

**Registration Abuse Policies Working Group
TRANSCRIPTION
Monday 10 May 2010 at 14:00 UTC**

Note: The following is the output of transcribing from an audio recording of the Registration Abuse Policies Working Group meeting on Monday 10 May 2010, at 14:00 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-20100510.mp3>

On page:

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

Present for the teleconference:

Greg Aaron - Registry stakeholder group - Working Group Chair

Mike O'Connor – CBUC – Acting as Interim Chair

James Bladel - Godaddy Registrar stakeholder group

Berry Cobb – CBUC

Faisal Shah – MarkMonitor

Fred Felman – MarkMonitor

Wendy Seltzer -NCSG

Philip Corwin – CBUC

Rod Rasmussen – individual

Martin Sutton – CBUC

ICANN Staff

Margie Milam

Gisella Gruber-White

Marika Konings

Apologies:

none

Coordinator: The recordings have been started. Please go ahead.

Mikey O'Connor: Thanks very much. Gisella, Marika, one of you guys want to do the roll?

Gisella Gruber-White: Yes, I'll do it with pleasure.

Mikey O'Connor: Okay.

Gisella Gruber-White: Good morning, good afternoon to everyone on today's RAP call on Monday the 10th of May. We have Mikey O'Connor, Greg Aaron, Berry Cobb, (Fred Felman Faisal Shah, Martin Sutton, Phil Corwin, James Bladel.

From staff we have Marika Konings, Margie Milam, myself Gisella Gruber-White. And we have apologies from Rod Rasmussen. Over to you Mikey. Thank you.

Mikey O'Connor: I think that actually Gisella you can add Rod Rasmussen to the roll. I think he and Greg are sharing that cell phone in the...

Gisella Gruber-White: Okay.

Mikey O'Connor: ...in the cab in Sao Paolo. So I think he can...

Man: We're here.

Mikey O'Connor: Yes, there they are. See, hear the little chirp from Sao Paolo? That was very good.

Just to fill the rest of you in, this is Mikey O'Connor, your interim acting meeting runner type guy. Because Greg is on the call but on a cell phone so it makes it pretty difficult to run the call. So he'll be jumping in I'm sure.

The agenda that we were originally going to work on has been reordered just a little bit. We really want to get the cyber-squatting edit done first. Then we'll go to the CBUC public comment which we think is the last one and then on to slamming and conclusions, recommendations and next steps.

So on the screen in front of you and many thanks to Marika for a fast path through a lot of email to come up with sort of a summary of the discussions so far.

I think I just want to open up the queue and let us talk about this and see if we get somewhere quickly. And then if we don't we can go through the details of this.

Greg Aaron: Hey Mikey, this is Greg.

Mikey O'Connor: Oh Greg, go ahead.

Greg Aaron: Yes, we're working on this definition because in the public comments (forum) groups (Tom) (unintelligible) who's a - who's ICANN board member pointed out a potential inconsistency.

If you cast your mind back many months ago we actually built a little subgroup who went away and worked on the definition of cyber-squatting for a while. And I think - let's see, who's on that? I know James is on it. And I can't remember if it was (Fred) and Faisal. Does anybody recall exactly?

James Bladel: This is James. There were a couple of different iterations of that subgroup. I think a lot of folks had a swing at that.

Greg Aaron: Yes, Martin did at one point too. Anyway it was a lot of work. And what we arrived at was that statement that was in the initial paper.

Now what Bruce pointed out was the statement said that cyber-squatting is for-profit period. However we also went through a lot of process and discussion to arrive at a consensus that...

Man: We can't hear you Greg.

Mikey O'Connor: He got to a really good spot and then he dropped off the call.

Marika Konings: I just know that he's gotten disconnected...

Mikey O'Connor: Yes.

Marika Konings: So (unintelligible).

((Crosstalk))

Mikey O'Connor: Cell phones.

Marika Konings: (Unintelligible).

Mikey O'Connor: Well we'll carry on. And Greg will undoubtedly dial back in again. I think where he was headed is sort of what you can read.

(Fred Salman): Hey I just have a question here. It's (Fred). And I'm sorry I didn't raise my hand.

Mikey O'Connor: Go ahead (Fred).

(Fred Salman): But, you know, it seems like it's going to be very hard to debate something with some folks who have strong opinions who are actually on cell phones.

So maybe we should actually defer this discussion until he's on a fixed land line and that we can actually discuss this - we can actually go through comments or something that's less (intentional) and requires less interaction.

Mikey O'Connor: You know, I'm inclined to agree. Because it is tough to cope with that cell phone stuff. Does anybody - throw up your hand if you've got an objection to that. But I think what we'll do is we'll push on to things that are a little less complication to talk about.

And then maybe by the time that the end of the meeting rolls around they will have gotten to the hotel or something. I'm getting a lot of checkmarks so I'm assuming that's okay.

Greg you're back on. No worries. We had a pretty good suggestion which is that given that this is going to be a nuanced conversation, why don't we wait until you and Rod either get to a landline today or push it back one week so that we can have you on a better connection? Because it's going to be really tricky to have this conversation over a cell phone. And...

