Registration Abuse Policies Working Group
TRANSCRIPTION
Monday 11 May 09 14:30 UTC

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Present for the teleconference:

Greg Aaron - Registry C. - Working Group Chair
Nacho Amadoz - Registry C.
James Bladel - Godaddy Registrar C.
Mike Rodenbaugh - CBUC
Mike O'Connor - CBUC
Faisal Shah - MarkMonitor IPC
Roland Perry
Gregg Ogorik - Cyveillance
Robert Hutchinson
Guanghao Li
Rod Rasmussen

ICANN Staff
Marika Konings
Glen de Saint Géry - GNSO Secretariat

Absent Apologies:
Martin Sutton - CBUC
Phil Corwin - CBUC
George Kirikos - CBUC
Gretchen Olive
Paul Stahura - Registrar
Margie Milam - ICANN Staff

Coordinator: The recordings have started Madam.

Glen Desaintgery: Thank you (Benedetta).

We have on the call Roland Perry, Mike O'Connor, Robert Hutchinson, Nacho Amadoz, James Bladel, Mike Rodenbaugh, Faisel Shah and Greg Aaron.

And for staff we have Marika Konings and Glen Desaintgery. We have apologies from Margie Milam who is the other staff support and we have apologies from George Kirikos, Phillip Corwin, Paul Stahura, Martin Sutton and Gretchen Olive I believe who is also attending the IRT in San Francisco.

Have I left out anyone? Oh and I see Gregg Ogorik has just joined.

Gregg Ogorik: Hello.

Greg Aaron: Hi Gregg. Well between the IRT meeting and the anti-phishing working group meeting we've got a smallish group today.

Margie was hoping to give us a presentation today about ICANN scope issues. However she is still working on getting the ICANN legal staff to sign off on that presentation which is deemed for not only for us but also for - used in other (forum) in ICANN.

So we will have that presentation next week. So in the meantime what I thought we would do today is just go ahead and dive into the scope issues identified in the charter and key sections of the issues report.

And I would suggest that one of our goals be to come up with whatever questions you may have for Margie about these issues.

So does anybody have any additional thoughts on our agenda for today?

Mike Rodenbaugh: Just a quick one Greg, it's Mike Rodenbaugh. It would be nice if Margie could send that around to the group before our next call so we can look at it before she gives it to us if that's all right.

Marika Konings: I'll relay that to Margie.

Greg Aaron: Okay. Well Marika has put up the language here on the screen there I guess. The charter asks that we define domain name registration abuse and as distinct from abuse arising solely from use of the domain name while it is registered.

And we should also identify which aspects of the subject of registration abuse are within ICANN's mission to address. And which are within the set of topics on which ICANN may establish policies that are bidding on GTLD registry operators and ICANN accredited registrars.

And the task should include an illustrated categorization, not abuses. But in a lot of ways what we're doing is Margie's presentation to us is going to be a primer on what the ICANN legal staff or the ICANN general council has to say about these issues.

So that's an important viewpoint and then we can follow up with whatever additional questions we have. Mike, let me make sure - are you joined? Okay, are you joined into the room now Mike?

Mike Rodenbaugh: I am, thanks Greg.

Greg Aaron: Okay. Now the issues report contained a note from ICANN legal staff saying what they thought that - or discussing a little bit about what that scope was.

And as a result it revolved especially around the consensus policies and said that registration - revised consensus policies concerning the registration of domain names including abuse in the registration of domain names, that's within scope.

But policies involving the use of a domain name unrelated to registration are outside the scope of policies and ICANN could enforce in the registries and registrars.

The use of the name may be taken into account when establishing a change in registration policies. So to me the first question is what is registration and how is that defined?

I'm going to throw that open.

James Bladel: Greg this is James, can I get in the queue?

So I just wanted to double back just a little bit where it says the tasks should include an illustrative categorization of known abuses.

But that might fail to catch future unknown yet to be developed types of abuses and I was just wondering if this should also include maybe an abstraction whether it's a timeline or the parties involved or the different systems that have to come together in order to execute an abuse.

Might be to draw a line in the sand and figure out what future abuses might look like as well and anticipate those types of problems down the road.

Greg Aaron: Well I can only add my two cents which is that in the currently you know shifting landscape, I think it would probably be impossible to guess at all the ones that could happen in the future.

And I also think that sometimes defining an abuse ends up being something that you use a process to determine. That's what's happened in some previous PDPs.

I'll use the excess deletion as an example where there is a - the GNSO ha d process, they looked at that issue and they decided yes, what's happening with how people are using the add grace period.

