Registration Abuse Policies Working Group
TRANSCRIPTION
Monday 25 January 2010 at 15:00 UTC

Note: The following is the output of transcribing from an audio recording of the   Registration Abuse Policies Working Group meeting on Monday 25 January 2010, at 15:00 UTC. Although the transcription is largely accurate, in some cases it is   incomplete or inaccurate due to inaudible passages or transcription errors. It is   posted as an aid to understanding the proceedings at the meeting, but **should not   be treated as an authoritative record. The audio is also available at:**
 http://audio.icann.org/gnso/gnso-rap-20100125.mp3
On page:
http://gnso.icann.org/calendar/#jan

Present for the teleconference:
Greg Aaron - Registry stakeholder group - Working Group Chair
James Bladel - Godaddy Registrar stakeholder group
Berry Cobb – CBUC
Mike O'Connor – CBUC
Rod Rasmussen – individual
Faisal Shah – MarkMonitor
Frederick Felman – IPC
Robert Hutchinson – CBUC

ICANN Staff
Margie Milam
Marika Konings
Glen de Saint Gery
Gisella Gruber-White

Apologies:
Martin Sutton – CBUC

Coordinator: the recording is now started.

Greg Aaron: Thank you. This is Greg Aaron, and this is the Registration Abuse Policy

                              Working Group meeting for January 25, 2010. Gisella, would you be so kind

                              as to do the roll call?

Gisella Gruber-White: Absolutely. Good morning, good afternoon to everyone. On today's call

                              we have Greg Aaron, Mike O'Connor, Rob Hutchinson, Fred Felman, Berry

                              Cobb, James Bladel, Rod Rasmussen, Faisal Shah. From staff we have Glen

                              de Saint Géry, Marika Konings, Margie Milam and myself, Gisella Gruber-

White. And we have apologies from Martin Sutton and also please remind everyone to state their names when speaking. Thank you. Over to you, Greg.

Greg Aaron: Thank you. Well, we are in the home stretch, everybody. And I see Bob Hutchinson is just joining us. What we're going to do today is spend most of our time reviewing the recommendation survey.

First a quick note. As you may have seen, the ICANN board decided on Friday to proceed with the Nairobi meeting as previously planned. So that will be happening and we still do need to shoot for (unintelligible) publication.

Okay. Just a quick update. This week is our Drop Dead deadline for final edits to the background sections. So we have to work those out. What I thought we would do today is go through the survey results as quickly as possible.

The purpose of the survey was to do two things. First, figure out kind of - it's a temperature check of the group to see kind of where we are on these recommendations. It's also an opportunity for people to provide feedback on edits to those.

So wherever you see suggestions for edit especially I think where we need to spend time this week on the call and on the list.

One of the things we should talk about today are the cybersquatting recommendations and some proposed background text there also. So we'll work into the document. We'll definitely reserve some time for that material.

Does anyone have any questions before we begin? Okay. Hearing none, why don't we dive right in? The first thing with the abuse definition and we promised ourselves that we would revisit this before the paper was published just to see if we needed any adjustments.

In general, we have agreement. James has made a suggestion for an edit. James, would you like to comment on that?

James Bladel: Yes, just a little bit while I scroll down. I just was recommending that we be a little more specific in spelling out what constitutes the materials predicate upon. I don't necessarily have any suggestions at this point but I just feel like that's going to be a component of this definition that we should (come) a little more clear, particularly for myself or anyone who maybe doesn't immediately recognize this as perhaps a, you know, a legal term.

Greg Aaron: Okay. I have a suggestion about how we could do that. With our definition we also have two notes or - which are bullet points right now. And one says, "This generally isn't meant to interfere with completion," and then there's a bullet that says, "Basically abuse - when it's considered it should be considered in the context of who is being harmed and to what extent or something to that effect."

Would it be useful to add a bullet to explain what the predicate is? And then I would suggest we - in the report - italicize all that material to kind of link it into the definition and make people realized that it's all kind of - part of the definition, perhaps. What do you think of that, James?

James Bladel: Yes, I agree with that. But I would just like to see a little bit more of meat around this - these two words. And, you know - what, you know - is there is a test for something of the material predicate? Are there criteria that, you know, that determine something is or isn't (unintelligible) predicate?

Greg Aaron: Okay. I guess we'll have to go back to our discussion months back about exactly about how we define the predicate and figure out if we have any text we can use.

James Bladel: Is this language present - sorry, this is James speaking again. And is this language included in any other policies or did we borrow that from the

(ACPA) or is it something that, you know, we can go back to where it originally came from that, you know, something that is going to help out there?

Greg Aaron: I forget exactly where it came from, James. But Faisal has his hand raised.

Faisal Shah: Yes, I think that I remember it. It was something that was almost on enabled. Sort of an enabler of such harm, right? So I think - I think to your point, James, to some extent it - there, you know - there may be some bigness.

There's also some bigness around the entire definition itself if you really think about it. What is substantial harm?

Greg Aaron: Right.

Faisal Shah: So I'm not sure there's - I think - I think what we were meant to do - what we were trying to do was capture certain things - certain behaviors that were kind of indirect. A ways of causing harm, but I think it might to some extent bring in other issues. But I'm not sure that we could sit there and try to (unintelligible) every potential, you know, predicate that can potentially, you know, be part of this definition without really making this too cumbersome to even make this be a definition.

James Bladel: Sure, understood. And thanks, Faisal. You know, just my concern is that there could be something out there. For example, you know, a, you know, a get-away car might be a material predicate for bank robbing, you know. I just want to make sure that we're sufficiently narrow so we're not throwing too much stuff in with - under material predicate.

Greg Aaron: Okay. Not long course.

James Bladel: Okay, right.

Greg Aaron: Mikey?

Mike O'Connor: Yes, Greg. This is Mikey. I think if there was a pretty substantive discussion in the email list about this. I think if - I haven't got the ability to do it right now but I think if we search the archive for material predicate we're going to find a gaggle of email that hammered this one out. And that might be a place to go look for some more words.

I think what happened was exactly what we just described. I think the first try was quite long. We then had lots and lots of clauses that we then tried to thin out. And so I think material predicates really are construction. I don't think it's used anywhere else in policy. I think there's a pretty good discussion of it in the list.

So I'm pretty comfortable with it either way. I remember the discussion as being pretty focused and pretty positive and we were really trying to narrow things when we said this. But it might be a good idea to pull some of those words out of the email archives and spruce it up a little bit.

Greg Aaron: This is Greg. What I'll suggest then is James and anyone else who's interested do a search. We'll go back to the history. If you want to propose a bullet for example on what that means please send it up to the list. And maybe we can add that in. But otherwise we're - I mean it looks like we're all very close on this. So why don't we take that as an action item, if that's okay?

Man: Yes, that's fine.

