Registration Abuse Policies Implementation Drafting Team
TRANSCRIPTION
Monday 11 October 2010 at 14:00 UTC

Note: The following is the output of transcribing from an audio recording of the   Registration Abuse Policies Implementation Drafting Team on Monday 11 October 2010, at 14:00 UTC. Although the transcription is largely accurate, in some cases it is incomplete or inaccurate due to inaudible passages or transcription errors. It is   posted as an aid to understanding the proceedings at the meeting, but should not   be treated as an authoritative record. The audio is also available at:
http://gnso.icann.org/calendar/#oct

Present for the teleconference:
Mike O'Connor – CBUC – Drafting Team Co- Chair
Greg Aaron - Registry Stakeholder Group – Drafting Team Co- Chair
Berry Cobb – CBUC
Faisal Shah – Individual
Philip Corwin – CBUC
Elisa Cooper – CBUC
Joi White - Intellectual Property Interests Constituency
Lisa Rosaya - Intellectual Property Interests Constituency
Kathy Kleiman - Registry Stakeholder Group

Apologies:
Fred Felman –Individual
Mary Wong –NCSG
James Bladel - RrSG

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

Mikey O'Connor: The trouble with the Adobe Connect thing is that Excel documents don't translate real well up to Adobe because they do them one page at a time, so it's probably going to be handy for folks to have the whole document there.

And I think the plan for the day is to - well I guess we better stop.

Gisella Gruber-White: Sorry, Mikey. Would you like the recording to start?

Mikey O'Connor: Yeah. Yes, sorry. I'm getting ahead of myself.

Gisella Gruber-White: No problem. (Sybil) would you be so kind as to start the recording? Let me know as soon as it is started. Thank you.

Coordinator: I just started the recording. Please go ahead.

Gisella Gruber-White: Wonderful. Good morning, good afternoon, good evening to everyone on today's RAP Implementation Call on Monday, the 11th of October.

We have Mikey O'Connor, Greg Aaron, Lisa Rosaya, Berry Cobb, Kathy Kleinman, Joi White, Elisa Cooper, Fazal Shah. From staff, we have Marika Konings, Margie Milam, Glen Desaintgery, and myself, Gisella Gruber-White. And we have apologies noted from Fred Feldman and James Bladel.

Could I please also just remind everyone to state their names when speaking for transcript purposes. Thank you. Over to you Mikey and Greg.

Mikey O'Connor: Thanks Gisella and welcome all. The agenda is pretty straightforward. It's going to be to continue working on our matrices. But before we do that, does anybody have any updates to their Statement of Interest or their Declaration of Interest that we need to hear about?

Okay, I don't hear any of those. And I did want to mention that the working group has a new member, James Bladel from GoDaddy. And that's a good thing because it rounds out our representation and so now we have a registrar in the group, which is something that Greg and I were really interested in getting. So thanks I think to Greg for reaching out to James to get...

Greg Aaron: No, he reached out to me, but James was also a member of the original RAP, so he has all the history of the group.

Mikey O'Connor: Yeah and James is probably going to be a little late on participation for these first few calls, because he is on the - let's see. What is it called? Accountability something Review Team and I'm missing a word. Anyway, he is in Boston today and has a lot of duties there, because he is the backup person for another person on that review team. So he's going to be monitoring the MP3s and participating on the list for the first couple of calls, but then he will join us in person.

Okay, so where we left off - if you look either in Adobe Connect or on the file that's got Mikey's Notes at the end of it, is that we were going to talk about the dependency between the Cybersquatting Initiative and the Whois Initiative, which is our Item 5. And unfortunately, Mary is not going to be able to make the call today, but she sent us a note just before the call to the list, and I think I will just read it into the record.

On Whois, Mary's concern is simply that, "Any recommendation we make - track whatever the GNSO is pursuing. For example, the status of the Council votes on which Whois study is to launch this fiscal year and what ought to be deferred."

And I meant to write her a note back to get some clarification. I'm not sure, but I kind of read into that that Mary's concern is that we get too many big initiatives stacked up in the GNSO queue at once, but I'm sort of open to other interpretations there. Anybody else got a sense that's different than mine?

Marika and then Greg. Marika, why don't you go first?

Kathy Kleinman: It's Kathy. I'm not online, so (unintelligible).

Mikey O'Connor: Oh, okay from Kathy.

Marika Konings: This is Marika. Just a question of clarification. When was that email sent, because I don't recall seeing it. So I'm just wondering if it went to the mailing list or whether I just missed it.