We - they determined that it's an abuse, it wasn't meant for that. It harms people, therefore it's an abuse and this is what we're going to do about it.

Other thoughts? James any...

James Bladel: No, I'm fine. Let's just go forward.

I just wanted to not necessarily try to anticipate specific examples of future abuses but to put some boundaries or triggers around something that could indicate something coming down the road.

But I don't want to hold up the group on this.

Greg Aaron: Well one - maybe one way to look at things is when you see something new happening does it fit the definition of abuse that we've come up with? That's one yard stick.

James Bladel: Right, and I just didn't want to make the yard stick too broad or too narrow, that's all.

Greg Aaron: Right, okay. Mike, I see you hit the microphone button?

Mike O'Connor: I have. Roland and I both did, I'm on a Mac and so I may have discovered that the microphone on the Mac is alive.

Marika Konings: No, I think it's related to the raising hand. I guess Greg you maybe have approved them raising hand and then it changes automatically to microphone I think.

                So is there some raised your hand, there's no need to do anything otherwise. I think it's when you use audio; it's a way to formally give the floor.

Mike O'Connor: Anyway, Roland was first.

Roland Perry: Hello. I'm having a little bit of difficulty with my sounds, I'm breaking up but that's probably mine. I was just going to raise the issue that we shouldn't get too concerned about abuses that happen at the time of registration, i.e. during the process of registering.

                And the abuses which occur later may be practiced by somebody altering their registration, for example updating the WHOIS information from a completely legitimate address to a false address.

So while I'm sure that we shouldn't be looking overly at the use of the website once it's been registered, I think the terms of the registration do need to be valid all the way from the moment it's registered to the moment it eventually expires or is deleted.

Greg Aaron: Okay. Mike did you want to add something?

Mike O'Connor: I'm muting, sorry. Yeah, this is Mike. I think the only thing I wanted to was amplify your notion of maybe describing or at least acknowledging some sort of process in what we do.

That might address James' point as well which is some mechanism to be able to respond to new and interesting innovative abuses as they arrive and maybe the thing to do is embody that in some sort of process in our findings.

Greg Aaron: Then one question I guess would be is that the current process that exist which is somebody raises an issue at GNSO council for example and then there's a discussion about whether or not to explore it in depth using a group like this or PDP group.

Are you suggesting that there be some other process for looking at potential abuses?

Mike O'Connor: Well perhaps. I think one of the drawbacks to the process that we have today is we're not terribly nimble in responding. It might be nice to have some sort of process that you could dump an abuse candidate into and have it fairly quickly and consistently evaluate at it as to whether it's something that needs to be addressed in a policy change.

I'm not sure. I see where you're heading and we are sort of into murky territory with that, I hadn't thought about the implications of what I was saying.

Marika Konings: Greg, can I respond?

Greg Aaron: Please do.

Marika Konings: Maybe something as well in the broader discussion on revising the PSP and policy development contacts, but one of the options that might be explored and that area is having some kind of like fast track mechanism where indeed you identify an issue and it might be abuse related.

You know I cannot really wait for two years or one year depending on how long a full process is to be dealt with so that might be one of the areas where such a process might fit in.

But again that's something that you know any ideas on that might fit with the PDP work team that's looking at that.

Greg Aaron: Okay, anyone else?

Well Mike if you want to run that one up the flag pole, you know while you memorize the idea to the list or however you want to do it.

Mike O'Connor: Yeah, I can take that.

Greg Aaron: There is - the only thing I can think of that's parallel to that is there's a new registry process which is sometimes referred to as the funnel where if somebody wants to introduce a new process or change a price on a process - on an existing one that you know mentioned in a registry contract there's a process for basically fast tracking that.

Mike O'Connor: That might work, that might be a good parallel to drive anyway. I'll try and post something to the list and see what we can see.

Greg Aaron: Okay. Now back to one of Roland's points, registration is not just an act of creating a domain name, but it's a set of actions one can take or you know that a registrar could take for example.

You know creating names, updating names, transferring names that are potentially within scope. Because we've had PDPs about all those kinds of things before, grace periods and transfers and all those kinds of things to its accuracy, so on.

But I have not seen a definition of what registration actually means in ICANN context actually. So I don't know what registration actually is defined as or if anyone's actually undertaken to define it.

Has anybody ever seen anything that would give us some pointers?

Roland Perry: Well I would say that registration as in registration abuse is abuse of the registration and a registration is an entry in a registrar's database.

Greg Aaron: Or an entry in a registry.

Mike Rodenbaugh: And that registration continues forever until it expires or is deleted.

Mike O'Connor: Hi this is Mike.

