Registration Abuse Policies Implementation Drafting Team
TRANSCRIPTION
Monday 01 November 2010 at 14:00 UTC

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http://audio.icann.org/gnso/gnso-rap-20101101-en.mp3
On page:
http://gnso.icann.org/calendar/#nov

Present for the teleconference:
Mike O'Connor – CBUC – Drafting Team Co- Chair
Greg Aaron - Registry Stakeholder Group – Drafting Team Co- Chair

Berry Cobb – CBUC
Elisa Cooper – CBUC
Joi White - Intellectual Property Interests Constituency
Lisa Rosaya - Intellectual Property Interests Constituency
Fred Felman –Individual

Apologies:
Marika Konings
Glen de Saint Géry
Faisal Shah – Individual

Coordinator: The call is now recording. Please go ahead.

Gisella Gruber White: Thank you. Good morning, good afternoon to everyone on today's RAP Implementation - Draft Implementation Call on Monday, 1st of November. We have Greg Aaron, Mikey O'Connor, Fred Feldman, Elisa Cooper, Berry Cobb, Joi White. From staff we have Margie Milam and myself, Gisella Gruber-White. And we have apologies today from Faisal Shah Shaw and from Marika Konings.

If I could also please just remind everyone to state their names when speaking for transcript purposes. Over to you, Mikey.

Mikey O'Connor: Thanks Gisella. Our first agenda item, of course, is to update the SOI and DOIs, if there's anything that people need to tell us about, just wait a second for that.

Okay. I think today we're kind of in the final stretch. What's on the screen is the less lame version of my little draft that I sent to the list over the weekend, I guess, and I didn't hear any howls of protest, but this would be the test to emit them.

And once we get through those issues, then I think we simply have to give Margie and Marika some drafting instructions to put a memo around this. And we're ready to go.

Greg?

Greg Aaron: I was going to say so this is a first draft of a PowerPoint, but I guess we'll need to flesh it out which might happen in conjunction with our letter, I think, which is the - the drafting of which is in the next step.

In that letter we had talked about explaining to the Council basically how we - what our methodology was. And the slides are kind of dense, but we can flesh out some of the explanations. I think it will help them in the letter and then I'd expect a few more introductory slides as we get closer to Cartagena or whenever this is going to be presented.

Mikey O'Connor: Yeah, I guess my thought on that is that we're shooting for Cartagena. Margie, is that the plan at this point?

Margie Milam: Yes. I believe so.

Mikey O'Connor: Yeah, so effectively we got a couple of weeks. I think the deadline for documents to get to the Council is the 15th, right?

Greg Aaron: Yeah, I think that's what Marika had mentioned.

Mikey O'Connor: Yeah.

Greg Aaron: And then she's holding a slot at a Council meeting. I would have to go look at the details, but she wants to hold a slot so this can be presented.

Mikey O'Connor: Yeah. I think that's right. Saturday, as I recall. Yeah, I think that's right. And I think that the methodology stuff probably Marika and I can just go - or Margie or whoever is going to do the heavy lifting can - you know, we can just go back and forth on a draft.

Greg Aaron: Yeah, and it's pretty straight forward, though. I mean we first we look at what was the consensus level in the RAPs and we looked at the amount of work and, you know, whatever.

Mikey O'Connor: Yeah, yeah. Yeah, and I think that the sequence is sort of the drafts of the spreadsheet, and, you know, we can recount all that. I actually have a new version of the spreadsheet that I didn't send you that's where these tables are.

                 So there is one thing, if you go to the second page - I think everybody can scroll your own on this. Let me check and make sure. Oh, no, it's synchronized. No, it's not synchronized.

Margie Milam: You should be able to scroll, but it's not synchronized.

Mikey O'Connor: Yeah. So if everybody could go to the second one, you'll note a gap in the numbers.

Greg Aaron: You know, there's - it's missing a five.

Mikey O'Connor: It's missing a five and a six. And the missing five is because we have two fours and it was a tie in the calculated rankings, so I just left it a tie, but that was fine. But the missing six is one that I want - I left it out this time because I wanted to remember to check with you all on that.

If you go to the spreadsheet, there are really three recommendations on gripe sites deceptive and/or defensive domain names, two of which got pretty low rankings.

But one in the middle got a higher ranking and that is the elusive missing Number 6. And it says, "The UDRP should be revisited to determine what substantive policy changes, if any, would be necessary to address any inconsistencies relating to decisions on "gripe" names and to provide for fast track substantive and procedurals mechanisms in the event of the registration of deceptive domain names that mislead adults or children to objectionable sites."

