations on Page 3. You can go there.

And let's go through these recommendations. I'd like to hear what everyone's thoughts are on these.

Actually go to Page 4. Basically what this says is the UDRP - basically 1 and 2 basically says UDRP is the mechanism.

Number 3 says that the UDRP could be improved to make it a more effective tool.

Number 4 says example, the UDRP is too expensive, too slow and does not contain provisions for recidivisms.

Number 5 recommend that the UDRP be examined for possible improvements. Says this could result in a variation of the UDRP or a separate policy with different qualification tests for use.

Okay, so I think the first thing is this set of recommendations is too squishy, needs to be rewritten.

But the core idea here is that a recommendation would be made to examine the UDRP given some of the problems that have been brought up in the past.

Okay, so I'd like to open up the floor to discussion of that recommendation.

Does everybody agree with it or what do you think we need to do?

James.

James Bladel: Hi Greg. Yeah, and this is James. Just having participated in a couple of the Cybersquatting Sub-teams I wanted to point out that our squishy recommendations are really the best that could contain or let's say maintain content consensus in that once we started to dig deeper into any one of these that's when we started to see two and three and four different types of positions open up.

So rather than hash that out in a sub-team or even in the RAP in general we thought that that would be best to just kind of draw an umbrella around all of those types of positions and recommend that for future PDP.

Greg Aaron: Okay.

James Bladel: So that's just my take on that. And if there's any other members on any of the Cybersquatting Sub-teams here that feel differently please chime in now.

Greg Aaron: I'm not seeing any recommendations or questions.

I have a question for Marika. What would be the most appropriate formulation as a recommendation to the council?

Is it to recommend an issues report or a PDP or both?

Marika Konings: This is Marika. Well the initiation of a PDP would start with an issues report. So I mean there's a group working now clarifying the terminology because it has been proven confusing in the past. But basically both mean the same thing.

If you want to initiate a PDP the council would always start with requesting an issues report in which staff would basically outline the issue and, you know, present the different options or questions that might be linked to the issue.

So there it would be helpful for example if the group already identifies a different area that those can be taken into account as the questions that an issues report would try to address or would further look into.

Greg Aaron: Okay. And Marika you mentioned that someone was working on that language. Was that a group of staff or...?

Marika Konings: No, there is a part of the GNSO improvements effort there is a PDP Work Team and I think several members in this group are also participating in that effort to clarify the language of the bylaws that deal with how a policy development process works and the language around that.

So there was also some suggestions for example to have more time and effort involved in, you know, the initiation phase to really dig into the issue and have as much information available upfront before the actual decision is taken to go ahead and develop a policy around a certain issue.

So those are things but, you know, that group is still - there's still work in progress. And I think it will take at least, you know, at least another year before it actually becomes because it needs to go to the GNSO Council, needs to go to the Board before that actually comes in place which, you know, optimistic estimate would be at least another year I guess.

Greg Aaron: So for us it's a good thing to know it's happening but we - but it can't be a dependency because it's going to take another year for them to do that.

Marika Konings: Correct. But if you - in this case if the group would want to initiate - you know, makes more sense like to (say then to) recommend - initiate a policy development process by, you know, requesting an issues report and that way you're clear that you want to start with some further investigation before actually starting the policy development process. And so I think that's probably the most appropriate way to clarify that.

Greg Aaron: Okay. Berry has his hand raised. Berry.

Berry Cobb: Yes. This is Berry. Thanks Greg. Let me just start by saying (I wanted) agree that, you know, the UDRP should eventually wind up in some sort of PDP to be examined further.

My question really circles around probably scope. And I'm just curious for the Cybersquatting Team in their discussions, you know, given the new gTLDs are around the corner. Is it within our scope to also talk about new TLDs coming out down the line or is it just within the existing DNS that we talk about (that our scope) exists today? Because a lot of what cybersquatting touches on really leads into the things of Rights Protection Mechanisms and those kinds of things that have been going on in other side teams relative to the gTLD deployment.

Greg Aaron: Well I guess one thing to keep in mind is that if we have a policy development process that could lead to a consensus policy. And a consensus policy would be binding upon all TLDs. That would presumably include new ones.

Is that correct Marika and Margie?

Marika Konings: This is Marika. Yes, that's my understanding. Basically any consensus policy that will be drafted are applicable to any TLDs so that would mean as well as soon as new gTLDs would come into play that they would fall under the same rules.

And I think Margie has her hand raised so she might have something else to add to that.

Margie Milam: Sure. You know I've been supporting the Special Trademark Issues Working Team.

And essentially with respect to the Rights Protection Mechanisms for the new TLDs it's being developed obviously because there is no consensus policy and there's this recognition that there needs to be some, you know, way to address this in new TLDs.

But that group and prior groups have always been assuming that the - you know, that there's the possibility that a consensus policy could be adopted in

which case that would, you know, apply to everything. So that it's not inconsistent with the scope of this - with this group.

Greg Aaron: Okay. So does that answer your question Berry?

Berry Cobb: I guess for the most part, you know, I'm just curious. Would it benefit us if we - I don't want to use a bad phrase of recreating the wheel. But that we reinforce the fact that certain RPMs should be applied here such as the trademark clearinghouse or whatever our group feels like that needs to be implemented to address cybersquatting?

I mean would we be wasting our time or is it good to spend the time to reinforce some of the STI work and those things or should we just leave it off the table and focus on just UDRP? I guess that's the multiple choice question.

Greg Aaron: Well let's see. I mean we haven't discussed in this group those new TLDs specific Rights Protection Mechanisms at all so far, at all.

Berry Cobb: And it's a small - it's a large topic for sure.

Greg Aaron: Yeah. And that's got it's - I mean it's going on its own track I guess in the TLDs.

I don't know if we could, given the time available to us, rationally try to weigh-in on that at this point because we've got a substantive thing that we look like we're arriving at here already which could eventually be a consensus policy for all TLDs.

That's my personal viewpoint.

Why don't we go to Martin and then (Mikey)?

Martin Sutton: Hi Martin Sutton here. I think in response to some of Berry's suggestions there, this was toyed around oh quite a few months back I think when we were debating cybersquatting and some of the other issues there about, you know, all these Rights Protection Mechanisms coming into play, suggestions with the new gTLDs.

But because there was - they were ongoing discussions it wouldn't be appropriate to include specific details with any recommendations from this group.

I'm not convinced that it's moved enough along in the debates at the moment to include specific items in here other than perhaps we cross reference it so that, you know, we're at least waiting with interest to the outcome of some of the other Rights Protection Mechanisms especially where I think there is an emphasis on prevention rather than waiting for, you know, the process of UDRPs and those sorts of mechanisms which are after the incident.