Greg Aaron: All right.

Mikey O'Connor: ...if it's okay with you our fearless leader, I think that's what we'll do.

Greg Aaron: All right, that's fine if you want to push it.

Mikey O'Connor: Yes, I think that's a - it's a pretty tough deal to do this on cell. How close to a landline are you in terms of time?

Greg Aaron: Not.

Mikey O'Connor: Not close. Yes, let's push this off till next week. We've got time.

Greg Aaron: Why don't you go ahead.

Mikey O'Connor: Okay, thanks Greg.

Greg Aaron: Okay.

Mikey O'Connor: All right, thanks Marika for that scramble on the summary. We might want to post that out to the list as sort of a refresher course.

But let's carry on with the CBUC comments. And I think Berry's got the floor for that. Are you on deck? So Berry can you take over at this point?

Berry Cobb: Yes thank you Mikey. This is Berry. I'll just run through the position statement real quick. I think for those areas where the CBUC agrees with the recommendation there probably won't be any comments.

There will be a couple of areas in here that we either recommended changes or kind of opposition to some of the other recommendations posted. And that may spark a little bit of discussion or not and after which I'll pause after each one. And if you raise your hand in Adobe or speak up then we can discuss it.

So basically starting out on Page 3 is there the details of how the CBUC positions on the recommendation.

Starting off with the abuse definition, the CBUC agrees with that definition.

Next section starting on Page 4 is the registration abuse versus use abuse. I won't belabor this point as we talked about it quite a bit.

And Greg was great to point out for us in the public comment or the comment summaries that the specific statement basically kind of sums up our position about it is that a domain name cannot be abused unless it's registered. Therefore any abuse of a registered name is registration abuse.

And I believe we all agreed that this needs to be kicked up to the GNSO and higher power that be to observe this.

My only question about this component is that I believe we still have an open action item to update the report to basically denote that we are going to kick - send this up to the council and take it from there. But we all agree that it can't be solved here.

Okay the next line item is the area of cyber-squatting. BC agrees with recommendation one as to which we're also kind of just debating some of the

definition. But we definitely look forward to the PDP around trying to straighten out the cyber-squatting.

With respect to recommendation number two there were two views. The BC supports view A which was to initiate a PDP around the right protections mechanisms.

Granted that there was great work done in the STI groups and that what has been created thus far has been a pretty good path forward in terms of quick consensus building.

But we also feel that a PDP could pretty much mimic what is going on for instance with the vertical integration because, you know, we haven't turned on the light switch yet for new GTLDs.

And I think we feel that it would benefit us to make sure we try to get this as right as possible before that light switch is turned on. So we do support View A for creating a PDP for RPMs.

I don't see any hands. Okay next line item is front running. We do agree with the working group that - not recommend a PDP at this time and that the council monitor for further conditions if they're warranted.

Next line item is in with respect to gripe sites. Basically the BC does support View B in terms that the UDRP should be revisited about gripe sites.

I think specifically again is what we do understand that this treads very close to free speech. But what we're specifically keying in on is the inconsistency of UDRP decisions. And we feel that there could be improvements or changes in that area that could maybe clean that up a little bit.

I'll again note back to I think some previous discussions that we had about three or four weeks ago when the RAP Team reconvened that we could

maybe try to dovetail that aspect in with the UDRP recommendation, the first recommendation.

And I believe - I'm hoping that that's still an open action item that we'll resolve and clean up before the RAP Working Group convenes.

Okay, any comments or questions at this point? I don't see any raised hands.
Okay.

Mikey O'Connor: Berry this is Mikey.

Berry Cobb: Yes?

Mikey O'Connor: I just realized that in addition to being your temporary interim acting meeting runner, I should probably also be the temporary interim acting recorder or action items.

And you've mentioned a couple and I've been drifting along not paying attention. So could you recap the action items that you've mentioned so far so I can just capture them and we can go back to them?

Berry Cobb: Yes.

Mikey O'Connor: There were at least two. But I've awakened from my slumber without having actually noted what they were. You just mentioned one.

Berry Cobb: Okay.

Martin Sutton: Yes, it's Martin here. Registration abuse versus use abuse was the first one.

Mikey O'Connor: What was the action there?

Martin Sutton: Is to add on some terminology there to make - to emphasize a point that abuse can only occur once a domain is registered.

((Crosstalk))

Berry Cobb: And this is Berry. So yes, to specifically just update the report stating that, you know, we weren't able to solve this within this Working Group and we need to kick it up to the GNSO Council and higher powers to try to get this resolved somehow and get some clear definition around them.

Mikey O'Connor: Okay that rings true. And then the second one, the one you just mentioned Berry?

Berry Cobb: The second one is with gripe sites. The first recommendation was about creating a PDP to review the UDRP process with respect to gripe sites.

And if I recall correctly it was three or four, five weeks ago that we decided that perhaps the notion about the consistency of UDRP decisions around gripe sites needs to be cleaned up.

And instead of creating a formal PDP to focus in on that that perhaps we could dovetail that in with the first UDRP recommendation that we have within the report.