Mikey O'Connor: I think it did go to the list, but it was sent - let's see, when did I get it. I got it about an hour and a half ago.

Greg Aaron: This is Greg. I don't recall seeing it.

Marika Konings: Yeah, I didn't get it either, so Mikey can you just check if it was sent on the mailing list or whether you were copied? Because I recall an email before that actually didn't make it to the mailing list, so maybe we just need to verify that Mary has - sometimes if you send it from another email address that is not the one that's registered, it doesn't get through to the mailing list. And maybe she copied you or...

Mikey O'Connor: Yeah, she did. She copied me. And I just resent it to the list, so...

Marika Konings: And I will check with Glen to make sure that you know there's no issue on our side on the mailing list.

Mikey O'Connor: Yeah, the address looks okay, but I sent it again and maybe she sent it as you say from a different email address than normal.

Marika Konings: Well we'll just check to make sure.

Mikey O'Connor: Yeah. Okay, well it should hit the list in a minute. Greg, was that your point as well?

Greg Aaron: Okay, so I just got your forward of Mary's note. And she says, "On Whois, my concern is that any recommendation we make track whatever the GNSO is pursuing, e.g. the status of Council votes on which Whois study is to launch

this fiscal year and what ought to be deferred." Okay, so to me, that doesn't have anything to do with the dependency of the UDRP thing.

Mikey O'Connor: Yeah, that's sort of where I was headed. I wanted to see if anybody else disagreed with that. I think that our charter is to put our projects in sequence and then it's the Council's charter to balance the workload between (unintelligible).

((Crosstalk))

Greg Aaron: Yeah, I think it's the Council's job to decide what their load is.

Mikey O'Connor: Yeah.

Greg Aaron: So I would say in that dependency slot I don't know if we have any at this point.

Mikey O'Connor: Well that's also where I was headed, but I wanted to sort of have a clarifying conversation to make sure I understood Mary's point first. And then if we arrived at that, I'd certainly be fine with that.

Kathy.

Kathy Kleinman: Yeah, can you hear me?

Mikey O'Connor: Yeah.

Kathy Kleinman: I don't think it's (sheer quantitative) that Mary is concerned about. I think she's concerned about a qualitative issue. And I bring the same concern and move forward with clarification, which is that the Council is working on a number of Whois issues. And I think there's a concern that whatever issues this group put forward may contradict or lead or not be in synch with the

Whois studies, fact finding, and policy development going on on other Whois (issues). (There's conflict) on the (same issues).

Mikey O'Connor: I think that that's a different - what Mary was raising was not - I don't think maybe that that's what she's raising, in which case I think we still dispose of this the same way.

What we're talking about now is the dependency between the UDRP recommendation that we made as the RAP and the Whois study. So we do have a Whois recommendation in Recommendation 5 and I could see that dependency for our Whois study for sure, because our Whois suggestion may or may not mesh with the other Whois studies that are already in the pile for the Council.

But what Mary raised was a possibility of a dependency between our Whois study and our UDRP study, and...

Greg Aaron: This is Greg. That seems a little tenuous to me, and so many things depend on Whois - accuracy and so on. And also the Whois questions have been going on for what nine or ten years now. I mean they could be used to block any activity almost if we say everything is dependent upon them.

Mikey O'Connor: Yeah.

Greg Aaron: I'm just not seeing the connection.

Mikey O'Connor: So Kathy back to your point, do you see a connection between our Whois study Number 5 and our UDRP PDP, which is our Recommendation Number 1? Or do you think that...?

Kathy Kleinman: Mikey, I don't know. I don't know, but I do know very well studies that the Council is considering funding for (studies). And so to the extent that bringing

that information before this group would be helpful let me know. I don't know to what extent that (portion needs crossed) over into this group.

Mikey O'Connor: Yeah, I think that - tentatively what I'm going to do is go with sort of Greg's view unless we get any other comments that says when we get to considering our own Whois study, I could certainly understand the dependency between our study and the other Whois studies. But I'm not sure I get the link between the Whois study and the UDRP study except as a resource issue, and that I - you know I agree with Greg on that too. Which is balancing the resource issues is outside of our brief. We're really just supposed to put the recommendations from the RAP study into a sequence and then Council gets to go figure out how to balance the workload.

So I'm inclined to drop this particular dependency at least off of this chart and then circle back to Mary. I may try and call Mary during the week and just follow up with her and make sure that we didn't misinterpret what she said. Because I'm with Greg. I'm not sure I see the connection between our Whois study and the UDRP study, except as a resource-balancing thing.