Greg Aaron: Okay. All right. I've got you down for that one, James. Thank you. Okay, good. Let's move on to cybersquatting. And we have a couple of recommendations. The first one was initiated - I forget how Marika has advised us on how to do this and Margie. Is it an issues report or a PDP?

Marika Konings: I think it follows here that - this is Marika - the right line is the question issues report.

Greg Aaron: Okay. So is it standard to just say, "Request an issues report?" Or should we initiate a PDP or recommending the initiation of a PDP?

Marika Konings: Initiating a PDP is normally the next phase after the issues report. I mean some - there's some confusion because in the bylaws it talks I think of both kinds about either commencing or initiating a PDP. But I think it's probably clear if you start by requesting an issues report and on the base of the issues report the council makes that determination whether a PDP should be initiated or not. But the first step is always the issues report and the current set of both the published and development process. So by requesting an issues report you end up likely also suggest, you know, starting a PDP but I think it makes it clear to separate the two.

Greg Aaron: So it would be standard form to say, "Request an issues report." Okay. But anyway the idea here in this recommendation is the effort - it would be to investigate the current of the UDRP. The effort would consider how the UDRP would address the problem of cybersquatting to date where the UDRP may be insufficient to curb cybersquatting. Whether the definition of cybersquatting inherent within the existing UDRP language needs to be reviewed or updated.

                   Okay, so there were - there were five who agreed. And then two suggestions for friendly amendment. One was from me, one was from James. Mine was mainly just to the language saying, "Any insufficiencies or inequalities." That was partially to capture some of the things that are in the background section, which mentions some inequalities like inability to do an appeal or, you know, trying cases over and over again, et cetera. And that was where I was going for.

James' recommendation - he says that if we call for a PDP - which I guess we wouldn't be doing - that's up to the council - but that such would present a modification or addition to the language. And you thought, James, you wanted to review the (RP) effectiveness and how it could be modified. Okay, Mikey?

Mike O'Connor: This is Mike O'Connor: I think one way to address this second one, the James suggestion, would be to reword the first line to say the (RAPWG) recommends the - instead of saying, "...the initiation of a PDP," recommends that the council requests an issue report. So drop the PDP language in the first (unintelligible).

Greg Aaron: Yes.

Mike O'Connor: Does that take care of that one, James? Caught him on mute.

Greg Aaron: James? The idea would be that we would be - recommending the creation of an issues report.

James Bladel: I'm sorry, I had a really great and long response there and engaging just myself on mute. Well, thanks for that. This is James speaking and I guess my issue with this particular recommendation was just with the way it was written. You know, it was calling for a PDP or issues report to investigate. And I was just (unintelligible), you know. An issues report is to investigate a PDP is probably really not an investigation tool. It is to change a policy or to create new policy. So I was just thinking to break that up a little bit so that if we're going to call for a change in the policy through a PDP we state what that, you know - we state that explicitly or if we're just looking to investigate then we do what you're saying. Greg can just call for an issues report.

Mike O'Connor: Yes, this is my key. That's what I suggest too is just call for an issues report at this point.

Greg Aaron: Okay. And then I just made a small edit to a couple of words. So I'm wondering - let's see. Let me try to - I'm going to put some text up on the screen which gets rid of the PDPs bit. And then uses the small edit I made.

Could I have a straw poll on this? If it works for you could you use your check mark?

Man: I'd lobby for active voice, but other than that, I'm fine.

Greg Aaron: We have checks from Mikey, James, Berry and myself. No's from Faisal and Frederic. And okay, we've got a check from Bob. Rob, you're on the line but I guess you can't see this. You're not plugged in yet.

Rob Hutchinson: Yes, and I will not be logged in, either, Greg. I've got - (nimbo) get out the door with my kids. I'm going to abstain from whatever you're talking about right now. Sorry.

Greg Aaron: Okay, tell you what. Let's hear from Faisal and Fred about their comments. Faisal, do you want to begin?

Faisal Shah: Sure. I guess my - I guess I was thinking that, you know, in terms of - you know, I did claim that the UDRP has certain issues. It doesn't - it's not as I perceive it a completely effective tool and remedy for cybersquatting. So what I would like to see is instead of investigating whether or not it is an effective - I mean we've already got the history of behind the - I'd like to go right to the, you know, the policies about - around how we actually change the UDRP to be able to be a much more effective tool for cybersquatting.

So I guess that's - I'm ahead of investigation and not purely wanting it to be an investigative - you know, to get to the investigative stage. And maybe we should be where we are after the (unintelligible) policy because I think some of what's happened so far even in terms of the fast track that UDRP is much more procedural than it is actual policy language within the UDRP itself.

So I guess I - I'm - that's where I'm at.

Greg Aaron: Okay. Fred, do you have anything to add?

Frederic Felman: I'd say, you know, very similar lines. There's been a lot of investigation. We've had an IRT. We've had an STI group. We've had a lot of folks who have published a lot of information about UDRP and it's - you know, how it's been effective and not been effective both WIPO and the Czech administration court. And I actually agree with Faisal that it's now time for us to actually taking action on some of the hard work that's been actualized by folks.

Greg Aaron: Okay, thank you. Berry? Faisal and Frederic that we should move beyond the investigation?

Berry Cobb: Yes, this is Berry, (unintelligible) Berry. I would just like to say, you know, looking at the original recommendation 1 and I'm not sure who wrote it but it already has the word investigation in there. I guess I would agree with.

But I think regardless, every recommendation that we put forth here are all going to say that we just need to have the creation of the issues report and no longer use the PDP, because the issues report should lead to the PDP. That's the next step, correct?

Greg Aaron: Yes, assuming the council decides who wants to go there.

Berry Cobb: Right.

Greg Aaron: Right. And either way they have to decide whether they want to do PDP or not on anything.

Berry Cobb: Right. I guess...

Greg Aaron: (Unintelligible) Oh, I'll tell you what, Berry, why don't you finish up, and then we'll go to James.

Berry Cobb: I was just going to say, so I guess, Faisal, I think you're getting what you want in terms of getting the momentum forward for UDRP to eventually get to a PDP. We have to get to the issues report first. But I would agree with you that maybe we should strike the word "investigate," and yes, we do need to go to a PDP for that. So I would agree. Thank you.

Greg Aaron: James?

James Bladel: All right, (thank you). That's great. Yes, that's great. This is James speaking. So yes, I agree with most of what Berry was just saying, is that I think that this is an issue of semantics.

                     We've already determined that this group doesn't necessarily call for PDPs. It calls for issues reports and calls for the council to initiate a PDP. So that's - and that's what we're saying. We can probably make that a little bit more direct by removing the word "investigate."

                     And just to point out again that that really gets to my bullet points, all right, which is the idea that if we're going to go for a PDP, we should say we were going for a PDP or call for that specifically from the council. If we're going to investigate, then we should call for investigation.