Greg Aaron: Go ahead Mike.

Mike O'Connor: One place we might go look is the transfer PDP for some language. During the course of some of those conversations we got pretty precise as sort of what things would happen when.

It could be that there's a link between those that we could draw. I don't have language in front of me and can't recite it verbatim but the domain transfer's working groups have been sort of nibbling at the edges of that definition. I don't think there is a definition there but that might be a place to look for.

Mike Rodenbaugh: Another place to look is in the UDRP and in cases that have been decided under the EDRP.

Greg Aaron: You're suggesting we look at case law?

Mike Rodenbaugh: Well panelist decisions, but yeah, I think also in EDRP itself at the outset I know it at least defines registration to include renewals.

I'm not - I'd have to go look at the preamble again but I also know that subsequent cases have defined registration pretty broadly.

Greg Aaron: Well there's - in general registration might consist of a record, that's one way to look at it. Another way of looking at it is in terms of a domain lifetime which is here are all the things that can happen - you

can make happen to a domain name while it is registered or while it is in a registry.

For example you can transfer it, you can update it, you can delete it, you can renew it, you can redeem it. Probably missing some. Roland you had put a note in the chat, would you like to talk to that?

Roland Perry: I'm just doing another one here actually but what I'm saying is we're talking about circumstances that might occur in the future which would cause registration to become abusive.

And one reason why a registration might become abusive is because the rules have changed. I was talking to some people last week at great lengths about whether or not the emergence of IDNs should in fact for example mean that all domain registration WHOIS should have an IDN version of the information as well as a Latin version of the information.

But how to an extent could you retrospectively apply that kind of rule towards a domain that's already been registered?

Greg Aaron: And those kinds of situations have indeed come up on occasion. I wonder if there's a useful distinction sometimes between abusive and noncompliant.

Roland Perry: And everything I'm saying is very synonymous, abusive and non-compliant, I agree.

Greg Aaron: Because non-compliant means that it's missed - sometimes missing something, an example you used that is no telephone number.

But it is abusive? I think part of our - the stress of our definition was that abusive does have a component of harm to it a lot of times.

But I guess maybe the practice does, but maybe - I guess there's the issue of the practice and then there's the question of the individual case with an individual name.

Mike O'Connor: This is Mikey.

Greg Aaron: Go ahead.

Mike O'Connor: The more we talk about this the more I'm liking your original notion which is that may be we ought to map out the definition of registration as part of our deliverable.

And that's something that we also did in the transfers process, just simply documenting the transfer process was useful for us.

And it might be that it would also be useful for this group and I'm wondering if Marika would like to take that on as sort of a - at least developing a first draft of what's in and what's outside of registration.

Marika Konings: There is actually a - I'm just looking it up, there is like a picture of the domain name lifecycle that was actually developed some time ago and it was also used for the post expiration domain name recovery report.

And that might give the group you know an overview of the different stages or cycles and that might serve as a base for discussion of deciding what is part of registration and what is not.

And I'm happy to circulate that diagram to the group and you know we can discuss it if that serves a purpose or whether some more description is needed of that.

Would that be helpful?

Greg Aaron: I'd like to see it. I think I know the one you're referring to, it maps out what can happen to a domain name through its lifetime from creation through expiration and re-release. Is that the one?

Marika Konings: Yeah, correct, has the different phases.

Greg Aaron: Yeah, do we have a pretty standard one in existence Marika?

Marika Konings: Yeah, there is one that was developed and I think I adapted it slightly for the post-expiration domain name recovery work but I can have a look and see which one makes more sense or circulate both of them so people can view them.

And see whether it covers indeed all the stages and whether it helps facilitate this discussion.

Greg Aaron: I mean I'd certainly like to see that version. And for the most part, it works the same way - pretty much the same way for all gTLDs is my recollection. Are there may variations depending upon registry?

Marika Konings: I can try - actually just found a picture, I can try to upload it now if you would like. Let me see if I can get that to work. But in the meantime please continue the discussion.

Greg Aaron: And I see Guanghao Li has joined us, welcome. Sorry, Faisel joined a little while back.

Marika Konings: Is that readable for everyone? Can everyone see the picture I just put up?

Mike O'Connor: Yeah, that's great. This is Mike.

Marika Konings: I think you can just ignore the bottom part, the drop patch activity because I think it was developed originally for I think in relation to the AGP work. So I think the top part is basically to outline the different stages.

Greg Aaron: Okay, would you like to walk us through it from the beginning?

Marika Konings: I'm not sure I'm the right person for that, but...

Mike O'Connor: This is Mike. I think this is part of it, I don't think this is all of it, the stuff that we were talking about Greg that you mentioned, things like renewing, transferring, etcetera.