And we have a choice here and that's the reason I left 6 out of this. We could lump all of those three together and decide between approaches to gripe sites and etc., and that's the one that's Number 13 on the slide that's in front of you and include that Number 6 one in that pile, or we could break it out as a separate thing and put it in its rightful Number 6 place on the list.

And I didn't realize until I had closed the call last week that I had left that one off of our discussion, so I thought maybe we should have a chat about how to handle that and then, you know, go whatever way we decide.

Berry, go ahead.

Berry Cobb: Thanks Mikey, this is Berry. I was under the impression that we were actually going to try to lump this in with the UDRP recommendation because it kind of tied into that.

It was all about - I think the main driving factor here was to identify the inconsistencies in some of the UDRP proceedings. And because the - there wasn't enough support within the whole gripe sites area because we're going to be infringing on free speech and some of those things, we felt that it was important that at least the inconsistencies in some of the proceedings or decisions be regulated. But...

Mikey O'Connor: Yeah, that's certainly an approach. Greg, go ahead.

Greg Aaron: I don't know if it was getting lumped in because they were separate recommendations. Also, the - well the gripe sites is one thing and then the objectionable content was a very different thing because that's a content issue.

Those were definitely - those two were definitely separate.

Mikey O'Connor: Yeah. Okay, Fred, go ahead.

Frederick Feldman: I just lowered my hand. I think Greg made my point.

Mikey O'Connor: Okay, so the way that I have it in the spreadsheet right now, it's definitely got a dependency on the UDRP PDP, or at least some of us thought it did. I have question marks down here because we didn't really review any of these because I just forgot.

So I guess the thought is - what I'm hearing is let's not lump it in with the others but have it as its own thing; put in Number 6, add a row to this table and put this in as the Number 6 item? Does that seem like a reasonable approach?

I didn't want to do that without talking to you about it. And I think that the - no, then it would be - we seem to be - looking at the detailed spreadsheet, it seems that we're leaning towards the PDP as the kind of work that it's a big

one, high broad high and, you know, this might be another one where we, you know, is the next step, request a drafting team, something like that? Causing howls of anguish? No howls? Going once, going twice?

Okay. I'll pull that up and I apologize for missing that on the last call. So we'll add one row. The row will look a lot like the row for some of the other PDPs, sort of the - same sort of approach and we'll put it at Number 6.

Okay, with that change then roll to the second page. The second page I did some clumping and I did it all by myself with my little hatchet, George Washington and the cherry tree and I just want to check with you-all to see whether this is the right set of clumps.

Greg? Go ahead.

Greg Aaron: Here's my feedback on - I think one of the things that the matrix is missing is the RAPs level of consensus.

((Crosstalk))

Greg Aaron: Yeah, besides complexity and scope, call them - when I say the word narrow, that was a word we were using to talk about the potential stakeholders or interest in the topic.

But as far as size or complexity or scope, I would maybe small, medium, large might better convey what we're trying to convey.

And then I found the groupings a little - we need to tweak those I think because our first heading is Launch Immediately, but it has lower priority items in it. For example, anti-abuse best practices is our Number 1 but it's not listed as something that should be launched immediately.

I would argue that should be one of the things the Council should be thinking about launching immediately.

Mikey O'Connor: So...

Greg Aaron: I think we have an issue with both the labeling and the ordering, potentially.

Mikey O'Connor: Okay, so if we changed Launch Immediately to something like Low Hanging Fruit so that we don't imply timing, we just imply opportunity, how about that?

Greg Aaron: Well, the other question is how far should the first chart and the second chart diverge from each other? On one hand you're saying we've got a ranking of them and then the other one is trying to say is - no one's trying to imply - talk about importance, I guess, right?

Mikey O'Connor: (Unintelligible).

Greg Aaron: The second chart...

Mikey O'Connor: Yeah.

Greg Aaron: The second chart is about order.

Mikey O'Connor: Yeah, and the only real difference between the two charts is to pull the easy ones up to the top.

Greg Aaron: Right.

Mikey O'Connor: Except for that they're identical.

Greg Aaron: Yeah, I mean it makes sense to do it that way and have two different ways of looking at it, but in the end also I think we're going to have to focus the Council on saying this is what you need to do right now, do 1, 2, 3, boom,

boom, boom and then you need to think about boom, boom, boom, 3, 4, 5 whatever.

Mikey O'Connor: So we could just stay with...

Greg Aaron: If they look at this without any context, Mikey, I think they're going to go, "What does this mean?"

Mikey O'Connor: Yeah, well that's part of the reason that I labeled it draft.

Greg Aaron: Of course, of course.

Mikey O'Connor: But, you know, one of the things that we talked a little bit about was this notion of low hanging fruit that said, you know, there's a bunch of stuff that's just sending a letter and so, you know, let's do that kind of immediately.