                     I just felt that this, you know, that this was a little ambiguous in what it was asking for. So I think that we're closer to Faisal and Frederic's desires, but I think it was what - we're dressing it up in some different languages - is what I feel about this.

Greg Aaron: Okay, yes, and I think what the staff is saying the procedure in the council is first you have to get an issues report. The council has to read it, and then

they decide the next step, which could be a PDP or drop it, or something else.

Marika Konings: And this is Marika. I mean if people feel more comfortable about putting - initiating a PDP, I don't think it's a problem because it really (passes) means the same thing - initiating and PDP is requesting an issues report, and then a vote of the council on the side (to mark) to initiate or continue the PDP or not.

So if people feel that it's clearer and, you know, less ambiguous then just say we'll recommend initiating a PDP. I mean - and we can maybe then explain in a separate section in the report that initiating a PDP requires two stages. Basically first requesting an issues report, and after that the council makes an assessment on whether to go ahead or not with the PDP. You know, that that's another solution.

So, you know, I don't want people to feel that the kind of business less strong because we're not saying initiating a PDP. What we're talking about requesting the issues report because it means in principle the same thing. So as people confirm we can in fact we can just explain it somewhere else if that makes more sense.

Greg Aaron: Okay, thank you. I see, Mikey's hand raised.

Mike O'Connor: This is Mikey. I'd just like to follow up on Marika's point. I like saying PDP better than issues report. It just feels like a more positive statement. So if we could adopt that language as our preferred language throughout, I'd personally like that better.

Greg Aaron: Okay. All right, great. Yes (unintelligible).

James Bladel: Yes, real quickly - I think Mikey has a good point there. Well, one thought would be, can we just eliminate the ICANN jargon entirely and/or at least

strive towards - take some steps towards plain English and just say, you know, the UDRP policy needs to be revised.

I think that, you know, when we - we may be hurting ourselves by using things like issues report and PDP, when, you know, the reader or the recipient of this recommendation may be injecting their own meaning into that where we could be a little more clearly into speaking plain English.

Mike O'Connor: I'd go for that. This is Mikey.

Greg Aaron: So what would you recommend it say, James?

James Bladel: Reading this would be, let's see (section) our IRT working group recommends that at the current state of the UDRP be examined and revised. I - you know, I'm struggling with how to come up with that just here on the fly.

So I think removing the idea - removing PDP and removing issues report, and just stating what we want to happen, and then letting the choice of mechanism jargon and acronyms, and kind of be - taken up elsewhere.

Mike O'Connor: I really - this is Mikey. I think (unintelligible)...

Greg Aaron: The UDRP recommends an investigation of the current state of the UDRP?

Mike O'Connor: The investigation and revision.

Greg Aaron: I mean, I...

Man: (Unintelligible) don't think they need to put an umbrella about it around what Faisal and Frederic are saying. You know, we have to be explicit in what we want to happen.

Greg Aaron: I'm going to raise my own hand. This is Greg. I'm not comfortable with saying we demand that it be revised, because I think the fact-finding is really important. And some of these previous efforts that have taken place in regards to the new TLDs - like IRT - actually have not addressed entire swaths of what we need to know, I think, to make revisions.

                And also some of the things we pointed out need to be documented. I'm not personally comfortable saying we should revise it. I want to let somebody else decide that. We're bringing the issue up, I think, and getting it into process. But the requesting revisions, I don't think we're there yet. That's not our job.

Mike O'Connor: Okay, this is Mikey. I agree with that. So what if we said the UDRP needs review?

Greg Aaron: Okay. Let's see. I don't know in which order people's hands are raised, but I see Marika. (unintelligible) Marika start Faisal after that.

Man: Marika's first.

Marika Konings: This is Marika. I just wanted to highlight as well, I think it's important to at least explain, you know, what it is that the group wants. But at the same time, these are our recommendations for the GNSO council.

                So, you know, if it can be specific about what it is that you're looking for - so if you want a PDP, I would say it as well. You can so explain, you know, for others that are reviewing the report what it actually means. And you want the UDRPs reviewed and possibly revised.

                But at the same time, I know, you know, the ICANN lingo might not be helpful to outsiders, but as you just specific recommendations of the GNSO council, we'll review and consider. And I think about the important as well, that there's

not - you know, you don't leave room for implementation if it's clear what the group would like to see happening.

Greg Aaron: Okay.

Faisal Shah: Yes, this is Faisal. I think actually I was going to say very much the same thing. I think - I don't have a problem with the initiation of the PDP, and I do like the idea of putting in "revised." So maybe we can put in, "to evaluate and revise the UDRP." But I would like it to be - I think it should be stronger (unintelligible). And I think the council can take a look at what we're saying and (unintelligible) decision there.

Mike O'Connor: This is Mikey. What if we said, evaluate and perhaps revising. That's the way Marika said it. That way we're not demanding that it be revised. We're saying take the first step.

Marika: And we can say if appropriate (or something) or revise.

Mike O'Connor: Yes. (Unintelligible)

Greg Aaron: Okay, I'm going to put another version up on screen, and it reads as follows. The RAP recommends the initiation of a policy development process for requesting an issues report to investigate the current state of the UDRP and consider revisions if appropriate.

The effort should consider how the UDRP has addressed the problem of cybersquatting to date and any insufficiencies/inequalities associated with the process, and whether the definition of cybersquatting inherent within the existing UDRP language needs to be reviewed or updated, period.

Well, does that capture what's been discussed? And I'll tell what, let's do a little straw poll here. Check if you like, disagree as in X, and if you have an old hand raised, please bring that down. (Unintelligible).

I've got checks from Mikey, James, Bob, Berry and Greg, a no from (Fred), and a hand from Faisal. Faisal, why don't you go ahead?

Faisal Shah: Yes, you know, that's an old hand, whoops. So let me just say one thing. Can't we - I guess we still got the investigative piece, but...

Greg Aaron: Well, that is what an issues report is for, - isn't - is it not - to look into the issue? See what the issues are?

Faisal Shah: Yes, I guess the - I guess I recognize what it's supposed to do. I guess the question is what we can actually recommend, right? So the question would be can we basically say to them we're stronger here, recognizing that they are - recognizing that they are going to take the issue report to be much more investigative about it.

If it seems like - if it seems that - I just don't want to be too - I just want the recommendation to be strong. I guess that's the only thing I would say. I don't know what Fred...

Greg Aaron: Fred, why don't you go ahead?

Frederic Felman: I guess, you know, there's a lot of investigation going on all over ICANN on these issues, and I'd like for us to cite the other work that's gone on with this to actually, one, indicate where we'd like them to start. Because with respect to cybersquatting, there's been a lot of discussion in the STI and the IRT and other groups.

And I think we should cite their work as a good start and a good beginning point for the discussion of either an issuer's report or PDP - what is most - whatever's most appropriate in Marika's mind to go forward.

Greg Aaron: James?