                 I think it's a diagram like this that we're after but I'm not sure that this is the complete picture.

Marika Konings: I'm guessing it might require as well some more of the technical information at the beginning, like you know what actually happened to the registry you know when the name enters or where that is considered actual registration or pre-registration or...

Mike Rodenbaugh: When we renew a name or transfer a name just start the registration period again at the beginning on the left, right Mike?

Mike O'Connor: Well but you know there's all that good stuff of changing contacts, changing...

Mike Rodenbaugh: All happens during the registration period.

Mike O'Connor: Well no, I mean - well yes, once it's registered. But you know that's not really on this. Oh yeah, I guess it is, I guess you could put it all in the registered period. Never mind, you're right.

Greg Aaron: Okay, I see Greg O. has raised his hand.

Gregg Ogorik: I'm sorry, I had a read that I could see it earlier, I didn't clear it, sorry.

Greg Aaron: That's okay.

Mike Rodenbaugh: But I feel like we're getting really hung up on this question. I'm just not seeing the value of it, sorry to be obstinate about it but I mean look at what the agreements are called with the registrants.

The registration agreement enforced during the entire term of registration. I'm just - where are we going with this discussion?

Greg Aaron: Mike, I think where we're going is what kinds of actions - I mean I don't think there's any issue with the fact that a registration has a long lifetime potentially and it goes from beginning to end.

I think what we're talking about is what action between creation and release including those are fair game?

Now if you want to point out places where registration is defined for us in those agreements that would also be very potentially helpful to us.

Mike Rodenbaugh: If I could go down the registration agreement, I'd like to have a nice definition in there.

Greg Aaron: Well and - GoDaddy's of course may be very different from what another registrar's agreement is. In fact there's a particular registrar's agreement is it germane or is it in the RRA between ICANN and the registrar that we really need to be looking at?

Mike Rodenbaugh: In the RRA?

Man: Hello is there anybody on the call?

Greg Aaron: Hello.

Man: We're pondering.

Rod Rasmussen: This is Rod Rasmussen, I just managed to get the through the intricacies of international stuff to get on the call. My apologies for my tardiness.

Mike Rodenbaugh: Basically so the RRA defines registered name as a domain name within the domain of the TLD about which - and the registry operator maintains data in a registry database.

Greg Aaron: So that's a registration but does that give us any limit or guidance about what's within ICANN scope to say about that?

Marika Konings: Greg this is Marika, maybe to add and I'm sure we'll go into more detail when Margie gives her presentation but I think we need to distinguish between what is in scope for consensus policies and what is in scope of ICANN's mission and GNSO policy making.

Because those are two different things and I know there's a lot of confusion around those.

Because I think what we're now trying to talk about is registration abuse as defined within the concept of consensus policies. But abuse in general might be in scope of ICANN's mission and policy making, but not necessarily in scope for consensus policies.

So - and I said I think Margie's presentation will point it out more clearly and really go from the start to the end on this, but just to make clear that we're talking about consensus policy here.

Greg Aaron: Great. And what's weird is in the consensus policies, I don't know if there's a good definition of what a registration is. So we need guidance on that.

Mike O'Connor: This is Mikey.

Greg Aaron: Go ahead.

Mike O'Connor: Either that or we get to create the guidance, that's essentially what we ran into in the other context was that it wasn't really a good description of what this was.

And so maybe the action to take out of this and then move on to other things would be to just acknowledge that we have a little bit of a vacuum there and we need to do some research to find out a, what's available and b, if nothing's available decide whether we need to develop it.

Greg Aaron: It's got - I mean I find it fascinating in and of itself that there is no definition of what a registration actually is.

Mike O'Connor: I do too.

Greg Aaron: Might be worth pointing out.

Mike O'Connor: But you know I don't think we can do it on this call. I think that the point that you raised is right on the money which is that we definitely need that and we've outlined a couple of different approaches to getting it.

Marika Konings: Greg, I will also try to see whether ICANN legal has any further information or if they are aware of any definitions that are in any other ICANN documents relating to that.

Greg Aaron: Yeah, because I'm - then we should also ask Margie to have this as part of her presentation.

Marika Konings: Okay.

Greg Aaron: Because there's good definition of what a - there's some definition of
                  what consensus policy is and the areas that you know that can be
                  discussed in.

                  I'm assuming that's going to be part of her presentation. It has to be.
                  But what I've seen in those definitions is that it's a little unclear, the
                  areas in which a consensus policy can be applied.