And so I think we just - as a Working Group we need to come back together and decide exactly how we're going to do that or if we're going to do that and get that cleaned up.

Mikey O'Connor: Okay, thanks Berry. Sorry to interrupt.

Berry Cobb: Thank you Mikey. Okay the next - there was recommendation number two for gripe sites. And we supported View A which was to turn down a proposed

recommendation that registries develop best practices to restrict the registration of offensive strings.

Okay the next line item is fake renewal notices. The BC supports a View A recommendation and that we refer this over to contractual compliance for possible enforcement action.

There was a second recommendation for fake renewal notices. And we also supported that which is basically I guess there's a hint of contention around this.

The second recommendation is a conditional recommendation in that the Working Group would like to learn from ICANN compliance department's opinions regarding recommendation number one.

And the Working Group would further discuss recommendation two looking forward to the Working Group's final report.

The RAP would recommend an initiation of a PDP by requesting an issues report to investigate fake renewal notices.

To my knowledge I basically I think I cut and pasted that second - or all these recommendations from our report. So I may not be quoting 100% exactly.

But I think the point is the way we phrase the second recommendation is that we would get some kind of feedback from compliance. And to my knowledge I don't think we've gotten any of that feedback yet. Perhaps we have. But as another action item Mikey, I think we need to maybe come back and look at this with respect to did we hear anything or not from contractual compliance?

And I know specifically Mike Rodenbaugh had commented that, you know, there is nothing in contracts with respect to fake renewal notices. So therefore there was nothing that compliance could really take action against.

So we as a Working Group may want to come back, take a look at this and see whether we still want to move forward with a recommendation for a PDP with respect to fake renewal notices.

And anyway, the BC does support that second recommendation.

Okay, no questions on that one. Next line item was domain kiting and tasting. The BC supports the recommendation made in the report that the council monitor the issue and consider next steps if the conditions warrant.

Next line item is malicious use of domains. This is definitely a hot topic and basically kind of dovetails to the registration abuse versus use abuse.

For this recommendation for malicious use of domains, the BC does support this recommendation. But we do note that there are some concerns about this recommendation. And first and foremost is the inclusion of best practices.

It is to us a clear indication that everybody recognizes the problems with respect to use abuse. What we have issue with and I think is still an open action for the GNSO and perhaps other constituencies as well or other supporting organizations is there is no formal platform for best practices to be disseminated as it stands today.

And so I'll close this statement just saying that, you know, the BC does support this recommendation and leave it at that. And then my next comment is then general for the Working Group and kind of outside of our position.

So I do throw out the question to the Working Group is so we're going to move forward to the - with the GNSO with this recommendation. What do we expect to happen? What do we - how do we think these best practices will move forward?

And what organization is going to take the wheel so to speak and drive these home? You know, is it going to be a combination of the contracted parties, the registries, registrars or what organizations will the contracted parties and ICANN use to move forward to start to address this?

And I will just take a quick note. And Rod if you will allow me I'm going to quote you on an email that we had sent right before the RAP reconvened after the public comment periods and after Nairobi which I believe very much encapsulates this problem or this issue.

As per Rod he's - the opinions of the ICANN community are highly varied and in many cases very strong and different directions on this topic. Actually I won't read the entire thing.

But what I did want to point out is that his concern is that in the vacuum of dealing with use abuse isn't addressed adequately by ICANN and its contracted parties. And the choice will likely be taken away in terms and will be dictated.

We're seeing these kinds of sentiments affecting the largest country code TLDs already. And the US government is looking at overall cyber-security, especially infrastructure exposures like they never have before.

Rod thinks that the best practices proposal are helpful here and also think that the group could make a strong statement that ICANN needs to look at use abuse issues directly and make some calls one way or the other.

That would be a different test than put forward by the RAP Group given that we have dealt with almost all of these in some form over the past year. And we certainly have a standing to make that recommendation.

So again, I do, you know, this brings in the whole picket fence discussion. And it certainly, you know, this isn't resulting in a PDP unfortunately. So, you

know, I throw out the question is where does this go from here? And how do we - you know, we all recognize that this is a really big problem. So how do we address it from here? I believe James has...

Mikey O'Connor: This is Mikey. Yes James is in the queue but I'm not sure that it's in response to that last question. So I think James if you want to...

James Bladel: Yes that's a - this is James speaking. That's an earlier hand. Just to clarify, the bulleted list under malicious use of domains, the first and second bullet are combined correct? Those are not separate line items?

I just want to make sure I'm reading this correctly and that if that's a typo then that makes a lot more sense.

Mikey O'Connor: Yes this is Mikey. I think you're right. The first two bullets, the first bullet should read practices for identifying stolen credentials rather than making that into two bullets. Good catch James.

James Bladel: Well that's what I thought. I just wanted to confirm that while we had Berry on the phone.

Berry Cobb: Yes. Yes, that's definitely a type.

James Bladel: Thanks.

Mikey O'Connor: Any thoughts about Berry's broader question about where do we go from here or do people want to pass on that? This is last call for thoughts on that before Berry keeps going.