James Bladel: Hi, thanks. And to Frederic's point, I think I mentioned this also in one of my comments later on in the survey. If I'm understanding correctly, the IRT and STI was, if not exclusively then at least mostly focused on rights protection in a new gTLD space.

And I think that - my concern is that if we start to cross-pollinate between the new gTLD space and the incumbent gTLD space that it's going to slow everything down. It's going to, you know, put a halt to the new gTLD program, and it's going to freeze the existing, you know, cybersquatting /UDRP work, you know, in place. And it's just going to paralyze the whole effort.

So I just - I didn't want to necessarily reference them explicitly. We could say something like other work going on in the community or a body of knowledge that's been accumulated in other, you know, in other programs or something like that. But I think if we called them out specifically, we run the risk of, you know, throwing sand in the gears of (more) processes.

Frederic Felman: I guess I have to answer back to that is that, you know, you just, you know, your statement politicizes the discussion we're having, which is on the issue of abuse. And actually discusses other actions going on within the ICANN community.

And with respect to that, I don't think that actually it's relevant whether it slows down or speeds up any other process in ICANN. What we're trying to address here at the Registration of Use Protection Working Group is registration abuse.

And if other work actually furthers our cause to actually fix the issue, we should take advantage of that, irrespective of what other processes exist. And I disagree with that point rather strongly.

Greg Aaron: Okay.

Frederic Felman: It's Frederic, if I could just jump in...

Greg Aaron: Go ahead, jump.

Frederic Felman: ...very just quickly with a response is that - and maybe you can help me understand this better. Was the IRT and the (NESGI) cast to look at making recommendations for the existing gTLD space, or were they completely focused on new gTLDs?

Man: They used the experience in the existing name space to actually make recommendations for what should be changed in the new name space, based on the lessons that we've learned.

Frederic Felman: Okay, so I guess I do - are we confident that folks who are involved in that process - everyone was aware that those could be, you know, those were also serving or putting a foundation of knowledge to make changes in the incumbent gTLD space.

Man: It was stated explicitly at the meeting in New York.

Greg Aaron: Well, I don't know if that was a staff statement or not because I was there. This is Greg.

Man: Actually it wasn't stated by staff. It was debated by Phil Corwin and the IRT directly in that meeting.

Greg Aaron: Well, the IRT was an interesting thing because it was a group that was put together rather - in an interesting fashion, not according to some usual bottoms up in community participation processes. I don't think the (third) is...

Man: And by the way (unintelligible).

Man: But I think it was Phil Corwin who brought up that subject at the New York meeting.

Greg Aaron: Well, Phil is one person amongst many. That's all I'm saying, Fred. I think it's fair to say that everything that's gone on about rights protection mechanisms in the new TLDs. There are no foregone conclusions, and there's not a lot of disagree - there's not a lot of agreement about a lot of the points.

                We do have a lot of public statements now by various constituencies. My question to you guys is as follows. Can we reach consensus on any language here or will we have a majority and a minority statement?

                We have to get to a conclusion about this, and you're bringing in a lot of history from a lot of different places. We have to figure this out soon, or we'll have maybe two different statements, and we'll have to attach people's names to them.

Frederic Felman: Let's go with evaluative, appropriate and revised UDRP. That's fine. I think it's - I think it's weaker than we can be, but I'd agree to that.

Greg Aaron: Who's next?

Faisal Shah: (Unintelligible) Greg , I think the way we would change this, it would say that - let me just see - an issue report to evaluate and if appropriate revise the UDRP. But I would actually say that investigate the current state of. That "almost" is kind of - it seems a little weak.

Greg Aaron: And I think it's - this is Greg. I'd suggest that it's a necessary part of any process to examine the UDRP.

Faisal Shah: Right, they have to (unintelligible)...

Greg Aaron: They have to figure out - you have to figure out what's - what it's been doing and how it's been used, and that...

Faisal Shah: (Unintelligible).

Greg Aaron: Yes, so...

Faisal Shah: (Unintelligible) what I'm saying. I'm saying evaluate, and if appropriate revise the UDRP. So I think I'm actually saying what you're saying, right? You're just saying it differently I guess. So that's my amendment.

Greg Aaron: So you want to change, "consider revisions if appropriate" to what again?

Faisal Shah: What I wanted to say was, "an issues report to evaluate, and if appropriate, revise the UDRP." I think you said the same thing. I just think it's a little stronger.

Mike O'Connor: I don't - this is Mikey - I don't think an issues report can revise the UDRP. Just to pick (unintelligible)...

Faisal Shah: Take out the issues report, right? We can put the - just say the initiation with a PDP.

Man: Well, all right.

Greg Aaron: Well, ultimately the council's going to decide whether - what they want to do. They're going to get an issues report. We have a background section that says there are many issues that have been raised with the UDRP over the years.

                 Cybersquatting is the main emphasis. It's going to get covered in the issues report. That's the main reason we're doing this. I mean is the text on the

screen something we can coalesce around? And by that I mean the chat box, the last version that we posted? Okay, I'm not hearing any responses.

Man: I'm just trying to look at it on a screen that's a little bit larger. I can't see the whole sentence, so I apologize for that. So I'm just bringing it to a word processor to see if it makes sense. I apologize for the delay, but...

James Bladel: Greg, this is James. I agreed previously, and I'm away from the keyboard, but I agree to this as well.

Greg Aaron: Okay.

Man: Greg, could you reread that if it's not too long, please?

Greg Aaron: Yes, it reads as follows, "The RAPWG recommends the initiation of the policy development process by requesting an issues report to investigate the current state of the UDRP and consider revisions, if appropriate. This effort should consider how the UDRP has addressed the problem of cybersquatting to date and any insufficiencies/inequalities associated with the process, whether the definition of cybersquatting inherent within the existing UDRP language needs to be reviewed or updated."

Man: Yes.

Rob Hutchinson: This is Rob speaking. So I don't have a hand I will raise, and I will agree to that statement.

Greg Aaron: Any other notes? Good. Hearing none, what I'm going - what I'd like to do is, let's put this into the next version. And we will have another round of polling, and that will be the consensus-taking round with formal measurement.

And you will have an opportunity to suggest a minority view at that time, you know, if this language is not to your liking. But I would suggest we move to

the next question. The next question is the cybersquatting recommendation two

And it says, "The RAPWG further recommends the initiation of a PDP by requesting an issues report to investigate the appropriateness and effectiveness of how any rights protection mechanisms, whether developed elsewhere in the community - e.g., the new gTLD program - can be applied to the problem of cybersquatting in the current gTLD space."

We had three people agree with it. We had two make proposals for friendly amendment, and we had two people disagree. One friendly comment was Mikey's. He's - he agreed with my idea that we recommend this after the other RPMs have had a chance to get baked and have actually been run.

Rod said, "not an amendment, rather a placeholder for the discussion currently ongoing in the group where we don't have consensus here yet." Alternate views were that - were mine, which basically said the UR - let's look at the UDRP. These RPMs in the new TLD process are unproved with some concerns about them. So let that round its course.