Is that okay with folks? Joi go ahead.

Joi White: This is Joi. So I think - I mean the only link that I can see between the UDRP and Whois is when you are looking at the effectiveness of the Whois. I mean that is very dependent on - or I mean the effectiveness of the UDRP. It's very dependent on what information you can get through the Whois information. Does that make sense?

Mikey O'Connor: Yeah. Yeah, I think that's true.

Joi White: So that's the (only dependence) that I see.

Mikey O'Connor: But I think that you know - I still don't see that. I mean I think Greg made a good parenthetical note there where if we make things dependent on Whois, we basically stop them.

Joi White: Right.

Mikey O'Connor: Because Whois is a pretty longstanding deadlock within ICANN, and I think if we put Whois on the critical path for any effort, it will essentially defer the effort forever and I'm really adverse to that idea. I think that the UDRP study crew could work around that and still get an awful lot of work done.

Joi White: This is Joi. I think that's true. I think that it might be worth making a note in our report or our recommendations that these two may have some - you know just flagging that as an issue that they may have some interdependency.

Mikey O'Connor: Yeah, let me just try that note.

Greg Aaron: I think such a dependency might have also been noted in the RAP's report, but we're 15 minutes in and we've only dealt with one (cell) on the spreadsheet and I would like to move forward if possible.

Mikey O'Connor: Yeah. Okay, so I'm going to just note Mary's proposed dependency and I will follow up with her this week.

Okay, moving on then, unless there's any other comments about this particular point, then we're onto the third row for our third...

Greg Aaron: Mikey, this is Greg. I have one question about Number 1, which is next steps.

Mikey O'Connor: Oh, okay.

Greg Aaron: It says, "Request a drafting team to develop a roadmap." So do we need to be clearer about what that roadmap is? It's a roadmap for issues reports and PDPs, right?

Mikey O'Connor: Yes, that's a good clarification. I will stick that in as a friendly amendment for issues reports and PDPs. And I think what we'll do is we'll rock right along, and then if people have an issue, don't be shy about jumping in. But Greg is right on the button when he says that we haven't gotten of to a brisk start and we do have a distance to travel, so I'd like to kind of keep it at this pace. And if anybody has got an issue with that, throw your hand up and I will keep an eye out. Lisa go ahead.

Lisa Rosaya: Yeah, I just want to - I know Fazal made the point last call, but I just wanted to get on record that I think that from a timing perspective - and I understand we have the UDRP Drafting Team proposed as the next step. But I think that before any substantive overhaul happens of the UDRP, that it would be helpful to see what the RPMs do in the gTLD space.

Mikey O'Connor: Let me just add some notes. Now didn't we debate that in the working group? Don't we have language about that in the...?

Greg Aaron: We did and we identified it. I mean the group - what the RAP did was there was a proposal to impose the RPMs on the existing TLDs and that was voted down.

Mikey O'Connor: Yeah.

Greg Aaron: And the group said, "We should look at the UDRP because that is the mechanism that is known and in use and a mechanism that will continue to be in use for both existing and new TLDs." So there was a lot of debate about it and that's the way it ended up.

Mikey O'Connor: Okay, I just wanted know to put it...

Fazal Shah: Hey Greg, this is Fazal. I think there was a significant - hey Mikey. There was a significant (number of people) on the RAP that was in favor of applying the RPMs immediately to the current extensions, right, so there was significant

support in favor of it. I mean obviously it ended up so that we were pushing the unanimous consent onto the UDRP, but it wasn't insignificant in terms of support for the RPMs.

Mikey O'Connor: Yeah.

Greg Aaron: Actually and you can make a factual clarification there. This is Greg. You will see down in Row 11 that's documented. There's actually a split opinion; not a majority in favor of imposing the RPMs.

Fazal Shah: Well that's not - I don't know why that's contradictory to what I said, but okay.

Mikey O'Connor: Well and the thing I don't want to do again is open up the whole RAP. I mean again, all we're trying to do here is put these in sequence. And so I'm okay with some notes, but I really don't want to replay the bidding on the whole discussion that we had over the course of that working group, so I'm going to be cautious on that one again.

Okay, Greg is your hand up new or is it left over?

Greg Aaron: No, I will take that down.

Mikey O'Connor: Okay, I'd like to push us on to Row - or Item 3, the recommendation that the GNSO refer the fake renewal issue to contract compliance and we had just a little bit of disagreement. If you go back in the details of expected scope, most of us thought it was narrow, most of us thought it was low resource requirements, most of us thought that there was no dependency. For those of you who disagreed with those, what I tried to do was sort of summarize the main view.