I think the one that is borderline on that is the monitor Cross-TLD registration scam. There's actually work that has to be done there. But the first two are just, you know, dear compliance please do these things.

And so in terms of resources, pretty minor resources. And so that was the notion was when we did our hunt for low hanging fruit, this was the result and, you know, I agree launching immediately is a little heavy duty, so I'd be quite cheerful about relabeling this low hanging fruit and then leaving the Council to decide what to do with that fruit if that solves the problem.

Why don't I tentatively put that in? I'm taking notes on a new draft here.

Berry, go ahead.

Berry Cobb: Thanks, Mikey, this is Berry. You know, I think definitely with the monitor Cross TLD registration scam should probably be thrown down into the lower priority group just because it does require that drafting team. It's going to

require ICANN resources, community resources no matter how small the scope is.

But in terms of the who is and fake renewal notices under the launch immediately and I agree with Greg about the relabeling here, perhaps maybe what we suggest is in parallel, I mean, you know, if we started off with anti-abuse best practices first, there's no reason why with data, accessibility and fake renewals notices couldn't go off at the same time with I guess probably ICANN staff writing the letter to the GNSO Council and then the Council submitting that or however that process works.

But I think that's really the notion is that, you know, these things are small, they have very little resources, they can really go in parallel to when we get to the really good stuff which is the high priority heavy lifting stuff.

Mikey O'Connor: So the way I've got it now - Greg is that an old hand or is that new? I haven't been paying attention to the queue?

Greg Aaron: That's an old one. I'll take it down.

Mikey O'Connor: Okay. Well - so what I've got now is I've changed the narrows to smalls. I've changed the title from Launch Immediately to Low Hanging Fruit, parenth, Low Resource Requirements and I've pulled the monitor across TLD row down to its rightful place in the lower priority.

And then I'm not sure that there's really a need for the high priority, low priority. What we could do is say low hanging fruit, those two things and then just have one more pile. That's basically the one, two, three, you know, in a sequence. How about that? Take that lower priority one out and just say Suggested Sequence in place of High Priority? How does that work?

Not hearing. Sequence, take out Lower Priority, and my thought is that we would have the two slides, you know, just so that we - more for

documentation purposes but that the payday slide is really the one that says here are a couple of things to do that are really easy and then here's the sequence for the rest. And, you know, people can kind of infer it from the rank.

And in terms of losing the level of consensus, that was my bad. I didn't mean to do that. So let me insert that back in. I'll have to do that by hand because I haven't got that in sequence but do that later. I'll just make a note to that effect.

So, you know, put that back in. I agree with Greg. That's important that people understand.

Any other thoughts? Those are all good ones. I take them all as friendly amendments.

Oh, Berry's making the context point. I think the context will come out of the memo or the text that surrounds this sort of describing how we got to where we get. Is that what you're looking for Berry or is it something else?

Berry Cobb: Yeah, I guess - yeah, that should do it. Thank you.

Mikey O'Connor: Okay. Yeah, I decided the key sort of policy stuff is this page and then the describing how we got there I decided was something that was probably less important for you-all to have to look at.

And, you know, in a second if we can wrap this up, then in a second I think what we'll want to do is have a quick discussion just for the MP3 to sort of highlight the key points that we want to make in that surrounding document and that will give me and Margie and Marika something to go in terms of writing that.

I just want to take one last look at the page before we call it done and then go from there.

Asserting Number 6 back in, too.

Okay, well, I think we deserve an attaboy for this. I think we're done with the hard stuff.

Let's take a few minutes and talk about what we want to see in the surrounding document. Margie, feel free to chime in with stuff that's required of us in that document and if there's anything that we as a group need to do other than this ranking, this would be a good time to bring that up.

Greg, go ahead.

Greg Aaron: I think that's actually a good question to our staff people about protocol. What do we need - is there anything in particular we need to say in this letter? Should it be addressed in any particular form? I think that's a good first question.

Mikey O'Connor: Yeah. You know, my vision of this is that it's pretty sparse. I mean, our mission was pretty narrow. You know, dear working group, come up with a ranked list. And so then we write back and say, dear Council, here it is. But I know that's too easy.

Margie, go ahead.

Margie Milam: Actually Mikey, I agree with you. There's not much, you know, here. It's just to answer whatever the, you know, questions that Council had put forward to us. And as long as we have answered those questions, we have quite a bit of flexibility on how we present it.

Mikey O'Connor: Yeah, okay.

Greg Aaron: This is Greg. I'd like to help write the letter. I'm happy to work on that with Mikey and whoever else would like to volunteer.