And James said, "do not agree with the recommendation - liken it to the new TLD process - can introduce delays." And both said the RPM (work) proceed in the new TLDs, and then examine if they are appropriate from inclusion and incumbent TLDs.

Okay, so I thought it seems like there are two threads. Some folks agree with it. They want RPMs to be looked at. Specifically, those RPMs are - let's talk about what they are, actually, because they're fairly well known.

One is a universal rapid suspension program, and the other is a clearinghouse. The idea of a clearinghouse is to - the proposal was to filter new creations of domain names against a list of trademarks. Our list of trademarks wouldn't - but might be limited in some fashion. There are various

on-going proposals about how that would be done, or what that list would be comprised of.

So we seem to have some people who want this, some people who would like the existing TLD process to continue on its own path. Is that a fair breakdown into the basics? Don't talk all at once. James?

James Bladel: Yes, Greg, I think that's a fair synopsis of the two schools of thought here, and just, you know, (find) my position, I think stay there, that we talked earlier. You know, we're trying to synchronize two moving targets here. And you know, I just want to see something a little more baked come out of the rights protection mechanism before we determine that it's appropriate to include in existing.

Greg Aaron: Thank you. I have question. Did the RPMs for the new TLDs come up in the cybersquatting sub-team meetings?

James Bladel: This is James speaking. And I think, you know, stretching my memory a little bit of all the different iterations and the cybersquatting sub-teams. And I think that they did, but maybe not extensively. I think that we just kind of touched on them and moved on to some other areas. I'm not really sure. Don't really remember all of the - all the different instances of that (work).

Greg Aaron: Okay, any other comments? Are there any areas in which a greater level of consensus could be reached on this recommendation? Any thoughts on that?

Mike O'Connor: This is Mikey not raising his hand - sorry. It seems like that at least in the poll, the friendly amendment and alternate view are pretty similar. If we were to work the suggestion that we allow the RPMs to run their own course for a while into this, where would we wind up in terms of consensus? Would that get us to a larger proportion of supporting?

Greg Aaron: Well, I guess the current state of the discussion is - I guess in the new TLD discussion, it's an ongoing discussion. There is a - actually there's an open comment period right now where I think constituencies are going to be weighing in on what they think of the STI recommendations.

Then, you have to have the new TLD round. The - you can get - you reach some place where there's some decision on those RPMs. If they're going to be used, then you've launched the new TLD round, so basically a couple of years from now.

Mike O'Connor: So I guess the fundamental discussion is when to launch this - now or wait. Is that basically what we're up against here? Yes, it seems like most of the folks in the amendment's proposing to wait. So if we put "wait" into this recommendation, what kind of consensus would we have at that point?

Greg Aaron: So, what would the - in your mind - the recommendation be? Would there be a recommendation at all?

Mike O'Connor: Well, it still seems like a good idea, you know? Once the knew RPM has been running for awhile and they've solidified and had some experience with them, it does seem like a good idea to then pick up the question as to whether they can be applied to new gTLDs but I'd hate to do it before any experience comes (unintelligible).

Like that (unintelligible) getting the cart before the horse so I could see a recommendation then. Pretty much says this but also says lets wait for them to (unintelligible) have been finalized and actually implemented before we try to extract lessons learned because there won't be any lessons to learn until they've actually been used for a while. You know, I may be missing something, that's just sort of my (naive) point of view here.

Greg Aaron: Okay. Thank you. Let me go to Fred?

Frederic Felman: Hey, thanks, I just, you know, when I look at the STI and the IRT findings they're based on what's happening in the existing name space. And there's been an incredible amount of analysis by WIPO and others on the effectiveness of the UDRP in where it can be improved and I think by waiting I don't think it really makes a lot of sense.

I think you have an opportunity to actually affect something in that operating name space in which you already have experience with. And lots of data and lots of experience even more so than perhaps you do in, you know, what's hypothesized to be a new name space to the gTLDs.

So in effect I think this actually has better opportunity to actually stop, you know, harming consumers and internet users by examining this now and actually looking at how we can fix the existing name space now.

I don't understand why we would wait for data and effectiveness in a smaller less used name space when we already have an existing problem that we can work on now. I don't understand that logic.

Greg Aaron: I'll - this is Greg. I'll give you an example. The - one of the rights protection mechanisms that's proposed is a clearinghouse of trademarks. So it's a database that it sits somewhere and it has...

Frederic Felman: No, I get that. I think to the user...

Greg Aaron: No, no, let me finish explaining. It sits somewhere and it - one of the proposals is to require you to register the operator to go consult that database before they allow a registration to go through. One of the potential implications of that is that you basically stop real time registrations in the TLDs involved.

So one of the implications could be that real time registration is no longer allowed in the existing gTLDs. That's a significant change in the industry and

change is how people register domain names in a fundamental fashion. That hasn't been explored at all and we have no experience with it.

Frederic Felman: Except for that fact that the STI recommended that it's only in sunrise periods. So it's actually not effective for this. The (URS) is the only one that applies in the existing name space as I understand it.

Greg Aaron: Well, there's actually proposals from the (BC) for example that'd be applied across the board. So it's a very unsettled question I think. I see Margie's hand and then Mikey.

Margie Milam: Oh, sure, a couple of things. I was the staff person on the IRT and the STI reports and if it's helpful to the group I can certainly circulate the portions of the report that relates to the UDRP. Fred is correct in the sense that they did address the problems in the existing space.

On the issue of whether to initiate a PDP now or delay it, just a couple of points. The GNSO council right now is considering whether to adopt a PDP on vertical separation. They're going to vote on Thursday and one of the proposals from the registrars - and this was a staff recommendation as well - was to initiate a PDP but have it be delayed.

We recommended 1 to 2 years and I think the registrars recommended 1 year. So that is - I just wanted to raise the point that that is certainly a possibility. The other piece of information that might be relevant to this discussion is that there's been recent proposals made by WIPO, so for example to do E-filing and other aspects of the UDRP so there's already some indications that there are parts of the UDRP that could be improved or procedures that could be improved. So there's certainly, while there's no PDP, you know, obviously going on right now with respect to those issues a PDP could look at those topics if one was to be initiated.

Greg Aaron: Okay. And as far as the UDRP stuff that might be covered under our first recommendation, I guess. Let's go to Mikey and then James and then Berry and thank you, Margie.

Mike O'Connor: A couple, this is Mikey - thanks, Greg - a couple of things. I'm a member of the (DC) but I'm not speaking for the (DC) on this working group. I needed to make that clear. I don't get the sequencing.

It seems like either you do it one way or the other. You either let the new rights protection mechanism get baked and run them for a while and learn lessons from them and then come back to the existing TLDs, or you draw the rights protection mechanism discussions scope to be larger and to include current gTLDs and get it resolved now for all gTLDs.