                  Can be applied to registrations they're telling us but they don't say
                  what a registration actually means other than a general idea that we all
                  understand which is it's creation and manipulation of domain name
                  records and you know the lifetime operations and that kind of thing.

Mike Rodenbaugh: And then of course there's a UDRP which is a consensus policy
                  which clearly deals with use.

Marika Konings: But in relation to the registration, no?

Mike Rodenbaugh: No. This is in connection with a dispute between you and any party
                  over the registration end use of a domain name registered by you.

Marika Konings: Yes, but it's the two elements. I mean I think that's what the consensus
                  policy specified; it has to be a registration and abuse, not just only
                  abuse, no?

Greg Aaron: That's an interesting topic because I've heard people say that UDRP is
                  actually not a consensus policy although it is listed as such on
                  ICANN's website.

Mike Rodenbaugh: That is interesting. But assume that that's for ten years.

Greg Aaron: And that was of course long before most of our times thank God. That's actually a good question, maybe that's one of the questions we should ask because that is an ancient bit of history actually.

Maybe one of the things we ought to be doing right now is creating a list of questions for Margie to make sure that we cover during her presentation.

One of which would be to make sure that we get a good walk through of the consensus policy scope. We have this issue of registration and what that means. Any others?

Mike O'Connor: This is Mikey. I think that's a pretty substantial list out of which may fall a bunch of other questions.

One of the things about scope is that it's all about edges between that which is in scope and that which is out of scope.

And one of the difficulties that we're facing is that the edge right now is blurry. What we're trying to get to is a sharp edge and in so doing, we may discover all sorts of other stuff.

Greg Aaron: Yeah. And we might - I'm thinking we have to dig down into these things so at least our group has some common vocabulary, and some common understanding.

Even then the gray areas, some of them may persist which you know might be unavoidable. But at least what we can do is if we don't give

some clarity on those at least we can call them out in our report and say here's some potentially unsettled spots.

And they can be dealt with in some fashion if they become problematic; I mean what do you think of that Mikey?

Mike O'Connor: I think that's right. I think in a way what we may be looking at is a series of exercises kind of like the one we went through with the definition of abuse where we work and work and work and come up with a very sharp, very tight definition that can be used in all sorts of other places.

It's almost like building tool kits for subsequent policy makers. And the fact that we've uncovered a pretty big vague area in your registration definition I think is great.

We can make that up, that will help lots of other folks I think.

Mike Rodenbaugh: And just for the record I think you're making a mountain out of a molehill as I said before. Pretty clear what registration is, I don't - I just feel like we're wasting a lot of time on this.

Greg Aaron: What do you think it is Mike? Just share with us how you would define registration.

Mike Rodenbaugh: Just like a registration of a phone number. You know when you go and you sign up you register a phone number, you own it, it's registered to you and so it's not any more for some reason.

Either the operator turns it off or you cancel your service.

Greg Aaron: Okay, but then the follow on is what about that registration can policy making specifically consensus policy making say about that registration?

Mike Rodenbaugh: I don't understand the question.

Greg Aaron: Well we're trying to figure out what...

Mike Rodenbaugh: Abuses of the registration, which abuses can ICANN do something about?

Greg Aaron: Abuses in the registration of domain names.

Mike Rodenbaugh: Correct. I think...

Greg Aaron: Help me out here.

Mike Rodenbaugh: Where I diverge from you and others on this all along Greg is I think registration and use are inseparable. You're using a domain registration when you use a domain name.

Mike O'Connor: Oh, that's - this is Mikey, I think that that may be the fundamental difference or at least one of them is that I think some people do it that way Mike and others would say no, it's only in the registering process that we're focusing.

It's not in the ongoing use of the registered domain.

Mike Rodenbaugh: And that's - I just think that's been refuted consistently by ICANN, various ICANN groups throughout the history of ICANN.

I mean look at what the SSAC does with all their different reports, you're not talking about the registration process, they're talking about things that happened to all the names being used.

Mike O'Connor: Well I think that's a good one for our list of questions for Margie because clearly that's an answerable scope question, but there are two answers at least right now.

And I think we need to get to one.

Greg Aaron: And with SSAC for example a lot of what they write about is not policy related. But a lot of what they write about are here are things going out in the world and they make recommendations.

But they are not always recommendations for consensus policy making.

Mike Rodenbaugh: Because that's not...

Greg Aaron: What they are sometimes are things people ought to be thinking about or businesses ought to be doing or registrars ought to be doing, what have you.

I mean they have an ambit which is pretty large and they kind of do whatever they feel they need to comment on. But it's different than what happens within GNSO.