And so I think it's, personally I think it's worth mentioning in here. I don't think however we can put specific solutions as ideas or recommendations forward at this stage.

Greg Aaron: Okay, thank you Martin. (Mikey).

Mike O'Connor: Thanks Greg. This is (Mikey) O'Connor. Martin said almost everything I was going to say though. The notion of acknowledging the RPM effort elsewhere seems like it's a useful thing to do given that what we're talking about is cybersquatting and that's a lot of what the RPM work is (viewed at). So I think somehow we should acknowledge it.

The other thing that I would like to lobby for is the difference between the response and the resolution of the dispute. One of the points that we raised I think in our constituency statement is the need to be able to respond more

quickly to a situation while at the same time allowing a thoughtful dispute resolution process to unfold.

And so if I were to lobby for one more addition I'd like to work something like that into this series of resolutions as well.

Greg Aaron: (Mikey) this is Greg. So when you're saying response, what are you referring to?

Mike O'Connor: Well, you know, and we tiptoe into the quagmire of rapid takedown or rapid suspension of a domain name which I think we're going to get into in more depth in other areas.

But I think the same principle applies which is that there's sometimes when there's an urgent need for a response. There's an urgent need for action to resolve the situation. At the same time the issues are often complicated and the actual resolution of the dispute has to go through an orderly process.

And so one thought there is to separate those processes and make the response cycle real fast and the dispute resolution process fairly (mindful).

Greg Aaron: Well yeah. I think the - this is Greg again. I think the - most of the discussions we've had are around suspension of domains has been related to the malicious issues. I don't recall us discussing takedown of domains for intellectual property disputes.

And I think you've also touched upon one of the central issues which is balancing process with speed.

Mike O'Connor: Right. And I'm certainly extrapolating from some of the other discussions.

But I know that one of the tensions in RPM discussion is the stately manner with which UDRP often proceeds and the need for speedier action at times.

And so I guess I'm suggesting that maybe we take that notion that we've developed in other parts of our conversion mostly aimed at malicious views and at least throw it into the hopper of the discussion that takes place in an issues report and maybe PDP. It may not go anywhere but I think that that's a useful discussion to put into the series of questions that the issues report would address.

Greg Aaron: Okay. Well Martin's suggestion was that we reference the other things that are going on. And those topics that you just mentioned that had a fair amount of discussion and which is ongoing in the new TLD processes.

So should we reference those? But to try to have them in this group might be to take up a lot of time and reinvent the wheel because it's...

((Crosstalk))

Mike O'Connor: Oh absolutely.

Greg Aaron: ...happening over there.

Mike O'Connor: Yeah. No, I'm really suggesting that in addition to referencing the fact that RPM discussions are going on elsewhere that one of the issues that we might want to highlight in our reference is this issue of speed versus due process.

Greg Aaron: Okay. Well maybe what we need - let's see. I see James' and Martin's and Margie's hands. Are those old hands Martin and Margie or new?

Margie Milam: New.

Greg Aaron: Okay. Let's go Margie, then James, then Martin.

Margie Milam: Yeah. I just wanted to highlight on some of the points that were raised. Remember this is a pre-PDP process. So we don't have to define what the end result of the PDP would be.

And so some of the Rights Protection Mechanisms that are being discussed right now with the new TLDs, it's fine to reference it.

But I don't see how it'll take a lot of time because what we really needed to do and what we have done is work on the definitions of the problem.

And so some of those solutions come out of, you know, come out of for example the cybersquatting definition that the group if a PDP was started would evaluate.

So I, you know, just wanted to remind you all that we don't need to even have the discussion on whether some of those Rights Protection Mechanisms are appropriate because, you know, we're not making policy at this point. We're just setting up the stage for, you know, the consideration on whether that should be evaluated.

Greg Aaron: Okay. Thank you. James.

James Bladel: Yeah. This is James. I think Margie captured a lot of what I was going to say and that this conversation today is very similar to a lot of those discussions we had in the sub-team. And a lot of the sort of long tailed discussions that we started having where we were chasing down some variety of issues and acknowledging that there were efforts underway in other areas like the IRT and the STI that would be further down the road by the time this group concluded and could make a recommendation to reference those as well.

So I just wanted to point out that these are sorts of controversial discussions that we really couldn't resolve or come to any sort of recommended output as

Margie would say in the sub-team or in this pre-PDP and that's why we're calling for a separate PDP or separate issues report.

Greg Aaron: Thank you. Martin.

Martin Sutton: Hi, Martin here. I was just following on from what (Mikey) was saying there, because I think when we look at cybersquatting we've got things that crossover elsewhere. So we just got to be careful of that that it is possible to segregate out malicious conduct and therefore that elevates itself to a different process.

And virtually most of these will then just drop down to lowest common denominators there for cybersquatting and then you go through this elongated process of UDRP which is expensive for the brand owner and to pursue.

The fact is I think on cybersquatting we just need to acknowledge again that there are other instances that may crossover so if somebody's using a branded domain for (phishing) or deploying malware, that should be treated in the same way as the non-branded domain is also being used for (phishing) and malware which is, you know, many of the time that's the case. So they're treated in a or should be treated in a fast response process whereas if once you analyze content and it's not malicious, you know, you then start going down the route of assessing whether it is somebody trying to pass off as the brand and then go through the cybersquatting route to take some action.

I don't see any harm though in quantifying in the cybersquatting issues list here that, you know, this happens across a number of other activities that we will write up on including malicious behavior.

Greg Aaron: Tank you Martin. So this is Greg. If I can summarize we have two things we - it seems like we're in agreement upon in general.

First is we want to make a recommendation to have an issues report possibly, you know, possibly leading to a PDP.

Second, in the text or in the recommendation somewhere we want to acknowledge what's going on as far as Rights Protection Mechanisms in the new TLD process.

Strikes me that what we need is we need somebody to rewrite what we have on the screen basically. For instance those five points need to be probably condensed into one which is a simple recommendation that the council can be directed to.

And then if the text above needs mention of the new TLD process that needs to be done.

So basically we just need to have somebody rewrite the text to reflect what we've just discussed.

Do I have any volunteers to take that on this week?

Martin Sutton: Greg I'll try and do that. It's - it may not happen quite as early as the end of this week but I'll try and at least get something out for Monday.

Greg Aaron: Okay. Yeah, and again what we're looking for something is the council is going to read through this report. And we need a concise recommendation which could be fairly short to encapsulate the thing we want to recommend which would be we said we want an issues report leading - possibly leading to a PDP.