But this hybrid approach I just don't get. You know, again I don't have strong feelings one way or the other. But I don't quite feel comfortable with the idea of the kind of hybrid approach of taking RPMs that have been developed for one space without having been tested and decide whether they're going to get applied to the others. That doesn't strike me as working.

Man: Hey, can I just say really quickly - this is a side note. Can we drop that notes pane down with the proposed agenda? So that I can see, you know, pretty much, you know, who, you know, in terms of addressing the group and sending messages and everything. There you go. Great, thanks. Sorry about that, Mikey.

Greg Aaron: Okay. Next in line is James.

James Bladel: Yes, I just actually I think Mikey provided a really good synopsis of what I was going to say, even the lead in. I just, you know, if I can be even so disruptive as to say that maybe this and the previous recommendation are, you know, clear examples or situations where we need to have alternative recommendations.

Because I think that when we start to, you know, we've made really good strides towards consensus but I think it's watering down the impact of either approach. So, you know, if it's not, you know, when we start to couple together these hybrid recommendations like Mikey was saying I think we loose a lot of the impact of the work that's been done to date. Maybe we should consider - maybe we should just consider that.

Greg Aaron: So James, what would you see as the path forward?

James Bladel: Well, I think the path forward would be to put together a, you know, alternative one, alternative two, that captures the, you know, the essence of the different sides or spools of thought on these last two recommendations. I think that we're probably not doing justice to either position when we try to blend them together in a way that, you know, isn't elegant or is a little clumsy.

And what I mean is that this is a controversy or this is a contentious subject in the community as a whole and I think these recommendations are just reflective of something bigger that's going on within ICANN right now.

And so, you know, it's burdening our recommendations with some things that I think are pretty well understood outside of this working group. If we could put together two recommendations and really make sure that they're concise and explicit and exactly what we're looking for and then put those into the report I think is a way of maintaining or preserving the essence of each one.

Greg Aaron: Okay, Berry?

Berry Cobb: I, you know, this is Berry. I just really have a question more than a comment relative to this recommendation is...And you'll have to forgive my ignorance on this but I guess I'm - I mean I would definitely support that any RPMs that are created that there should be a PDP to help create them.

And I guess my question is, is how can these RPMs be created whether, you know, even if it isn't in the new gTLD space without some sort of PDP to establish what that actual structure is - would look like in the new space?

I guess, you know, we're getting ready to go deploy all these new gTLDs so we're creating a new registry agreement. We're talking about vertical integration. We're talking about RPMs that include a clearinghouse and (URS) and much of which I do support. But again in the new gTLD space how is there policy built around the new space without a PDP to make it to begin with?

Greg Aaron: Margie, would you like to tackle that question?

Margie Milam: I'm sorry, can you repeat the question?

Berry Cobb: Basically, I guess, it kind of goes, Margie - this goes down the line of questioning relative to the vertical integration at the last GNSO call, where, you know, there's this notion of putting forward that we should allow vertical integration.

And it's like well where is the authority by which this can get implemented without a PDP? So my question here is how can we move forward in the new gTLD space with new RPMs and how those, even if they got approved by the FTI et cetera, how do those facilities get built and established in the policies around them that govern them without a PDP to build them in the first place?

Because ultimately this recommendation here is saying we need a PDP to talk about (URS) and the trademark clearinghouse and I would support that. But my question is how would these two facilities even be created without a PDP to begin with?

Margie Milam: Okay, and I guess if we kind of go into this a little bit in the issues report. It's a question of whether it's an implementation decision that relates to the new gTLDs or a global policy that you want to apply to all top level domains.

And so there's, you know, the PDP is, you know, designed to be something where you can adopt a policy that would address all, you know, all gTLDs across the board. And, you know, and obviously we go through the procedure that's in the bylaws for that. But that doesn't mean that decisions can't be made along the way for implementation on the new gTLD process.

Because that's something that's needed in order to fulfill the obligations that we have to adopt the policy that the board approves. So that's, you know, the difference between whether you want it to be a, you know, a one time rule versus something that's permanent, you know, has unchangeable and applies across the board.

Greg Aaron: And, Berry this is Greg, if I may I think kind of the situation is in the new TLDs you have new contracts and with the existing TLDs you have existing procedures and existing contracts.

And what's happening is in the new TLDs they aren't bound to those old procedures and old - they don't have contracts so what ICANN is doing is they're creating some new procedures and contracts.

And they're using the opportunity to look at some different things than exists right now. So you do have two different tracks because you do have legacy issues in the old ones. Now whether there are implementation issues or not is a topic that's been discussed quite a bit.

There's some people who believe you certainly do need some bottoms up process when these kinds of things are being done. That's been a very interesting debate and I won't try to summarize it beyond that. So anyway, does that answer your question, perhaps?

Berry Cobb: Yes, unfortunately, I guess it just, you know, from a person that strongly believes in consistency and predictability we're creating an environment by which everything is inconsistent. So that basically, you know, it's already bad enough today that every TLD operates separately out there.

Now when we go to add new gTLDs as well it's going to be even more inconsistent and it's just kind of a shame because we should be building on a solid foundation that makes it consistent and easier to manage it globally. Thank you.

Greg Aaron: Okay. I see Faisal's hand raised?

Faisal Shah: Yes, you know, I agree with that. I think also, you know, I'm just even looking at this recommendation maybe it's - I just think it seems that relatively benign to me. I mean we're really just looking - I mean in this particular recommendation we're looking to see whether or not investigating whether the RPMs are even appropriate or effective to be applied to the new gTLDs.

And they still have to be developed elsewhere in the community so there - it's - I think it's - to me it appears to be relatively benign in the sense that all we're trying to - all this (dufus) is recommending is that the, you know, a PDP as to whether or not it's, you know, appropriate or effective. And, you know, to your point Greg, in terms of the contracts I think it would be something that would come up in terms of - in that discussion as well in that investigation as to whether or not it is - it can be implemented and how it can be implemented.

I just think that, you know, you can start the process now and we just don't know where, you know, when this whole - where this will end up or how long it will take, I guess.

Greg Aaron: Okay, but if I could summarize the current state of discussions? Some people want to investigate the proposed new gTLD rights protection mechanism for

potential application into new TLDs. Other people are wary of that and would prefer to see them implemented and get some experience in them.

Is there any willingness - let me ask it this way. Is there willingness to try to come to consensus around letting the existing RPM discussion play out in the new TLDs first? Or do the people who voted in favor of the recommendation really feel they - strongly about voting for the recommendation as it currently exists?

I'm trying to find a place. Is there a place where we can develop more consensus? Okay, I'm not hearing any.

Man: Hey, Greg, this is (unintelligible). Greg, one alternative could be you could, I mean I think this might be to James' recommendation I guess, was to come up with an alternative view, put it out there and then we can vote on it (unintelligible), right?