Yeah, I think it's fairly straight forward if we say, okay, we took the recommendations from the RAP report, link to that, we considered the level of consensus each of those recommendations received. We then tried to evaluate the complexity of each of those recommendations and the next step that each would require and also dependencies, basically the stuff we've been, you know - the things that have been on the spreadsheets we've been working on. I think we should mention them.

And then I think then the letter says, okay, here's the rank, here's what we think you ought to do in order because of either level of consensus or low hanging fruit, basically.

Mikey O'Connor: Yeah, yeah.

Greg Aaron: And then put it in the document.

Mikey O'Connor: Yeah, I think that's right. So, you know, my vision is that this is, you know, I don't know, not very many pages long.

Margie, do you want to take a stab at that? Is Marika on deck for that? I don't want you load you up with work that you can't handle.

Margie Milam: Yeah, well Marika's done. I mean, she's just off for today. So we'll send you an email offline. It will be one of us taking care of it and we'll get it done pretty quickly.

Mikey O'Connor: Okay. And, you know, Greg, I didn't mean to cut you out, I always say I when I say drafting stuff just because, you know, I'm happy to do it. But...

Greg Aaron: I just like to write, that's all.

Mikey O'Connor: Two of us do, cool.

Greg Aaron: Yeah. What we can do is I think maybe we should set a deadline for ourselves to try to get a draft done this week.

Mikey O'Connor: Yeah.

Greg Aaron: And get it up to the list so everybody can take a look at it. That gives us a little while to tweak it because we want to get it in - I would suggest getting it in no later than the 12th of November just so we don't cut things too close. The final, final deadline would be November 15 which is a Monday.

So I would suggest shooting for no later than a week from Friday...

Mikey O'Connor: Yeah.

Greg Aaron: Which would be Friday, November 12.

Mikey O'Connor: I mean I think that the goal should be to have a pretty polished draft for the call next week and hopefully the call is really short and we all go, yeah, this is fine and off we go and, you know, we publish it pretty much right after the call.

Greg Aaron: Yeah, that would be good.

Mikey O'Connor: Yeah. And, you know, clearly we need to - we have an egregious error on the agenda, I just noticed, which I forgot to put up there which is planning the party.

It's maybe the only working group party I get and try to hang on. I'm gunning for that man.

Greg Aaron: Oh, come on Mikey. Every working group is a party.

Mikey O'Connor: Well, yeah, I don't think (VI) is going to get to the party at Cartagena. Maybe awake but anyway.

Greg Aaron: I don't know - by the way, how many people are planning on being there in Cartagena? I'm assuming all...

Mikey O'Connor: Why don't you all use your checkmarks? I'm going to be there. Oh, Berry's not coming.

Greg Aaron: No Berry.

Mikey O'Connor: Bummer. Elisa? Yes. Joi, Elisa?

Joi White: This is Joi. I can't make it unfortunately.

Elisa Cooper: No, me either. This is Elisa.

Joi White: You guys will have to have a drink for us.

Mikey O'Connor: Okay.

Joi White: In Cartagena.

Mikey O'Connor: Maybe we'll - yeah, maybe we'll see each other in San Francisco, although that will be so far away. Well, cool. So we'll get together and hoist a glass when we're in Cartagena and dragoon Margie and Marika into it, as well.

                        But I think that's it. I think this the moment. This is the golden moment where we say well, job well done except for, you know, sort of the drafting of that

letter but as I - you know, I think it's going to be pretty straight forward. So there we go.

Anything else Greg that you can think of? Shall we just call it quits half an hour early?

Greg Aaron: I don't know, I think this is - yeah. Mikey, thank you for drafting up the matrix. It's very helpful.

Mikey O'Connor: Oh, well, my pleasure. Happy to do it. Wait until you see the underlying spreadsheet. It's now 86 tabs across, so I'll push that out to the list, so...

It's certainly a good chronology of what we did.

Well alright folks. Thanks for joining us. Fred, sorry to get you riding your bike in the dark but look at the early start you've got at your day now.

Frederick Feldman: Exactly. I've seen the sun rise from my office more days than I anticipated this year.

Mikey O'Connor: Cool. Okay, well, I think that's it. Thanks folks. See you in a week. Hopefully we will have a draft for you and we'll finish her up. That's it for me.

Let's see. (Louise), if you're there?

Coordinator: Hello there?

Mikey O'Connor: I think we're done. We can turn off the recording and shut the call down.

Coordinator: Okay, you're welcome. I'll turn the recording off now for you. Thank you.

Gisella Gruber-White: Bye Mikey.

Mikey O'Connor: Thanks very much. Righto. See you Gisella. Bye-bye.

END