Berry Cobb: Okay I'll move forward. Next line item is the WHOIS access. There were two recommendations and the BC supports both of those and look forward to the outcome of those results.

Next line item uniformity of contracts. There were two views for this recommendation. The BC supported View A. And we especially take notice that within the Working Group or sub team efforts know that prior to completing our overall results and taking the results to the larger Working Group there was discussion that, you know, we recognize the fact that there was a great deal of support to also include indemnification.

And I think that that was one of the key areas that allowed the - kind of the consensus to move forward up until the larger Working Group.

And that's certainly something that should be reconsidered. But again, the BC does support View A for that.

And then lastly there were the meta issue recommendations, uniformity of reporting and the greater best practices recommendation. And the BC does support both of those.

And then I personally have a question to the group which, you know, I guess we probably won't answer based on the malicious use is, you know, how do we expect the GNSO to move this forward?

You know, who's going to take action on it or how do we perceive what action is going to be taken against the - these two recommendations?

So with that that concludes the - in a nutshell the BC position on the RAP issues and recommendations and thank you very much.

Mikey O'Connor: Thanks Berry, great piece of work and great presentation of it. Any overall comments from the group and are there any actions other than the ones that we identified, those sort of follow-up actions that we need to take?

(Fred) - so (Fred) was up and then - okay, any other folks want to comment?

So the actions that I've got are just to recapitulate, the registration versus use abuse question being essentially pushed up to the council.

With regard to gripe sites, perhaps the need to add some language to deal with consistency of decisions, and then finally a kind of missing piece of feedback from compliance with regard to the gripe sites and the ability of compliance to do anything about them.

In keeping with Greg's tradition I'd like to assign these action items before we move on. Does anybody want to tackle any of these?

Man: Mikey it's (unintelligible).

Mikey O'Connor: Go ahead.

Man: So the question was about compliance and gripe sites? Or what exactly is the question or the action that's needed?

Mikey O'Connor: I'll try to speak for Berry, but Berry, whack me on the knuckles if I get it wrong. One of the things that I think we talked about earlier on was to check with compliance and see if they had any basis for - oh no, that wasn't gripe sites that was...

Berry Cobb: That's fake renewal notices.

Mikey O'Connor: Fake renewal notices. Is that - did I get that one wrong?

Berry Cobb: So just to clarify -- this is Berry -- there are two things here. First and foremost is the gripe sites. Again, four, five weeks ago when we started going through some of the initial comments we came together as a Working Group and talked about gripe sites.

I think -- and correct me if I'm wrong -- and maybe I'm - maybe I was hallucinating or dreaming this but I thought that we had kind of agreed that maybe a possible option to address the inconsistencies with gripe site UDRP decisions is that we could somehow dovetail or attach this - that specific aspect to our first recommendation with respect to UDRP and the PDP that's going to be created from there. And so that takes care of the gripe sites.

The second notion is about fake renewal notices. And there were two recommendations as listed in the initial report. The first one was to refer the issue to the contractual compliance department for possible enforcement including investigation and misuse of WHOIS data.

The second recommendation is that depending on the feedback from the contractual compliance team that if they didn't have any actions taken or didn't have the territory to take any action that the Working Group would then in turn make a recommendation to create a PDP about fake renewals notices.

And by how we have the language or - listed for the second recommendation it basically states or the way it's worded now says that we would make this decision prior to the RAP convening. So we're getting close to that.

And at this point to my knowledge we haven't heard back to contractual compliance as to whether they can do anything about this or not.

So we probably need to come back and either restructure this second recommendation and look at creating PDP about this or, you know, again, the open action is to hear from contractual compliance.

Man: I think well as far as compliance, I think one of the things that we want is we want the council to ask compliance about a couple of things.

So the request, our recommendation would be for the council to ask for it. And then it has the backing of the council. Is that what we want?

Berry Cobb: Perhaps. You know, either way we need to talk about it. Again, the specific statement for the second recommendation is the following recommendation is conditional.

The Working Group would like to learn from the ICANN compliance department's opinions regarding recommendation number one above. And the Working Group will further discuss recommendation to looking forward to the Working Group's final report.

The RAP WG recommends the initiation of a policy development process by requesting an issues report to investigate fake renewal notices.

Mikey O'Connor: So this is Mikey. I think we just have a - sort of a sequencing in the language problems to work out. Because we're - the way our language stands right now we've kind of run out of time. And essentially we're getting to the end of our process.

But the way it's worded right now, it's sort of presuming that we have more time.

Berry Cobb: And this is Berry.

Mikey O'Connor: Yes, go ahead.

Berry Cobb: I'd like to just add on to that that if we do kick this up to the GNSO, you're right Mikey, it is a statement issue. But if we kick this up for - to have the GNSO go ask contractual compliance whether they can do anything or not, by that time the Working Group - the RAP Working Group will have convened. And therefore we wouldn't be in a position to have a PDP initiated unless we can do that retroactively after the Working Group convenes.

And I'll just reiterate Mike Rodenbaugh had made a statement as part of the public - I think part of our consensus polling that there are no contractual line items in any of the agreements that we have today that would give contractual compliance the leverage to go take action against this.