Greg Aaron: Well, are we going to edit - well let's see. Are we going to edit this one or do we have two alternatives? Mikey?

Mike O'Connor: This is Mikey. I think that the folks who disagreed, Berry, James, maybe were the minor edit and Rod. Well, Rod is just holding the conversation open because of the conversation on the list. But if you took the three of us and added us to the consensus view and edited the recommendation to wait until the rights protection mechanisms have had a chance to get baked and run for a while?

                I think you'd increase the amount of consensus. You wouldn't get total consensus. You'd probably wind up with a more crystallized minority view. But again it may be that that's its value (the same as) the last one.

Greg Aaron: Okay, well we have this recommendation. We can have an alternate view drafted and inserted. By the way we're at 10 after the hour. I would suggest

maybe the creation of an alternate view or revised language, but I think we should also move on.

I wish Martin was here. Martin had proposed some language to be inserted into the background section. It seemed to gather some immediate comment on the list. It - by the way, I hear a lot of background noise. Can you put yourself on hold if - or on mute if you're not speaking?

Thank you. Martin's text advocated a position on behalf of the group and it didn't sound like it was a universally supported idea. We have a couple of ways we can deal with that. I think the easiest might be to - would be to say that some members were of that opinion and others disagreed.

Another approach would be to try to iron out that language that goes into the background section. But based on our conversations this morning it does seem like there - that might be a little tricky. Are there any thoughts on this? Okay. My proposal then is to insert Martin's text in the background section but qualified by saying it is the opinion of some members.

And then anyone who wants to provide an alternate view can also insert that at that point too. And say it's the opinion of other members. Okay, all right, let's move on to the next recommendation which is front running and we have many recommendations.

A general comment I made in the notes was that these need to be phrased as a clear recommendation which whatever we come up with. The language is not fully baked yet and we will need to come up with language that's fully baked.

I think we tried to capture the ideas here but we have got to do a better job on the language itself. So the recommendation, one was better education of all parties. Suggestions for amendments were we've got to make this clear and

that'd be a recommendation for an advisory. Mikey said I'd back this one off a bit, incorporate our usual, launch a PDP to investigate language.

James said, call for ICANN to engage in outreach efforts, coordinating with (ALAC) and other appropriate bodies. So Mikey, let me go to you first. Were you actually recommending a PDP? Or you want an issues report?

Mike O'Connor: This is Mikey. I think I'm going to back that one out. I don't know what I was thinking but this certainly doesn't warrant a PDP. So strike that one. Sorry about that.

Greg Aaron: Okay, so maybe it's then a question of we are suggesting better education but what does that actually mean? Are we suggesting for an advisory, that's my question? Any thoughts on that?

Mike O'Connor: This is Mikey, I'm having one of these, "Gee, that was a long time ago" moments. I can't even remember if I was on the subgroup that was working on this. But I agree that I think maybe your starting statement's right, Greg. I feel like these recommendations need to get reworked.

Maybe turned into one, I'm sort of running down. Can others help me remember how we got to these recommendations?

Marika Konings: This is Marika, I remember. I think it's George Kirikos who volunteered for this effort and put a lot of information. He also put a lot of recommendations there, I think with the intention of having the group discuss those in further detail and determine which ones would be appropriate and which not. And I think some of those came actually from like if you see this one some of the aspect recommendations or some other documents that refer to the issues.

I think this is where the long list comes from but I don't think the group ever went through the exercise of looking at the different recommendations. And maybe already taking some out that, you know, you felt weren't appropriate

or rewording those or bringing, you know, different ones together into one. I think this is the first time we're actually looking at those, if I remember correctly.

Mike O'Connor: Oh, okay.

Greg Aaron: That sounds right and George isn't with our group anymore. I mean going through the poll it stuck me there were a lot of recommendations. And to me a lot of the historical conversation boiled down to the fact that we know it's happened in at least one case but that's the only one that's ever been documented. And we don't know the extent to which it continues to happen.

For me personally it becomes kind of a scale question. I mean it's kind of for me considered an abuse but I don't know if anybody is doing it. And I'm kind of reticent not to make a bunch of big recommendations about something that kind of seems to be below the radar. How does everyone else feel?

Mike O'Connor: This is Mikey. I've got my hand up by accident, I don't know why it's there. I'll take it down in a second but let me take advantage of that. I think that this might be one that we would want to consider dropping the whole section.

Given the other issues that we're going to be recommending on, at the most I think what I'd be interested in seeing is not necessarily an issues report but some sort of (unintelligible) maybe referral back to SSAC some investigatory gang to see if this is even going on before we go too much further. But this isn't one that I have a lot of strong feelings about in terms of (recommendation).

Greg Aaron: Thank you. James?

James Bladel: Hi, thanks, Greg. James speaking, and I just wanted to disagree with Mikey a little bit in that I think that we did discuss this. And even if our conclusion is that it is, you know, a mythical being that we should state that. I think that by

omitting it entirely and I think you mean the entire front running section, correct? If I misunderstood I apologize but...

Mike O'Connor: You're right, James. We should talk to it.

James Bladel: Yes.

Mike O'Connor: Maybe if nothing else mention the mythicality possibility and, again...

James Bladel: Just get it into the record that, you know, we did put this on the agenda and it was discussed. Otherwise, you know, it's - the perception becomes a reality. And if a sizeable portion of the community seems to be, well, of course this is happening, then there's nothing out there to challenge that assumption, then I think that that just becomes the default understanding.

And I read this recommendation, Greg, and I understand it was applying to front running, the front running section. But I also read it with the eye to the transfer working groups, the (PEDNR) working groups and all of the other different initiatives that are underway right now that really can - are less about failures of policy and more about just, you know, some registrant education, community education.

Because this is a complex process and a lot of folks, you know, they'll see that, you know, something happened that they weren't expecting based on their understanding of the registration process, and therefore they see that as a policy problem. And that is not always the case, so. That's kind of the hat that I had on when I read this recommendation and made that edit.

Greg Aaron: Okay, any other comments?

Mike O'Connor: Mikey. I'd back James on that.

Greg Aaron: Okay.

Mike O'Connor: I think that's the right approach.

Greg Aaron: Okay. Sounds like what it needs is the - we did talk about it. We investigated it. Maybe it comes down to a summary statement, or maybe a recommendation even, that you know, it's been a - it's a documented issue.

We do - we would consider it an abuse. Maybe it's something to keep an eye on. But there are some doubts about the scale and therefore the need to make policy about it at this time. Something to that effect?

Mike O'Connor: This is Mikey. Is there a - could we amp that up a little bit and suggest that some appropriate organization SSAC or some other group actually try and determine scale?

Greg Aaron: The ICANN staffs, compliance staff, have commissioned a report - that was the Ben Edelman study - which didn't find any. Now, the methodology's been a question and I think the staff has gone back and they're looking at the methodology, maybe with an eye towards some further research. So I know that thing's going to continue.