And then like I said the other part maybe it goes up in the background section or whatever. But whatever you guys want to draft regarding that new TLD process. We just need to see that so we can read it through together.

So Martin I'll put you down for the action item.

Martin Sutton: Okay.

Greg Aaron: And I thank you for taking that on. Okay, all right good.

                   Are there any other thoughts on cybersquatting before we leave this and
                   move on?

                   Hearing none, let's move onto uniformity of contracts.

                   And Marika, would you be able to put up the last uniformity of contracts
                   material up on the screen?

Marika Konings: Yes. You want me to put up the one in which you made edits?

Greg Aaron: I guess that's the last version we had. I didn't get much feedback on the edits
                   so maybe we could do that now. And I don't know if anybody has it.

Marika Konings: That one's up now.

Greg Aaron: Okay. All right, so this is the last version we had. It's a little hard to read in the
                   redlined version.

                   But maybe today we focus on the recommendations.

                   And Berry why don't you go ahead?

Berry Cobb: Okay, thanks Greg. Okay, so yes, you are correct. This is the last draft we
                   had which includes Greg's markups.

                   Basically and I'll start off by saying when we sent this out we've only received
                   feedback on from two people regarding this.

So, you know, I guess I can only assume that everybody on the working group has read through it. I'm sure there are others that are just following on the list that don't attend these calls.

But anyway only two people have responded back on this. Instead of going through the full report, not to minimize your edits or anything Greg, but I think most of those were kind of housekeeping edits about like the issue, the background, the really meat behind this whole report starts on Page 7 with the recommendations. If we can just - should we just jump into those or because I really think that's where, you know, the rubber meets the road sort of speak.

Greg Aaron: Yeah. I'm fine going to the recommendations.

Berry Cobb: Okay, yeah. Let's start there. Up to Page 7 which starts with the recommendations, prior to that it's basically just a diagram that kind of shows us the agreement landscape or kind of the scope of what we're talking about. Then there's a summary table that discusses the dispersions that we discovered across the various agreements. And then we kind of get into some conclusions and guiding principles around the team which I won't bore you guys reading through but they definitely influence the recommendations of the team.

So there were four recommendations that are listed in this report. They're definitely all up for edits and/or removal. So since this report was drafted and some of the feedback, I haven't gone in and actually modified any of these recommendations yet. But I do believe they - that will be an action item on my part.

Recommendation one and recommendation two are really together but I felt it was important to separate them apart and which for reasons I'll get into here in a second. Basically recommendation one is that, you know, the sub-team

came to the conclusion that some sort of minimum baseline needs to be applied to the contracts relative to registration abuse. We certainly had lots of discussion about what that minimum baseline should be or should look like, what should be included or not included.

And Appendix 5 is basically reference to an example of what is in use out there today either by the (.org) or (.info) guys but in a nutshell recommendation one is to create an abuse provision baseline for agreements.

And the specific part of the recommendation is that a PDP be formed to take the uniformity of contracts portion at least to the next level and look at getting some sort of minimum baseline implemented.

The reasons for recommendation two it really specifies on the deployment scope of what that (APB).

And the reason why I split them apart was I didn't want - well let me back up. The scope deployment could include or, you know, basically the group recommends that the (APB) be applied to all in scope agreements so that includes the registration agreement, the RAA, the RRA, and the registry agreement with ICANN. It's our personal belief that there should be some sort of baseline across all of those.

But there are some that could say well maybe the minimum baseline only belongs in the registration agreement and the RAA as an example and shouldn't belong in the registry agreement or any of those other ones.

So the reason for separating them apart is I didn't want scope failure to equal abuse provision baseline failure and try to separate those two. Whether that's the right thing to do for the purpose of this report or not is open for discussion and I'll go either way.

And I'll just touch on recommendation three and four real quick and then we'll open it up.

Recommendation three I threw in there at last minute. This one will probably most certainly be pulled out but I did want to draw attention to the fact of there was a number of discussions about the reporting channel for abuse.

So when I wrote this up I don't - I wasn't really aware of ICANN's reporting area.

What's the name of it? I forgot. Oh, I'm trying to find it real quick. What is it?

The (InterNIC), okay, so when I wrote up this recommendation I wasn't necessarily aware of the (InterNIC) site where we can report various kinds of abuses.

So in some regards I guess I would reject this recommendation three. However the purpose of the recommendation is that there seem to be a lack of uniformity in how registrants can report abuse whether they decide or try to report it through their registrar or perhaps they go directly to ICANN. You know at any rate I wanted to draw attention to this third recommendation and especially open it up for the team.

Is there something that we can do better here?

As an example and this is not a recommendation at all, you know, could it be something that we require that every registrar had a link on their web site to (InterNIC) or some way to streamline how abuse gets reported.

I'll shut up with that one.

Then lastly the fourth recommendation was just best practices. The team consistently recognizes the fact that whether this moves to PDP or not or it

gets addressed in other working groups such as the RAA Working Group or whatever the channel for change is that it's going to take a long time for this change to happen.

And up until that change happens there shouldn't be anything from stopping the community to put forth some sort of best practices that all of the market participants can start to move forward up until some sort of consensus of policy or something is made.

So that was a lot in a little bit, again four recommendations. I'll open it up for questions and comments.

Greg Aaron: Okay. All right, so this is Greg. Thank you first, Berry.

My suggestion is first let's go to recommendations one and two because they're linked. So let's go back to those.

I also see Margie's hand raised. Do you want to go ahead Margie?

Margie Milam: Oh I want to comment on recommendation three so I'll just want till then.

Greg Aaron: Okay. All right, this is Greg. Allow me to paraphrase if I may because the recommendation text in one and two is kind of long right now.

But recommend - basically the recommendation is that registries and/or registrars would be required to put - would be required to have language in their contracts for dealing with domain name abuses.

Now the language that Berry you have in Appendix 5 is taken from - that's from the PIR and affiliates abuse definitions which by the way is for abusive uses of domain names.

And then you've also put in a definition of abuse which is from our working group.

And then it deals with indemnification.

So I guess my first comment is that language is for dealing with abusive uses of domain names. And I think we immediately have a scope issue there. Because the ICANN Council has said that abusive uses of domain names are out of scope for policy making.

Okay I see (Mikey)'s hand.

Mike O'Connor: Thanks Greg. This is Mike O'Connor. I think that one way to approach these is to recall Margie's point of earlier, earlier in our conversation where we're in a pre-PDP.

But maybe our recommendation isn't cast quite right. Maybe what we should do is say we think that this is worthy of PDP discussion. Here are the major issues that probably need to be addressed. And here are some examples of things which would sidestep the issue that you've got with the language Greg.