So basically he anticipates that the answer will be that no, they don't have any leverage for this nor are they doing anything about it at this point.

Thank you.

Mikey O'Connor: Marika, go ahead.

Marika Konings: Yes this is Marika. I just wanted to suggest because of course the GNSO could make the same conditionality as the RAP Working Group has done its initial report.

I mean (to consequently) decide for us to get clarification from compliance noting that, you know, if the feedback is not as they like it or it doesn't, you know, meet some of the criteria that the Working Group has set out, they still have the possibility to initiate a PDP following that feedback.

So that's a way one of going about it (sic) if, you know, to pass it on to the council and just noting that the council should first if - it (unintelligible) (recommendations) first a follow-up on Recommendation A before it moves on to Recommendation B, you know, depending on the feedback received.

And of course the council could still decide then to get feedback from the Working Group if, you know, even though it might be dormant or no longer there if it feels that further input is required once they have received the feedback from the compliance team, just providing an alternative approach.

Mikey O'Connor: I think what we need at this point is someone to step up and volunteer to write that down because sounds like that would work for Berry, he noted that in the comment - or in the chat. Who wants to do that?

Berry do you want to capture that, Marika, do you want to capture it?

Berry Cobb: Yeah, this is Berry, I'll do it.

Mikey O'Connor: Cool, okay. Let's go back to the other two action items and see if we can get those assigned real quick and then head on down the agenda.

In terms of the registration versus use abuse thing that you discussed Berry about pushing that back up to the council, is there language change required in the report in order to reflect that or was that really more of an observation?

Berry Cobb: This is Berry, according to the position statement I had made the notion that I almost kind of envisioned it as being a separate or stand alone recommendation.

You know within the report itself we devote three or four pages discussing this topic. I almost think that it warrants that we include a subsection like we have with all of our other formal recommendations that say the RAP, WGE recommends that the GNSO council take the debate of registration abuse versus use abuse and debate it and do everything that you know - I don't know that the language would be.

But you know we kick it up and that it needs to be solved because it does not only impact the RAP but it also impacts other working groups and probably a lot of future efforts as well.

So I'll take the action item to include that paragraph towards the end of that section is where I'd kind of target it to include it and again I would frame it or

build it in such a way that it kind of mimics the other recommendations with respect to cyber squatting, WHOIS, etcetera.

So that we make it a stand alone recommendation that the GNSO can key on if that's acceptable.

Mikey O'Connor: Anybody on the call want to comment, give Berry any course corrections on this before he goes off to draft a little language for us? I think you've got your marching orders Berry.

And then the third one is the real gripe site one, right, that's the one where the language needed to get inserted into the recommendation, the earlier recommendation.

Do you want to take a stab at that as well?

Berry Cobb: I can, I'm not sure if I still think we probably ought to maybe poll the working group if that is for sure what we want to do. I've mentioned it several times and nobody else has climbed on board with it.

So I'm beginning to think I was hallucinating that that ever happened. But I'll definitely take it.

Martin Sutton: Berry, it's Martin here, I'll take that one, I'm pretty sure I had that on my list of things to do but I've checked with the actions and I can see there's reference to it in one of the meeting summaries.

So I'm pretty sure that must be mine that's still outstanding. So I'll take the gripe site and have a look at trying to put some wording in under the UDRP section on the paper.

Berry Cobb: That would be great, thank you.

Mikey O'Connor: I think that wraps it up on this one, anything else for Berry about the CBUC comments before we move on down the agenda? Berry you have your hand up, go ahead.

Berry Cobb: Yes, this is one other kind of small action item that I had. This is nothing to do with the CBUC position statement so I can - I think we can consider that a close at this point.

But with respect to comment periods and especially like as how Bruce Tonkin came back and told us that we probably ought to retake a look at the cyber squatting definition.

I'd also like to remind the working group here that - lost my notes - hold on just a second, there they are. Yes, within the public forum where we reviewed the initial report Joe Alagna and I may be mispronouncing his last name but he made some very important comments with respect to reverse domain name hijacking as it relates to I think the UDRP.

And what I wanted to throw out to the working group here, I know that we're pressed for time or we're coming - we're drawing to a close but it did seem like it was fairly important that if possible that we try to include at least a definition, a formal definition for what reverse domain name hijacking is.

I don't believe that they're - I don't think where we'd be in a position to make a recommendation for how to address it or again if we even dovetail it into UDRP.

Personally I don't have much experience or education around this topic but it was a very passionate couple of responses from Joe Alagna asking what the working group was going to do about it.

So I just toss it out on the table for any quick discussion.

Mikey O'Connor: (Fred), go ahead.

(Fred Salman): Yeah, I was just curious you know the folks who have been talking about reverse domain name hijacking, I know that WIPO and the other UDRP administrators keep pretty detailed statistics about issues including you know registering complaints that people made against the process.

And I was just wondering if whoever has made this point of reverse domain name hijacking if they could actually illuminate sort of the problem in terms of scale and do some research in terms of scale before we make a recommendation.