Mike O'Connor: Maybe we could support that.

Greg Aaron: Okay.

Mike O'Connor: Encourage that next turn of the crank when that study's - the next iteration is done. But GNSO might want to take this issue up again. You know, I'm with James. And I don't think we want to totally lose this issue, or lose people's attention on it, but it seems like we are mighty short of facts right now.

Greg Aaron: So, just a lack of - any evidence that it's happening or become an issue worthy of further attention. Okay, let me - let's go offline this week. Let's see if

we can draft something, some language around those points we just mentioned. We're about 25 after.

I want to try to squeeze in one more. The next recommendation is on gripe sites and deceptive and/or offensive domain names. And the recommendation was that the UDRP should be revised, or examined to address gripe names, and to provide for fast tracks of substantive procedural mechanisms in the event of the registration deceptive domain names that mislead adults or children to objectionable sites.

There were three in favor which - and then there were some friendly amendments. Mike, you said, "Back off a bit." Rod said, "If there's substantial interest in the community." And he said, "I believe it's not likely to be seen as uncovered by the UDRP already." Alternate view was mine, "The UDRP already addresses this issue for many years and making a carve-out for a specific class of names is problematic."

James said, "I agree. It's an unbalance infringement of free speech. And it's a violation of - that kind of activity is a violation of most registrar and Webposts terms of services in some laws." So, a split on this one. I think, Faisal, were you the author of the recommendation?

Faisal Shah: Yes, I was. Hello?

Greg Aaron: Yes, Okay. So, again, our question before us is, is there a place where we can coalesce around a greater level of consensus?

Man: You're recommending PDP to carve out...

Greg Aaron: A special or different treatment of these names specifically. Any ideas for a segment that could reach a higher level of consensus? The floor is open.

Faisal Shah: Well, you know, Greg, the - it is a recommendation 1, it - you're talking about revisiting the UDRP and I think we've pretty much been advocating that throughout, right? So, this might fall within what we originally discussed in the cybersquatting section as well.

Greg Aaron: In the cybersquatting section of the paper, we did not list gripe sites or offensive sites as an area where the UDRP had received criticism. So, if you want to fold it into the - I mean, this seems like a (seg) for a recommendation, coming out of a separate conversation. I mean, I personally wouldn't consider this recommendation to be part of our UDRP related recommendation that we discussed at the top of the call.

Faisal Shah: Right, I'm not saying it's related in terms of substance. I'm saying we are - in terms of advocating a - UDRP immediately to be revisited. I mean, this is - we're looking for substance of changes, now we're looking for substantive positive changes within a certain area as well which is, you know, on gripe sites.

                And those are things that actually came up in our discussion, you know, with the group. So I mean, I just - that's why I'm putting this as a separate recommendation. I guess my whole point is that it is - we are looking at the UDRP as a mechanism to be revisited in order to make certain substantive changes and this is another area we can do it in, which is the gripe names are often offensive sites.

Greg Aaron: Okay, other thoughts?

Mike O'Connor: This is Mikey. I thought that we had this discussion and agreed. I totally breezed through this too fast, but I'm going to move myself down into the disagree with this recommendation camp.

                Because I thought that we concluded that gripe sites were freedom of speech. We had a big, long discussion about it; on and on and on. At least

three calls. So, I just want to move my vote. I'm not in favor of this recommendation.

Greg Aaron: Yes. And Berry?

Berry Cobb: I just add that I'm still going to stay with the agreement of the recommendation. I - you know, certainly the whole free speech discussion is warranted. I think what really - what that issue is that there's inconsistency and discrepancy out there in how it's resolved in the UDRP land, and there needs to be something, some mechanism by which some sort of better consistency is developed out there.

                And I think that that's really the reason why it needs to be touched on, you know, whether it's - maybe the outcome of that is, yes, all gripe sites do infringe on free speech, therefore any UDRP cases relative to gripe sites should never be granted in terms of getting a transferred domain. Some kind of specific outcome of like that should be, you know - should occur.

Greg Aaron: Okay. So, where does everyone think this one should go next? What's our next step? We have support for specifically addressing this as part of the UDRP review and then we have some folks who are not comfortable with that. So, is there any middle ground?

Mike O'Connor: This is Mikey. I could move into Berry's camp on that, that says pull it underneath the UDRP. The trouble with that is that, you know, this is law. This isn't, you know - this is different law in different places and, you know, it's a quagmire. We had this huge discussion - I wish Phil Corwin were on the call to (feed) his comments because, you know, there's different laws and different jurisdictions and, so, yes.

Greg Aaron: Okay. All right, we are at about 11:32 Eastern. That's all of our scheduled time for today, unfortunately. Our next call will pick up where we left off. And basically in our next call we need to get the rest of the way through this sheet.

We have a meeting on February 1, and then we have a meeting on February 8. And we have to probably reserve that meeting on February 8 for basically last minute tweaks. We have to get through our substantive discussions next week.

We have an hour and a half scheduled for next week. It's possible we might require more time than that, though. Would people be willing to have a call that goes as long as is necessary to get through this sheet?

I'm very happy to do so and we kind of have our backs up against the wall schedule-wise. See okays from myself, Berry, Bob, Mikey. How about everyone else? How do you feel about wrapping things up?

Marika Konings: Hey, Greg, this is Marika. I might be challenged but I'm sure we can work it out with Margie if she can stay longer on the call than the current time. Margie, does that work for you?

Margie Milam: Yes, that's fine. I could manage the call if it - we need to go longer.

Greg Aaron: Okay. And if folks have to - if you have to - the staff has to jump off for other calls, then all we need is to have the bridge remain open, I guess.

Rod Rasmussen: Greg, this is Rod. I'm going to be in Japan next week. I think, given the time difference, I could - and that I'm a night owl, I'll probably be able to handle it, so. But though I'm not sure at the moment.

Greg Aaron: Okay. All right, well we'll make best speed. In the meantime we have a few action items to create some additional or alternate language. We are very, very close. Sounds like we'll have a - also a slightly revised version of the document going up.

I wanted to ask really quickly if anybody had any comments on the WHOIS Access section. It looks like actually the recommendations that came out of the WHOIS section got pretty good consensus on them. We'll look at that next week when we go through the sheet, but I just wanted to mention it. It's out there for comment if anybody does have mark-up.

And I think that's all the time we have for today, but we got through some good stuff today. Any final thoughts? Okay. If not, we are done for today. Thank you very much for your time and for filling out that poll. And we'll pick up where we left off next week. Thank you.

Man: Thank you.

Woman: Thank you very much.

Man: Have a good week everybody. Take care.

Woman: Bye, everybody.

Man: Bye, Greg.

Woman: Thank you (unintelligible).

Woman: You're welcome.

Woman: Enjoy the rest of your day.

Woman: Thank you, you too.

Woman: Bye.

Woman: Bye.

END