((Crosstalk))

Greg Aaron: My question isn't so much about the language as a scope issue.

Mike O'Connor: Yeah, but I think that if we - if - I think the language being registry - being aimed at domain name use is a distracter that what we were trying to come up with in the working group was just an example of some language. And the fact that it's not aimed precisely at the target that we're shooting at here should not be getting us off the rail.

I think, you know, we found language that was close but no cigar in this particular case. And I think what we need to do instead is say we need PDPs

to take a look at how such language would be structured to address registration abuse when we set forth the recommendations that deal with that issue report, I'm sorry, the PDP.

I really don't want to get off in the weeds with the fact that we picked the wrong clause I guess is where I'm coming from here.

Greg Aaron: So are you saying that this would be a look at a way to deal with registration abuse without looking at the specific abuse?

((Crosstalk))

Mike O'Connor: No, I think that again what we're trying to say is look, right - A, there is no uniformity of contracts right now; B, there is a need for at least a minimum. That's a worthy topic of a conversation for a PDP to define a lot of things about that including the language.

Greg Aaron: Well what is the minimum implying to again, registration abuse?

Mike O'Connor: Yeah.

Berry Cobb: Well...

Mike O'Connor: Go ahead Berry.

Berry Cobb: This is Berry. You know I guess to kind of provide a quick timeline history and this is something that I've always struggled with since day one of this working group is the scope between registration versus use.

And so in terms of the historical timeline which was kind of more recent for me, maybe much more older for you guys, again when I heard the presentation by PRI about how successful they were in addressing the abuses that went out there, the examples that they pulled out of that

presentation exactly align to the topics that we've started to define within this working group.

Now granted I don't think we haven't gone 100% far as delineating every one of them between use versus registration abuse.

But again after hearing that presentation and the successes behind and how it perfectly mapped to practically everything we were talking about in this working group, the notion that when we talk about uniformity of contracts relative to abuse period whether it's registration abuse or any kinds of abuses there's huge dispersion, zero uniformity at all.

And so the recommendation out there is that, you know, there's got to be some kind of uniformity out there.

And I guess my mistake now with recommendation one is that I didn't use the word registration abuse provisions and I guess we need to do that to make it align with our scope then we can look at doing that.

Greg Aaron: Okay. Okay, let me figure out the order in which we'll - we have a lot of people's hands up.

First, this is Greg. First, I'll say that the PRI abuse policy and all the things that they talk about have nothing to do with registration abuse. They're dealing with (phishing) and malware and those kinds of things which we have clearly defined as the way people are using domain names. So I think that needs to be clear.

Now I see hands, Margie and Martin. So Margie did you want to go ahead?

Margie Milam: Yeah, sure. I just wanted to comment on the scope issue. I think you're taking a very narrow approach with respect to scope.

As I recall the report that the General Council included in the - or whatever the document was before (the dispute) got started, merely said that it couldn't be used alone.

And so I think we're spending a lot of time focusing on scope issues. And I just want to remind you that when you launch a PDP there will be another opinion of the General Council at that point as to whether the PDP is in scope.

So a lot of those issues will get worked out once we finish our report. And so I just wanted, you know, at least not have us, you know, worry about that so much because it certainly will be addressed when the issues report gets considered and put together.

Greg Aaron: Yeah, and all I'm saying is we don't want to recommend a PDP on something that's clearly out of scope. That's all. That would be a waste of everyone's time.

Martin.

Martin Sutton: Thanks, Martin here. Just following on from what Berry said and Margie because I think they're valid points to (address here). We had this long argument about what constitutes registration abuse versus content abuse.

But even within Berry's paper here that he's prepared on the policy example that he's put in the appendices, there's the indemnification clause there which you can point to. Reserves the right to deny counsel or transfer any registration that it thinks will be used for abuse.

So it's very hard to segregate these I think when you're trying to put something back into a real life situation and creating these policies.

So perhaps it's just a matter of the - how we word the recommendations that we need to think about rather than eliminate them because we think they're out of scope. I believe this is in scope and should be considered going forward and probably just needs tweaking on some of the language used. And that's me.

Greg Aaron: Okay. Okay, anyone else?

It strikes me that we have this overlap between the recommendations here and a lot of the other issues that have come up.

And the - we don't have in our paper right now good text that crystallizes some of the registration versus use and indemnification issues that come up.

I think that is something the paper is going to need to be very clear about because we've had good discussions about it.

I will volunteer to work on a summary of those discussions. I'm happy to have anybody join me.

Mike O'Connor: I'll join you Greg. This is Mike.

Greg Aaron: Okay.

Berry Cobb: And Berry as well.

Greg Aaron: Because we've got to be consistent across the whole paper basically is what I'm driving at.

Berry Cobb: Yeah, this is Berry. Greg, so, you know, when we look at our table of all the definitions for all the different types of abuses, I mean I know we won't go as far as pulling out the definitions that we came up where they are tagged as a use not a registration abuse.

But will we not have - will we not put any emphasis on recommendations that deal in the use area and we just only identify that we came up with definitions and move those out of scope so in effect we are only talking about maybe ten of those line items of abuse versus all of them?

Greg Aaron: Well let's see. I forget exactly how many of those line items we had. Now some of them we decided that they weren't really abuses so there wouldn't be any recommendations on those. Some of them might be uses but there might be recommendations of one kind or another.

Mike O'Connor: This is Mike.

Greg Aaron: Again recommendations can be of various kinds of recommendations.

                Go ahead Mike.

Mike O'Connor: I think one of the tricky things that we're running into here is that the uniformity of contracts thing really isn't about an abuse type. It's a solution to a problem rather than the problem in and of itself. And that's where I think some of the scope slipperiness gets in.

                I think Berry's suggestion that for purposes of our report maybe what we do is we narrow the recommendation to registration abuse topics only acknowledging that this could also be used to address other kinds of abuses and leaving that up to the folks in the PDP to sort out.

Greg Aaron: Yeah, so any other thoughts?

Berry Cobb: This is Berry.

Margie Milam: Yeah.

Berry Cobb: Go ahead Margie.

Margie Milam: Yeah, I just wanted to comment on the way the recommendations are drafted in general, again because it is a pre-PDP. We shouldn't be recommending that there be anything. We should be - I mean we shouldn't recommend baseline, you know, provisions for agreements.

We should say recommend a PDP to evaluate whether to create a - I mean it's just changing the wording to recognize that we're not telling them what the policy should be that they look at. But we're telling them that they should look at creating abuse provisions for agreements or, you know, minimum standards or whatever the various recommendations are. So it's just tweaking the language to recognize that we're not into PDP yet.