Mikey O'Connor: Thanks (Fred), anybody else want to speak to Berry's point about reverse domain name hijacking? I don't know if we've got an action - I think the...

Greg Aaron: This is Greg.

Mikey O'Connor: Go ahead Greg.

Greg Aaron: In the cyber squatting section of the paper we have a list of the issues that people brought up over the years about short comings or inequities or what have you about the UDRP.

Maybe we should add a bullet about reverse hijacking. I mean at this point you would be looking for an issues report and if you - you know if you wanted to touch on this we're not the ones to go digging and do the work.

But maybe add a bullet in about reverse hijacking to get it on the buffet so to speak.

Mikey O'Connor: Is that acceptable to the rest of the working group members? If so we just need somebody to draft a bullet. Okay with James, okay with Berry.

Berry Cobb: And this is Berry, I would just say I guess time span?

Mikey O'Connor: Tell you what Berry, why don't we - if you don't mind carrying on in the let no good deed go unpunished mode that I'm in right now, could you come up with just a bullet point to add to the buffet that we could take a look at on the list?

I don't think it needs to necessarily include an exhaustive definition but maybe...

Berry Cobb: I'll make it.

Mikey O'Connor: Phil Corwin's on the call, maybe the two of you could put your heads together on that. I know that's an issue that Phil sometimes addresses and anybody else who wants to.

Phil Corwin: Sure, I'd be glad to review whatever Berry comes up with.

Mike: Hey Mikey, I can review it as well.

Mikey O'Connor: Great, so we've got a little gang to take a look at some language on that. I like the approach that Greg is proposing that we get it on the list, we don't necessarily write a section in the report about it.

We just add it to the list of things that that working group would take a look at. Okay, anything else on the CBUC comments, going once, going twice, last chance and we'll move on to the next agenda item.

Hearing nothing, let's go on to the slamming recommendation and I think that where we're at on that is that we've got pretty much unanimous support for a version two of the recommendation.

And then the agenda says the group needs to make sure that clear text is finished for inclusion in the body of the final report and a title for this issue.

Greg or Marika can you lead us through what we need to do here? Marika's got her hand up, you go.

Marika Konings: Yeah, I just wanted to clarify what's on the Adobe Connect now. I think this is the latest version that I think Berry created and then James provided some comments and edits.

And just to note that the recommendations that are up in this version do not reflect the ones that we discussed and refined and (unintelligible).

So if I understand I'm sure Greg will clarify I think it's in relation to the other sections of the document that's up on this page to make sure that people are comfortable with that.

And I think James made several comments that at least for the work or at least for the discussion before it can be included in the report.

Mikey O'Connor: Greg, do you want to add anything to set us on the right track before we start talking about this?

(Fred Salman): I'm sorry, I missed the question, someone else was speaking to me in the room so I apologize for that.

Mikey O'Connor: No worries, I was actually asking Greg.

(Fred Salman): Oh I thought you said (Fred), sorry.

Mikey O'Connor: No, it's the Midwestern accent (Fred), it gets me in trouble all the time. But no, I was really aiming that at Greg. Anything that you want to say to straighten us out Greg before we start?

You may be on mute or he may have nothing to say. Okay, so I am now moderately confused. We have something that I think we have agreed to on the list.

But Marika, that's not what we're working on here?

Marika Konings: So the recommendations are the one that has been adopted but the text itself is something that I think you didn't work any further on that apart from the comments that James provided in this version.

And Berry wanted to intervene so Berry can clarify if this is not the latest version that's up here.

Berry Cobb: This is Berry, yes this is my action item. I'll - what you do have listed up here in the Adobe window is the latest version. I need to create the next version from this.

I'll incorporate all the comments that were created by James and myself and then I'll send out the next version to the list for review and it's now - I think we had somewhat agreement from the last call that we had called this alternative domain take down, or sorry, alternative TLD shakedown.

And so I'll update the title, I'll update the text and I'll update the recommendation and send that out to the list.

Mikey O'Connor: Oh I like that solution a lot. Thanks Berry. Okay, let's see, next is section 10, conclusions, recommendations and next steps. We need to discuss that, so maybe if we could get sort of the same kind of lead in for your hapless temporary interim acting meeting leader.

Do we have a draft that we need to discuss or do we have a draft that we need to revise at this point? Marika or Greg, could you fill me in?

Marika Konings: Yeah this is Marika, I'll pull up the latest draft of the final for you. If I remember correctly I think that chapter was basically left blank and basically just taking that you know following review of the public comments.

The group would revise it and what normally happens there in section is basically it just recaptures all the recommendations and conclusions throughout the document and makes the complete recommendations on what it would like the GNSO council to do, what kind of actions it would like to take.

So it could be a summary of there's a different recommendations that are also captured for example in the - an executive summary. I think at this stage it would be more clear as well which ones you know are the strong consensus and sort of - you know I don't know if we're going to do another polling in some of those because there are still some of where of course we have two views or two alternative views.

So I don't know if some kind of discussion is required there so we can come to consensus or whether we just present the council then with the different options that have been discussed with an indication of the level of support that they have received.