Mike Rodenbaugh: You're right, there's the two bodies have different functions, SSAC function is not to make policy, the GNSO's is.

Mike O'Connor: This is Mikey. I think another way to think of this Mike is if our scope was to deal with all abuses related to domain names that are registered then our title would be domain name abuse, not registration abuse.

And I think that's why Greg's question is so important is because our title is registration abuse.

Mike Rodenbaugh: You're putting too much emphasis on the title of the group. Look at - again look at registration policies, that's called the registration agreement, but they clearly prescribe how names are going to be used.

Mike O'Connor: Again it's just a tasty scope issue that is worth our time to figure out. I'm not...

Mike Rodenbaugh: Right, but the problem is you've got all down the line you've got ICANN itself making rules about use with the UDRP and otherwise with some of their staff, forget who the new guy is (Greg) something or other that works with Kim Davies.

They're dealing with abuse of domain names all the time, that's their entire job. And you've got the registry agreement which prescribe how names can be used, provide indemnification back to the registry and use that where names are abused.

You've got the registration agreement between registrars and registrants exactly the same thing and yet we've got a small group of people trying to make policy who are just ignoring the reality that have existed for ten years.

Mike O'Connor: But I think that's why scope is so important Mike, you need to get that defined. That's why it's worth the discussion.

Mike Rodenbaugh: I think it was discussed a long time ago and resolved and people are trying to bring it up again in order to narrow what can happen going forward.

Mike O'Connor: I don't know that it's necessarily in order to narrow what can happen. It's in order to provide ourselves a working definition of the group that we can actually accomplish.

Mike Rodenbaugh: So that's why - I hear you and that's definitely a good point okay. So that's why I thought we resolved last time to go through the list of abuses and talk - start talking about those rather than continuing around and around on this issue.

Greg Aaron: Well and Mike to clarify the idea was first we have to understand what is in scope and out of scope before we can look at individual cases and decide whether the GNSO and ICANN can do anything about them.

And I mean I think what you've said is that registration and abuse are inseparable. I think the charter of this group says something a little different which is that the use of the domain can be taken into account.

But they're not inseparable.

Mike Rodenbaugh: The charter doesn't make any decisions, the charter just puts an issue to the group to discuss and decide.

Greg Aaron: Well and what we're trying to figure out is why you know one of the questions is why discuss and make recommendations for policy if those recommendations are going to be out of scope.

That's one of the things we've been asked to do is figure out - discuss whether an individual problem - a particular problem is in scope or not.

That's why we're working on understanding the scope and definitional issues rather than diving into individual...

Mike Rodenbaugh: I think that's where we get back to the confusion Marika pointed out early on in this call, the difference between the two types of scope we're talking about.

Because ICANN's scope is much broader than consensus policy scope, yet even GNSO working groups are completely able to discuss issues that are outside of consensus policy scope and come to other recommendations about best practices or whatever.

Greg Aaron: Yes, I agree completely. However those recommendations will not be for consensus policy. It might be for other things like best practices, right?

Mike Rodenbaugh: Right.

Greg Aaron: Exactly. But we can't - I think what our course is we have to understand what's in scope for consensus policy making before trying to determine whether we can - we should recommend a policy on any given case.

Mike Rodenbaugh: And that's where I completely disagree. I think you're putting the cart before the horse. The working group should never be limited at the outset. You make that determination of what's in scope or out of scope later once you get the range of alternatives.

Mike O'Connor: This is Mikey; I have to speak in vehement opposition. I was the one that wrote that long rant back when I was the ill fated Fast Flux chair where we had a completely out of control scope situation that really had to be addressed before the group could proceed.

And I just - I have to stand in opposition to you on that Mike.

Mike Rodenbaugh: I know, you and I have agreed the entire time on that issue Mikey.

Mike O'Connor: Well this is the same sort of thing. If we don't get the scope both - I agree, there's two scope boundaries. There's the working group scope boundaries and there's the ICANN scope boundaries.

But if we don't get those sharply defined before we start, we'll make this quagmire look like a piece of cake in comparison.

Mike Rodenbaugh: It's impossible to clarify it for the reason James said in his first comments on this call. You're always going to have new things that come up.

Mike O'Connor: No, I don't think that's true. I don't think that means that you can't clarify a scope. I think it may mean that you have to put other processes in place. But I really vehemently disagree with the idea of proceeding on a project without clear scope boundaries.

Mike Rodenbaugh: You're trying to change over decade of ICANN policy making too which is admirable but...

Greg Aaron: Actually I see James' handwriting.

James Bladel: Yeah, thanks Greg, I was looking for an appropriate time to jump in but I just want to echo some of the things that have already been said.