Berry Cobb: And this is Berry. That's where I headed down originally and then James definitely corrected our course by saying we just recommend that a PDP be created so as which our recommendation doesn't influence any outcomes out of the PDP and so then that's when I made a change in the document of saying well Appendix 5, this APB is just nearly an example. The PDP should be, you know, should, you know, work out all the kinks to define what that APB should be or even if it is called an APB or not.

And so definitely the first sentence for this recommendation is that a portion of a greater PDP be formed to develop this - a minimum baseline of agreement provisions regarding domain abuse. And maybe I need to add the word registration abuse just to kind of cool our scope concerns.

Greg Aaron: So Margie does that square with what you're saying?

Margie Milam: Well I agree certainly that we probably need to insert the word registration.

So I'm just trying to think of what the report says and maybe Marika you can comment on this. I think it's appropriate to say we recommend that you look -

that the PDP evaluate whether there should be a baseline provision for contracts.

But to say that there absolutely should be a minimum (thing) is a policy statement at least that's the way I look at that. So I think we need to water that down.

And I'm not saying I disagree with the approach that there should be a minimum contract or minimum baseline. I'm just saying that that's not our job. Our job is to say you should look at, you know, whether there should be a minimum baseline. We think, you know, that that's an important avenue to pursue in a PDP.

Does that make sense?

And maybe you do it in an introduction. Maybe a better way to do it is to do it in the introduction to this as opposed to the actual recommendations. So you leave the recommendations alone. But you just, you know, highlight maybe in an introduction somewhere.

Greg Aaron: So you're saying...

((Crosstalk))

Marika Konings: This is Marika. To add to that I think Margie agrees, you know, I agree with what Margie says. But I think one thing that all the information is there, might provide it as background information for when, you know, once the council or if the council decides to initiate a PDP that they do have the information or additional research that was already carried out and can serve as a background for, you know, development of an issues report or any discussions going forward to make sure as well that any discussions and work that has taken place has not, you know, gone to waste basically.

Greg Aaron: Yeah. So Margie are you saying that you think the - a recommendation would say basically recommend that to examine whether there should be a baseline or because and you're saying that if we recommend a baseline that is a policy statement in and of itself?

Margie Milam: Yeah. I mean I think it's appropriate for us to say that our group thought it was important to evaluate that. But I think that is a policy statement to say that there should be a baseline. So it's just a distinction in, you know, in how the report would read.

And then, you know, then the outcome of the PDP would be carrying that, you know, they evaluated it. And then they say yes, that's right. And this is what it should be. And they would take note of all the work we've done in this group so we don't have to recreate the wheel on some of the uniformity of, you know, contracts work that was done.

Berry Cobb: Okay, this is Berry. I can make that edit. And so basically recommendations one and two will cease to exist as they are today and I'll just recreate recommendation one is that, you know, the team feels that a PDP needs to be created to evaluate whether a minimum baseline of registration abuse provision should be created and deployed.

Margie Milam: Right.

Berry Cobb: Period.

Margie Milam: But - yeah.

Greg Aaron: Okay. And then that would make number two go away because it would be up to that future effort...

((Crosstalk))

Greg Aaron: ...to decide which ones go where and so forth.

((Crosstalk))

Berry Aaron: Okay.

Mike O'Connor: Yeah, this is (Mikey). The one thing I would do is I wouldn't lose all of number two. Just so people know that the question of which contracts to review is part of the scope of the upcoming PDP. You know I'd hate to have the PDP at launch to only look at one of the contracts...

((Crosstalk))

Berry Cobb: This is Berry. I would certainly hope that if a PDP got started on this that they take all of the material. Well and here's the funny thing is, if the PDP started tomorrow or six months from now I've got a feeling the same people that are doing this now are going to be a part of the PDP.

                 But I would definitely think that say whatever that group is to that PDP that they review all documentation that's created out of this pre-PDP team, yes?

Greg Aaron: Yes. And this is Greg. The background section here is very important. Because we've actually listed all of what those contracts are, RAA, RRAs, etcetera.

                 I mean you could mention maybe in the recommendation that the various agreements or some formulation like that could be considered and then the background section gives you a lot of detail about what all those agreements might be.

Berry Cobb: Okay, very good. I'm happy with recommendations one and two. Should we chat about three and four real quick?

Greg Aaron: Sure. Unless anyone has any other comments why don't we move to number three?

Berry Cobb: Okay. So recommendation three again, it just seems like from a registrant in and of itself, now granted I haven't had to report abuses yet. But I certainly have done my fair share of browsing across many registrar sites, registry sites, ICANN and those kinds of things.

And certainly several times in our sub-team discussions and within the larger working group again there just seems to be a very loosey-goosey method for how we advertise how abuse can be reported from the registrant perspective. And again that recommendation was - when I listed it in the paper I immediately - the first sentence that I believe that it's out of scope for a sub-team.

But I wanted to write it down for review across the greater working group. Is there anything that we can do within this working group to help make that model work consistent and predictable and advertise better out to the community?

And I'll leave it at that. But it most definitely - I think it will be, you know, we'll definitely be ripping this out of the (UFC) work.

Greg Aaron: Okay, this is Greg. I raised my hand. What ICANN has right now is you have a WHOIS complaint's mechanism, the WDPRS, which is basically a tool for people to report inaccurate WHOIS information. Because there's a requirement right now that that information be accurate and registrars are supposed to review complaints about those.

And then ICANN also just has some general addresses where people can write in with complaints.

Now some of those complaints might be appropriate for coverage under an existing policy. For example there is the UDRP. There are also transfer dispute policies which are in place. And the registrar, you know, registrar can file those.

And then I know that those mailboxes got certain just kind of general complaints about this or that, complaints about registrars, complaints about this or that.

The ICANN complaints staff once said that about 60% of the complaints to that general address actually weren't things that ICANN could address. So it's kind of - it sounds like there's a (mismatch) in that miscellaneous category.

As far as, you know, complaints about (phishing) and malware and stuff, there is no consistent reporting mechanism other than people write to the registrar. But I mean across the security community there is no kind of a common formatting. And of course there's no one place you can report it all because you really need to go to the ISP or the registrar or whoever who can actually solve the problem.

So there is no global method but then again for specific kinds of problems there are some methods.

And so I'm not sure exactly here what we would end up recommending.

Berry Cobb: This is Berry. I don't either other than the fact that I just recognizing the fact that it's pretty messy out there. And I think really the main premise behind even mentioning it to begin with is within this working group, within the IRTP and what's the other working group that we're on, (Mikey)?