And I'm happy to try and pull out what is there now as a first draft and include that in the next iteration of this draft to report unless someone else wants to take a stab at it.

Mikey O'Connor: Oh I can't imagine that anybody's going to want to take a crack at that, but maybe - anybody want to volunteer instead of Marika? I certainly don't.

Berry are you raising your hand or is that a left over hand?

Berry Cobb: Sorry, left over, I'll take it down.

Mikey O'Connor: Okay, thanks Berry. Marika I think that's a great approach to take - you know to have you run through and pull the highlights out of the report, create a draft for review.

Anybody want to comment one way or the other on Marika's question about whether we want to try and drive to consensus on the recommendations where we have alternatives?

I will take off my temporary interim acting chair hat for a minute and editorialize that I think that at this stage in the game it would be very difficult for us to get closer to consensus than we are on those.

And I personally kind of like the idea that we present a couple of views for this council with a sense of you know where we lean and so I'm comfortable with the idea of alternative versions of recommendations.

And think it would be pretty hard to drive those to single views but now I'll put my chair hat back on and let other folks talk. Wendy, go ahead.

Wendy Seltzer: Yes, the question of order that joins the group after the report draft was put together, I'm not proposing to change dramatically the views of the group.

But I would like a chance to weight in on voting on consensus points.

Mikey O'Connor: Do you want to do that now? I guess I didn't quite understand where you wanted to go with that. Do you want to talk about that now?

Wendy Seltzer: That there are various points that are marked three people, four, four people again and I would be happy to have my own view listed among those.

Mikey O'Connor: Ah, that would be terrific. Do you want - Marika do you want to capture Wendy's votes and add them?

Marika Konings: This is Marika, I guess it goes back as well to the question are we going to do a new calling on all the recommendations also because you know we've changed some slightly, we're going to add the one on the slamming or whatever it's going to be called now.

So the question as well are we just going to do a new poll and you know have everyone weigh in again and do the measurement again or just do one for Wendy and add it?

Or do we do it for those that change, I think it's a broader question. Of course we might have as well some other members weighing in that haven't weighed in in the first poll so you know some of the balance might change or maybe some people changed their minds as well based on you know some of the public comments received.

That would be the broader question that the group will need to answer, why don't we just redo the whole polling, all the new recommendations that are in the report probably sooner rather than later so we can you know integrate that and then discuss as well where the group stands along with that (unintelligible).

Mikey O'Connor: Yeah. Greg, do you have any words of wisdom for us here?

Greg Aaron: My suggestion is if we've changed the language of any recommendation we should poll those just to be official. And then if anybody is going to change their vote we need to have perhaps a mechanism to do that.

I - on some of these I think the people have already expressed their opinion, they're not going to change. We've got a lot of recommendations.

I'd prefer to concentrate on changes.

Mikey O'Connor: This is Mikey I'm going to take off my chair hat for just a minute. I think one of the advantages of polling everything is that then we can with one single process also include folks like Wendy who would like to contribute their votes.

And weren't on the working group at the time that the original vote was taken so it might be from a process standpoint just as hard to repoll the whole shebang. If that's just a thought.

I'm back to chair role, Berry you're next and then Martin.

Berry Cobb: Yes, thank you Mikey this is Berry. I was just going to feed back up what you said if we're going to allow participants to add their vote into the paper then I recommend we go ahead and poll across everything and then allow other working group members to cast their vote as well that may have not did the original polling.

Because that doesn't seem very fair to just tag - add these on real quick after the fact without kind of opening it back up for everybody. Thank you.

Mikey O'Connor: Thanks Berry, Martin, you're next. We're getting to pretty close to the end of the call so let's see if we can push through this real quick.

Martin Sutton: So this is Martin here, all I'll say is ditto.

Mikey O'Connor: Wow, that is great. Okay so is there anybody just tremendously opposed to the idea of repelling all the recommendations at this point Greg, I mean...

Greg Aaron: I have a question Mikey which is are people who have not been participating in the group for many months going to show up and vote again?

Mikey O'Connor: I don't know.

Berry Cobb: Well this is Berry if - to kind of carry home this point you know no offense to new participants wanting to vote but I personally will send out a note into the BC and other members to make sure that those that were a part of the working group that didn't participate through all this time come in and vote as well.

Again I'm not sure what benefit we have by allowing a participant that shows up after our initial report presentation to post their vote that that just doesn't seem fair.

So if we're going to allow people to come in to do that then I want to sign up other people, make sure that we get a good vote here.

Greg Aaron: What I was trying to do at this point is I'm going to take this off line, I'm going to take this question to Chuck Gomes who is a GNSO council chair.

The guidelines under which this working group works are the old guidelines, they've been around for many years and they're going to change slightly perhaps, the council is working on new working group guidelines.

But this brings up the question of who is a working group member, what does that mean? Is participation count for anything, etcetera.

One of the things I'm going to do is I'm just going to ask Chuck about precedent, has this question come up before and if so what's been done.

Mikey O'Connor: I think that's a lovely solution to this one. I'm very sympathetic to the concept that participation is important and that continuity is important so if it's already with the rest of the folks in the group I think we'll leave that action with Greg to check on that.