I think that the distinction between registration abuse and use abuse or post registration abuse you know is specifically one of the issues that we've been asked to examine from the charter.

And I think that you know to Mike's credit he's correct in that it needs to be open ended or sufficiently defined in the abstract so that we can address future issues.

But I don't want that to imply that I'm supporting the idea that we should proceed without a clear definition of scope because as the new ill fated chair of the Fast Flux working group I can tell you that that's been just a fatal issue for that group.

And I would hate to see this group go off target like that as well. And I think that the definition is also - that idea is also supported by the fact that registration agreements can be more restrictive on a per registrar basis.

And grant registrars more latitude outside of consensus policy and dealing with post registration abuse. I think that kind of lends to the idea that they are distinct. That's all I wanted to add to that.

Mike Rodenbaugh: James, I want to understand that last point. I think I do but let me see if I got it right. You're saying basically that registrars I suppose by extension registries too although I'm not sure, you tell me.

But at least registrars are entitled to have basically whatever provisions they want in place of the registrant regardless of ICANN's policy so long as it's consistent with any consensus policies and with the RAA.

James Bladel: Okay, let me be careful in answering because I'm not - I don't have your legal background Mike, but what I understand is that the registration agreements can be - can have a standard minimal common set of requirements.

But registrars can add their own requirements to that to make it more restrictive and give themselves more tools in addressing abuse issues.

So for example if an abuse issue were reported to GoDaddy and we just looked at it and we saw that it were for example a bad situation and weren't clear on how to proceed under ICANN consensus policy or the RAA, we could still find a problem where the use was sideways with our registration abuse and suspend the domain.

Mike Rodenbaugh: I agree with that completely. I think this group is really - that's part of our task really is to find out what consistencies or inconsistencies

there are in those policies now and whether the minimum step that we have now which is basically the RAA ought to be changed.

James Bladel: Okay but the risk in doing that Mike is that if we were to move let's say move some of that from - some of that registrar latitude in creating new consensus policy or making a new consensus policy more restrictive or broad, we take away some of the responsiveness that registrars can have on an individual basis.

Would you agree with that?

Mike Rodenbaugh: No, not necessarily. I think you're just - what you're doing is you're just raising the minimum standard because right now today you've got registrars like GoDaddy and others that obviously do a lot better job in response to abuse.

Have much more stable policies in response to abuse than a lot of the other registrars out there that are you know more - very little more than shell companies in many cases.

And so what I believe is that it's in registrars like Go Daddy's best interest to actually raise that bar so we have a more level competitive playing field.

James Bladel: Well possibly but it could also been seen that - excuse me, as bringing everyone down to the lowest common denominator if we had to move to a more cumbersome...

Mike Rodenbaugh: No, you've always have the premise that you started with here which is that registrars are free to go above and beyond.

James Bladel: Okay, we're free to go above and beyond but my point is that we're - if we move, replace that latitude and discretion with something that's a little more cumbersome and defined within the scope of ICANN then everyone has to behave in a consistent manner which may not be up to what we're currently doing.

Mike Rodenbaugh: That doesn't mean that you have to do less. Really you wouldn't have to change, Go Daddy wouldn't have change his policies at all probably but it's all the other guys that aren't doing anything that might have to implement some policies.

Mike O'Connor: This is Mikey. It seems to me that this conversation's another really good one for the list of questions for Margie.

Mike Rodenbaugh: I agree, I just don't want people to think that Margie's going to come with all the answers. I know Margie, I know she would like to, but I mean come on. And remember that's just ICANN staff's point of view too, which is certainly not necessarily the right one.

Mike O'Connor: No, I'm not trying to go there. I guess what I'm trying to say is that I think you've just kicked over a whole 'nother delightful complex discussion that we need to have and resolve.

And you know the current list of questions that's going to Margie isn't I think going to get answered by Margie but it would be nice to get a briefing on some of the tool kit that we've got available to us to answer some of those questions.

Greg Aaron: Well how would you state that question? And by the way we're coming up on the top of the hour here. Maybe what we ought to do since we're starting to run out of time is - one of our goals was to come up with a list of questions which we will put to Margie in which we want to continue to discuss.

As Mike R. says, and as I mentioned at the top of the call this is going to be ICANN, these are going to be question ICANN staff, which is not the be all and end all of all things of course.

Mike O'Connor: They're pretty darned close.

Greg Aaron: What I would like you to do, our assignment for the next couple of days is go on the list and let's post these questions so we can have a whole list of them.

And we can get them to Margie so she can work on pulling out whatever references or doing additional research, whatever, so we can have really (easy) discussion during our next call.