Mike O'Connor: PEDNR.

Berry Cobb: PEDNR. Yes. All three working groups have had the same problem. We're talking about issues on whether the pre-PDP or the PDP got started. And it all boils down to for the most part anecdotical evidence that we have an issue. And, you know, one stakeholder or another within these groups will complain to the fact that, you know, we're trying to create policy on the anecdotical which I would agree with.

And the main reason that is all anecdotical is the fact that we just don't have a solid method to really grasp a true picture of the problem or the extent of the problem out there. And so that was the main reason behind it.

So I'll drop it. It certainly doesn't seem like this is - it's even within scope of our pre-PDP for registration abuse. So we can move on.

Greg Aaron: Okay, (Mikey) did you have anything to add?

Mike O'Connor: I'm not quite as keen as Berry on dropping this. But I think that one of the ways we might be able to finesse this is to do the same sort of things that we did with the RPM discussion and acknowledge that this channel of reporting question has come up in three separate PDP or three separate working groups pretty much simultaneously.

And I know we had a pretty extensive discussion in PEDNR about making sure that things didn't fall between the cracks.

So I think rather than eliminate this, what we ought to do is acknowledge it and support some sort of collective wisdom. You know it might even be worthwhile to get some of these working groups together on a joint meeting either over the phone or in Nairobi just to find a way to capture this notion that Berry's has written here.

And so I think what I'd rather see is pull it out of the uniformity of contracts list of recommendations but somehow work it into the overall recommendations.

Again as an acknowledgement there's a need for action perhaps PDP, perhaps changing best practices, it's not clear.

But I don't want to just drop it.

Greg Aaron: Okay. I see Margie and Marika's hands raised. Margie why don't you go first and...?

((Crosstalk))

Margie Milam: Or actually I agree with what (Mikey) was saying. I think that in the - it doesn't make sense in the - in this context to have it here.

But we seem to be touching upon other issues that might be appropriate for the report. We spent a bit of time on definitions.

And it looks like this is one of those areas like the RPMs where we're talking about potential solutions that could be evaluated in the (PDP). So that might be a separate, you know, section of the report because it's not necessarily tied to a specific problem. But it's certainly a solution that merits, you know, further evaluation.

Greg Aaron: Okay, Marika.

Marika Konings: Yeah, this is Marika. It's more to a point that you already made as well like recommendations that this group can look at. We don't necessarily need to limit themselves to initiating a PDP or not. I mean this might be an area where you can say well it might be helpful for a group to come together and see if there are any - if there's any way to develop some best practices. And, you know, recognizing of course, you know, the bad guys will never follow those best practices but maybe newcomers will find it a helpful tool and, you know, when they're setting up their agreement and contracts and the way they do their business to look at what are the best practices in the sector.

So it might be another kind of recommendation that, you know, you might want to consider in this regard.

Greg Aaron: This is Greg. I have my hand up. I think it's worthwhile noting that when ICANN has substantiated a problem and has come up with a policy it is usually also come up with a reporting mechanism.

Examples again would be WHOIS an accuracy reporting channel. Transfer dispute mechanism which has a dedicated channel. A registrar can go and file a transfer dispute and so forth.

I mean what I'm hearing in some ways is we have a reporting channel would be a solution but I'm not hearing what the problem is. I'm thinking you need to identify the problem that needs to be solved. And then figure out a way to report it.

I mean I'm hearing we need a channel to find out about things that might be happening that might be problems. But there's a general box for that and the ICANN staff tracks what comes into that box.

I just don't know where this is going. I don't have a handle on what the recommendation would be yet.

Mike O'Connor: This is (Mikey). Let me dive in without raising my hand. If one presumes that there's registration abuse and that there is a PDP launch to address registration abuse, perhaps the way to handle this is to say when we write our letter to the future, to the people that work on the PDP, maybe what we do is we say dear working group members, please include a mechanism for reporting this behavior in any PDP that you write by registrants, by people who are just out in the Internet community, by registrars, by whatever.

And leave it at that. Essentially just say dear PDP people, make sure you get some sort of reporting channel built into your recommendations whatever they turn out to be.

Greg Aaron: Right. So if you end up making a policy, have a reporting and compliance mechanism.

Mike O'Connor: Yeah. And I think that the issue that Berry is raising and it's showing up in the other PDPs as well is that mechanism needs to be clearer to non-insiders as to how to get to it.

And I think that's why it wound up in uniformity of contracts because when we were having this conversation contracts was seen as a way to make these more visible to regular people. And, you know, the frustration that Berry and others are expressing is that these reporting channels are often very hard to find. They're often very confusing, etcetera and etcetera.

And one of the notions that we've come up with in some of the other working groups is that notion of sort of just in time education is probably not a bad idea as well that says when you're rolling into the ICANN abuse reporting channel, that's the time to also educate the person as to what the limits of that policy are so that people and if they're in the wrong place also direct them to the right place.

So this is one of those kind of meta issues that I think if we could just capture that sense and pass it onto the PDP community that would be a useful thing.

Greg Aaron: Okay. Would that, as a meta issue would that be appropriate for, you know, basically a write-up that gets put into the report at some spot identifying it as a common issue across, you know, various problems?

Mike O'Connor: I think that'd be great. You know and I'd be happy to volunteer to take a whack at a draft of it.

Greg Aaron: Okay, so the - we could call it the meta issue of reporting and...

Mike O'Connor: Notification.

Greg Aaron: ...or compliance or notification or something like that.

Mike O'Connor: Yeah.

Greg Aaron: It sounds like one of the things that bubbled up was if you're going to have a
                   policy you need a way to track what's happening basically. Is that it? Okay.

Mike O'Connor: Well and the...

((Crosstalk))

Greg Aaron: So...

Mike O'Connor: ...you know the trick here is that we have sort of a chicken and egg problem
                   because before you can make a policy you have to have some data on which
                   to determine whether the problem's really real. And so which comes first, the
                   policy or the reporting.

                   And so I think that's one of the other conundrums in this meta issue that...

((Crosstalk))

Greg Aaron: Yeah. Well and we've seen in various efforts if you need some data you go
                   find it. We're seeing the council do that right now with WHOIS issues for
                   example.

They didn't say create a reporting mechanism so much to say let's go identify - let's define this issue and let's go gather some data and do an empirical study or something like that.

But they didn't say let's have an amorphous reporting channel and trust everything that comes into it.

One reason being that anything that gets reported is self selected. And that's not a good method for research in all cases.

So anyway (unintelligible). (Mikey) you have kindly volunteered to do a write-up.

And Berry I know you've had a long interest in this so if you want to keep abreast of this with (Mikey), I think that would also be great.