James Bladel: Mikey this is James.

Mikey O'Connor: Yeah, go ahead James.

James Bladel: Real quickly, I mean I think if we are going to open this up for input for folks who I think have joined the working group but then going dark for you know most of the last year, if we can set some threshold of participation in terms of meetings or things, participation in the last hole.

And then indicate or separate those votes from the folks who have been contributing all along. I think that might be helpful in painting a clearer picture.

Again you know kind of I think building on Greg's idea here is the participation is important and I think that we need to ensure that we're not giving a - you know I want to say a - you know discounting or diminishing the folks who have been - made this a part of their lives I think for the last 12 months versus folks who just come in at the end and you know ring up their opinions and then you know disappear back into the night.

So just an opinion at this point, I'm not trying to sideline Wendy or any members of BC or anything like that. I think everybody especially has a - especially in cases where we've missed something but I just want to make sure that that's indicated for.

Mikey O'Connor: Let's see, I guess we'll let Wendy go first and then Marika.

Wendy Seltzer: Yeah, I just wanted to note that I joined when I became aware that there was the group that had no participation from the non-commercial users stakeholder group and I thought it would be helpful to bring that perspective in to the discussion.

And that representation into the discussion and so I've participated since I joined the group, I apologize but our group was not represented earlier in the discussion.

Mikey O'Connor: This is Mikey taking his chair hat off, I think one caveat that I would add is to - you know perhaps in a way what we're discussing is weighting the voting by participation and maybe the way to weight that voting is by percentage of participation since joining the working group irrespective of when.

So in the case of Wendy she was a strong participant once she joined.

Greg Aaron: This is Greg, you're starting to get into new mechanisms which the council has never considered and I don't know if that's an option. Let me run it up to the chair and talk about precedent and so forth with him.

Mikey O'Connor: Okay. Marika, you've got your hand up and I think you get the last word, we're just a little bit over time.

Marika Konings: Yeah, this is Marika, maybe just to point out I think normally we run this meeting in 90 minutes but I'm happy to do it shorter if that's the agreement.

Just to point out that I think it has impacted the working group especially where you know we work with initial report and a final report, there is a second measurement of the level of consensus primarily as well to see if things have changed between the initial report and the review of the comments and further discussion. And then the final report, also to know that I'm also responsible for supporting the working group work team that's developing the working group guidelines, also look at you know how you make decisions and how that's measured.

Participation is another question and I think there at least in your current draft that's there, the group is very strong - a very strong point of view that even though members are not active participants by being on calls and speaking up, they might be participating silently.

You know one of the things it lists, listening to recordings, so I think from that point of view I think the working group guidelines support you know any working group member should have an equal voice.

You know although I can probably see the point of view where some say well you know if they have a different view as what we've stated they should speak up. But some members might just want to describe their view based on you know what they've seen and heard on the mailing list.

So what was my third point - so basically as well you know I'm happy to serve (unintelligible) the current draft on you know making that assessment but the chair plays a very important role and making assessments on the level of consensus, taking into account as well then you know the representation of the group.

And you know for example if we're talking about voting you know I can already see - you know and Berry said well I get the people from the BC to vote and I'll vote you know with the BC position.

I think that's not right, I think the chair there has to make an assessment as well looking at the diversity of the working group and you know constituencies or stakeholder groups they represent and trying that way as well to set the level of consensus overall.

You know at the end of the day it shouldn't be about the number of votes that a certain position has but it should be about coming to consensus in the working group.

So I just wanted to add that and the polling there of course helps there, but you know the end of the day I think that as well, the idea behind the working group guidelines, it's getting to consensus and moving away from voting and adding too much rate of - you know how much weight a certain person carries.

I mean do we allow newcomers to vote or not, it should all be about coming to consensus on the recommendation.

Mikey O'Connor: I like that too. Everybody okay with Greg carrying that off to Chuck and getting a read on what we do? I think we're done. I think that fits in the agenda if there's nothing else we'll wrap this one up a little bit early.

Sorry I was managing to the one hour time instead of a 90 minute time, I didn't pay attention to that, but there you go.

Man: No need to apologize Mikey, thanks for the 30 extra minutes.

Mikey O'Connor: Okay, well safe travels with Greg and Rod, any final words before we drop off here Greg?

Greg Aaron: I just wanted to say thank you to you especially for helping us out today and good call. Sounds like we'll do a little bit of follow up on the list and by next week I think we'll probably set up our polling.

I'm tending to think that we'll just repoll every question so anyway we'll follow up, you'll see some more on the list this week about your participation and thanks for everything today.

Mikey O'Connor: All right folks, I think that's it. We'll - I keep stepping on Rod, I'm going to stop talking because there's so much latency, so Rod you go ahead.

Rod Rasmussen: I was just saying it was a little surreal doing this in the back of a cab going through Sao Paulo.

Mikey O'Connor: Yeah, I can imagine. Well safe journeys you guys and we'll see you in a week on the call and that's it.

Man: Thanks Mikey.

Rod Rasmussen: Thanks everybody.

Martin Sutton: Cheers Mikey.

END