I feel like the working group kind of woke up and got into it today, everything was kind of quiet, the list was quiet. We had good conversation today which is what I've been waiting for.

So I'm actually - I'm encouraged that this is a very good conversation. And I want to encourage everybody to keep putting your thoughts out there. Make your arguments, state your questions.

I want to keep this discussion going, it's very important that we have this good participation.

Mike - Mikey and Mike do you want to specifically work on that and maybe James, this issue that came up at the end of the call about above and beyond and the minimums and that kind of thing.

Can you guys try to crystallize that into some questions that we can discuss and also send up to Margie if we want?

Mike O'Connor: I really want to welcome James, the new ill fated chair of the Fast Flux group to our team. Yeah, we'll do that. James can you join us on that?

James Bladel: Yeah, I will try to make the carve out some time for that, you bet.

Greg Aaron: Okay, that would be great, I appreciate you three working on that one. And everybody else, think about these issues. Let's put up questions and have discussion on the list and then in two weeks we're supposed to have another call.

Margie's - feels confident that she'll have what she needs so she can make her presentation and then we'll drill her with whatever questions you come up with.

Marika Konings: Greg, this is Marika, just a question. Isn't in two weeks, is that a public holiday in the US? I have on the shared calendar that it's Memorial Day.

Mike Rodenbaugh: It is Memorial Day.

Greg Aaron: Oh you are ahead of me for sure. No, I mean none of us in the US will probably be available which raises the question should we change the

meeting day? Because we don't have that - I think we should have a meeting, we certainly don't have a lot of meetings before Sydney. I'll tell you what, maybe off line - go ahead.

Mike O'Connor: Oh I just wanted to pose a possible unpopular response which is that we have so many things that are coming due between now and Sydney and I don't believe that there are any concrete milestones like an interim report or whatnot from this group that are due between now and Sydney.

So I would just recommend if the holiday quirk in the calendar or lack of a quorum due to a holiday causes us to miss a meeting I would just say that we just go on with that rather than trying to shoehorn it in somewhere else.

I may be speaking personally here but I know that Marika and staff probably feel the same way.

Marika Konings: Well just to know that there is although there's no formal comment for report there is a requirement to provide an update within 90 days which I think falls somewhere just before Sydney for the council.

So you know it would be good if the group has something to show at that stage, although it doesn't need to be a final report of course.

Mike O'Connor: Correct, sorry about that.

Greg Aaron: Let's - I'm going to put this question out to the list and I mean I personally am happy to try and reschedule it, I'll try to attend another day noting as James says that people do have a lot of commitments

they have to make. But on the other hand we're only meeting every other week rather than weekly like a lot of groups do.

Let me work with Marika and Glen off line and what we might do is a poll. And see if there's an alternate time that's comfortable for as many people as possible.

Mike Rodenbaugh: And conceivably we could just double up and do it June 1 and on June 8.

Marika Konings: Just to point out as well actually June 1 is a holiday in Europe, public holiday. Sorry.

Mike Rodenbaugh: Well no, didn't know that so okay, never mind.

Marika Konings: But I think there are less participants from Europe so if people want to go ahead that day, I mean...

Mike Rodenbaugh: Possibly also double up the 8th and the 15th then possibly. But anyway, I was - never mind, sorry.

Greg Aaron: Well tell you what, let's take it off line, we'll take it to the list and we'll poll folks about availability. Because you know the 15th is like June 15 and that's getting pretty close to travel for other things.

Marika Konings: What about just moving it to the Tuesday; would that be an option? Just suggesting here, I mean it's same time, just a day later? Just a quick poll if there's now on the call and then we can maybe suggest it to others.

Mike Rodenbaugh: That would work with me; the 26th would work for me.

Greg Aaron: That's not bad for me.

Man: That's not bad for me. And there's been a lot of people who have missed the last couple of meetings too, so another day might be better anyway.

Greg Aaron: Well I don't think there's going to be any great day until the IRT is done.

Marika Konings: Well Greg we can work off line and see.

Greg Aaron: Yeah, we'll put our heads together, maybe we'll do a doodle or something and we'll see what we can do. But anyway, I'm cognizant that we're out of our meeting train for today. So anyway, I really do appreciate everybody who could make it today. Thanks for the good discussion; let's please keep that momentum going. And I'll look forward to conversing with you more on the list about these questions.

Mike Rodenbaugh: Great, thanks Greg.

Mike O'Connor: Great job Greg, thanks.

Greg Aaron: Okay, thanks everybody for your help.

Man: Thanks Greg, have a good week.

Marika Konings: Bye.

END