But (Mikey) your action item will be to write up this kind of meta issue of reporting and compliance and notification. I think it's worth mentioning the chicken and egg problem because that's where I got hung up today.

Mike O'Connor: Yeah. I'll take a close listen to this part of the MP3 and try and pull something together for next week.

Berry Cobb: Yeah and (Mikey) let me know and I'll be glad to help too.

Mike O'Connor: Sure.

Greg Aaron: Okay.

Mike O'Connor: Thank you.

Greg Aaron: Appreciate it guys.

Berry Cobb: And so my action item is I'll remove recommendation three and we'll be done with that. And I guess we can move onto reco. four real quick.

Greg Aaron: Yeah, please go ahead.

Berry Cobb: Okay, recommendation four, again this is kind of ties back to one of the recurring feelings within the sub-team is that again, you know, whatever consensus policy change down the road relative to contractual abuse baselines and those kinds of things, whatever that (end state) is it's a long ways off.

                And, you know, we just want to advertise the fact that there's got to be something else that we can do in the meantime to try to minimize or mitigate the abuses that are going on out there.

                So it was literally just kind of a last minute recommendation or trying to type it up and the fact that, you know, some sort of best practices like what come out of the PRI efforts or affiliates efforts, those kinds of things they need to be disseminated across the community and the community taking action or executing against that.

                So really recommendation four is not, you know, it'll certainly be removed. I don't believe we can truly recommend a, you know, that best practices should be done. The GNSO I don't believe would have the appropriate authority to just start acting on it.

                So I guess if anything for lack of a better section is that it no longer is a recommendation but perhaps it belongs in some of our acknowledge sections that, you know, there's got to be something that we can be doing today that's a hair more formalized than where we're at. But not near as formal as forcing people to do it.

Greg Aaron: Okay. This is Greg. I raised my hand. I don't see anyone else raising their hands quite yet.

Rod Rasmussen: (You can certainly raise a) hand there Greg. This is Rod Rasmussen.

Greg Aaron: Okay. Well what I was going to say is I don't know if we have to lose it necessarily. Because one of the ideas that's come up in our discussion in the past is that if you do want to recommend that best practices be created there might be a role for ICANN in supporting that.

It's not something that as Berry says gets put into a contract and is therefore binding but best practices could be created. They could be very useful for the community in general. It might be an appropriate - ICANN might be an appropriate place to do some of those things. And one of ICANN's role would be to lend support for that. And that support, you know, possibly includes, you know, helping publish that or, you know, supporting a working group to write best practices with, you know, conference calls and all that kind of thing. So that might be a possibility.

Why don't we go to Rod and then (Mikey)?

Rod Rasmussen: Thanks Greg. This is Rod. I think that this is another one of those meta issues. I agree with the comments Greg just made that this has come up again and again and again. Not in just this working group but other working groups about this kind of desire to capture a lot of ideas and issues and approaches to solving problems within this theme of best practices so that there doesn't have to be a hard and fast policy written because it's and you know the reality of practical application of a lot of what's going on is that most of kind of moving abuse targets are addressed with best practices anyways, good practices. Best practice is when you get together and codify, you know, what people are doing and get that information disseminated.

What's been lacking in the community is any sort of mechanism to formally introduce, get people together, get subject matter experts together and get those disseminated in a fashion that people can agree on. I've been involved in a couple of different best practice efforts that have been written by outside organizations trying to tell people what they should be doing, you know, with some participation. And I know there've been many other efforts that come down to that.

So perhaps one of the things we can try to incorporate here is this idea of maybe that the recommendation is that something be done to look at formalizing how - what ICANN's role is in that and the various constituencies within it and creating an environment where best practices around the domain registration, domain management can be done.

That was it.

Greg Aaron: Okay. Thank you. (Mikey) is next.

Mike O'Connor: Thanks Greg. This is (Mikey). You guys have pretty much said what I wanted to say. I just want to chime in (now) that, you know, I agree. This is one of those meta issue sorts of sections of our report. It's certainly come in other working groups. We could refer to them when we write this paragraph. And it certainly was a topic in Fast Flux going on now in PDP and our - less so in (RDP).

But a great idea. And I think a very useful thing to carry into our report. So I'm mostly lobbying against dropping it and support Greg and Rod in this notion that if we could figure out a way to get that process started. I mean it might be and I'm on some advisory groups now as opposed to working groups. Maybe there's some sort of construct like that that we could encourage the formation of.

Margie or Marika, do advisory groups like the Zone File Access one and (high) security TLD one, do they have special rules or are we sort of inventing that one as we fly the plane?

Margie Milam: Yeah, this is Margie. There's no special rules for those. We're just making the rules up as we go.

Mike O'Connor: Well maybe what we do is we call for another advisory group to put a little pressure on codification process there aimed at this formation of best practices around in our case registration abuse but, you know, broader sense, you know, I think that there's pretty broad agreement that best practices formation and dissemination across a whole variety of topics would be tremendously useful to the ICANN community. And maybe we could be the catalyst to start that.

Greg Aaron: Margie, did you have additional?

Margie Milam: Yeah, I just wanted to follow-up. I'm not sure I understand the reason to have a separate group deal with best practices. In PDP work we can certainly do both. We can do consensus policy development and we can also do best practices within that group.

So that's one of the outcomes that is possible in a PDP. It doesn't necessarily have to be a binding consensus policy if that's where the group ends up.

So I guess my question for you all is why would you want it to be something different than, you know, what might be initiated in the registration abuse area for our other recommendations.

Greg Aaron: This is Greg. I have an answer to that one. Well one of - there's a general issue which is being raised which is ICANN doesn't have a kind of a formalized way to support the creation of best practices. It's done sometimes in an ad hoc fashion and, you know, groups like the (SAC) of published

papers and said, you know, basically we recommend that you do this or that and, you know, basically BPs.

So there's the process issue of how do you get ICANN to be a place where you can create best practices as a worthy activity for the community.

I think there's then a separate specific issue which is what are you writing the best practices about.

What Berry's point had pointed to in his draft was best practices for dealing with malicious uses of domain names because he's referring to (phishing) and malware and that kind of thing.

That would fall outside perhaps a registration abuse PDP for example Margie because that might not - most of that might not be registration related.

So how do you want to - as a group, how do we want to deal with this? We've got the meta issue of how do we get ICANN community support to do BPs, best practices? Specifically do we want to recommend that we have a best practices creation around a specific thing such as malicious uses of domain names?

So a question about what are our recommendation or recommendations in this area?

(Mikey).

Mike O'Connor: Thanks Greg. This is (Mikey). Partly in reaction to what you said and partly in reaction to Margie's point, the thing I like about the PDP process is the sort of stately orderliness and caution of that process. I think that's a good thing.

The thing I don't like about the PDP process is the stately orderliness and the caution when it comes to things like best practices which are very fast moving

kinds of topics. I think that the PDP process itself is just not suited to something like best practice formation where the scope issues are slippery. The landscape is changing very quickly. The kinds of people that need to be involved in the discussion will absolutely not have any patience for the careful dance that we go through in a PDP.

So for all of those reasons I think it's useful to think about a process that's different than the PDP process for trading information and best practices.

And even as Rod says, you know, good practices. Best practices are the ones that really, really work. But trading innovative ideas and I think that there's pretty strong agreement that ICANN is a leadership group to take the lead on this stuff.

But that we don't necessarily want to shackle that leadership team with all the rules and regulations of the PDP.

So that's my two cents on the topic.

Greg Aaron: Thank you (Mikey). By the way we are at 11:30 but I mean we've - we're very close to something I think. So I think we should go ahead if everybody - you know if you can stay on, please stay on.

So thank you (Mikey). Margie, I saw your hand go up again.

Margie Milam: Oh yeah, I was just going to point out that we are changing the PDP rules. I mean I agree with (Mikey)'s observation certainly.

And one of the things that we're doing in the new PDP rules is trying to figure out how best practices fit in and what the procedures are. So I mean hopefully it'll get better.

But I understand your observations and your concerns about the PDP process.

Greg Aaron: Margie which group is that discussion taking place in?

Margie Milam: Sure. It's in the structuring group. There's actually a PDP Work Group.

Greg Aaron: Right.

Margie Milam: And it meets on Thursdays. But yeah, that's one of the areas where we're trying to develop, you know, new approaches for dealing with things like best practices.

Greg Aaron: Okay. I have a proposal. This is Greg. One of the things that was I think was contained in Berry's recommendation was best practices related to malicious uses of domain names which ducktails with the discussion that we were having about registration versus use issues.

It strikes me that ICANN is a good place to talk about BPs for malicious use because we have the registrars and registries and a lot of other people there. If you're talking about best practices in this area you also avoid the registration versus use issue to an extent because you're not recommending a policy that is binding on a group but you are coming up with some things that people need to be aware of and that they can do themselves.

And as Rod says those can also be adapted over time and they're appropriate for changing circumstances whereas a policy sometimes isn't because it has to go through the long and stately process.

Do we want to recommend that ICANN as a community pursue the creation of best practices related to malicious uses of domain names?

Mike O'Connor: Just to clarify, this is (Mikey). In addition to registration abuse.

Greg Aaron: Well registration abuse would be a separate thing. Now by the way a registration abuse PDP I don't know what that would mean actually. I mean that's a very general topic. I don't know what it's about.

But malicious - I'm saying do BPs about malicious uses of domain names.

Mike O'Connor: Okay, I just wanted to make sure that you were saying that on purpose. I'm fine with that.

Greg Aaron: That could be a recommendation. Does anybody have any thoughts about that idea?

Rod Rasmussen: This is Rod. I think that that idea I'm for. I think everybody would know is that I think that makes sense.

But to say that I think there are kind of two issues that I'm trying to get at here. One is kind of the direct issue of, you know, we need some more formalized best practice around malicious use of domains.

But the other is it's kind of how as an organization can we deal with best practices in general whether they're malicious use or not?

And, you know, capturing them, disseminating them, storing them for lack of a better word. You know basically the idea being that these ideas that we come up with need to be better organized and disseminated to the general community. And that's where I'd like to see something happen rather than kind of each group doing it's own thing and then coming out with something and then it never goes anywhere, it never gets updated.

Mike O'Connor: And this is (Mikey). Just to add onto that, what if we took your suggestion Rod and then use Greg's suggestion as the pilot project?

Rod Rasmussen: Makes sense to me.

Greg Aaron: Yeah. So what we need to do it sounds like is we certainly need to capture this meta issue of okay, how can ICANN support creations of BPs. The organization and dissemination and upkeep of those is a big question.

So we need to capture those issues.

And Rod do you want to take the lead on trying to write that up in a summary?

I can also try to write up a recommendation about the malicious uses of domain names because I have to write about the registration versus use issues. So I can try to tie those threads together.

What do you say to that?

((Crosstalk))

Rod Rasmussen: Yeah, I could take a shot at that. I think if I remember right, I did that at the end of the Fast Flux Working Group. I kind of started that work anyway so I'll see if I can dig that up (and rehash that).

((Crosstalk))

Greg Aaron: Yeah, we might also have something in that - on where we were working on the wiki about malware and those kinds of things. I remember seeing something there about the BP issue and support for it in a formal fashion.

Rod Rasmussen: Okay, I sort of remember that but I'll check that too.

Greg Aaron: There's something somewhere, that's all. Okay.

Mike O'Connor: This is (Mikey). Margie can you yank out the BP stuff that's going on in the PDP Working Group that you mentioned?

Margie Milam: You mean to provide it to you related to best practices?

Mike O'Connor: Yeah.

Margie Milam: Yeah. Right now we don't' have anything formal. But we expect to develop something in the next couple weeks. So as soon as we have it I can share it with the group.

Mike O'Connor: Oh.

Margie Milam: We're just talking. It's preliminary at this point. I wish I had more for you.

Mike O'Connor: Okay, never mind. Thanks.

Greg Aaron: Okay. Okay, well we've gone a little over time but this was really, really useful I thought.

                   So I don't want to keep anybody over. I know you have a lot of commitments. But we have several action items taking away. So I'll write those out and send them out.

                   And then also what hopefully you're going to see this week is a super rough draft. The document that Marika has started and I'll be adding to this week so we'll post that up to the list. That will provide the recommendations that have been drafted so far for some of the other issues as well. So hopefully in next week's meeting we'll start to work from that document. And we'll identify any areas that we need for cleanup.

                   So any parting thoughts from anybody before we go today?

Mike O'Connor: Happy New Year and thanks Greg.

Greg Aaron: Thank you. And again thanks for joining. I thought we got through some really good stuff today.

Berry thank you for walking us through your material.

And we will see you same time next week.

Mike O'Connor: Terrific job. Thanks Greg.

Greg Aaron: Okay, thanks everyone.

((Crosstalk))

Man: Thanks.

Man: Thanks.

Coordinator: Thank you for participating in today's conference call. You may now disconnect.

Gisella Gruber-White: Thank you. Bye-bye.

Coordinator: Thank you. Bye-bye.

END