So if that summary does not - you know if you would like to try to persuade us otherwise, this is the time to do it. Otherwise what I think we will do is we will remove the question marks from that. This is a classic case of -- hopefully if

we all agree on this -- the low-hanging fruit that we were looking for where you know it's low effort, narrow scope, just go ahead and do it, get a few things out the door in a hurry.

So I sort of blathered it on there for a while to give people a chance to check back to their own version of the spreadsheet and to see how strongly you feel, but I'm not seeing anybody jumping in, so I think I will go ahead and erase the question marks on those. So we will call that narrow low, no dependency, and sending a letter is our next step or at leas the Council sends a letter.

Row 4 we - let's see. Why did I - I think what happened with Row 4 is that we were all over the map. And so rather than try and summarize, I just said, "We're going to have to talk about this one." So let me just look for - I want to pick off some easy ones before we get back into a complicated one. I'm just wondering if we run down to - Greg where's the line that you sort of drew in your reply and said, "The rest of these we don't need to deal with at all." Does it include 13?

Greg Aaron: I'm sorry. Which one are we on, Number 4?

Mikey O'Connor: Well I was going to skip forward to 13 because it looked like we were pretty close to consensus on that one.

Greg Aaron: Okay, I was going to touch on 4 because it depends upon 3.

Mikey O'Connor: Yeah, okay.

Greg Aaron: If that's okay.

Mikey O'Connor: Yes, that's fine.

Greg Aaron: Yeah on Row 4 dependencies, it is the compliance answer to Number 3 period.

Mikey O'Connor: Yeah, well the reason I put a question mark is because not everybody said that. I just wanted to confirm that with the group.

Greg Aaron: Yeah, but that's what the working group decided.

Mikey O'Connor: Okay.

Greg Aaron: It said, "The following recommendation is conditional," so I think that (can actually be removed from here).

Mikey O'Connor: We can remove that question mark. Okay.

Greg Aaron: Yeah, as far as complexity and so forth, I mean that's a good question. (Didn't) people rank those?

Mikey O'Connor: Why don't we - yeah, they did. Let's all take a look. If you've got the spreadsheet open, take a look at the complexity row, which is the same row, and what we've got is - your reply Greg was that it's high. Mine was medium. There were a lot of lows from Joi, Fazal, Lisa, Berry, Elisa, and Mary. So we've got just a conversation to have about complexity, which is how complex we really think this...

Greg Aaron: Right. This - if this one comes about, it would be a PDP, which is what the ERP said.

Mikey O'Connor: Yeah.

Greg Aaron: Which is why I put it down as high because any PDP is going to require a certain amount of complexity and work.

Mikey O'Connor: Okay and what - I agreed with you.

Greg Aaron: So I could put it as a - I mean I could rank it as medium, but it...

Mikey O'Connor: Yeah, that's why I made it a medium is because I thought it was a PDP so it couldn't be low, but I didn't think it was as big and bad as some of our other ones.

Greg Aaron: Yeah, I mean I think any PDP is a significant undertaking, especially compared to the other things we have on our spreadsheet.

Mikey O'Connor: Yeah. Yeah, I think that's right. So what do the rest of you think about a medium on that one? Marika has got her hand up. Go ahead, Marika.

Marika Konings: Yeah, this is Marika. I think from a staff perspective, I completely agree with what Greg was saying that a PDP you know per definition is medium or high, and I still haven't seen a PDP that is low in complexity. I don't think such a PDP exists.

Mikey O'Connor: So how about medium as our going in position on this one?

Greg Aaron: Yes and in the interest of Marika's sanity and self-preservation, let's...

Mikey O'Connor: Any of you low people - I'm getting agreement from Lisa on this one. Anybody opposed to the medium moniker for this one? Okay, let's make this one medium. And I agree; we do need to preserve Marika's sanity because the wheels would come off if we put Marika over the edge.

                   Let's talk about the scope one - same thing. Take a look at the thing there. Most of us said it was narrow. Greg had it at medium. Greg.

Greg Aaron: I said it was medium because it's a complaint about a practice that affects registrants. So the registrants are involved, registrars are involved, as we mentioned in the group, resellers sometimes are in the mix, but anything that

involves registrants and you know that kind of broad group I was thinking might be medium.

Mikey O'Connor: I could be persuaded by that. Anybody feel strongly if we made that medium? I hadn't thought about the registrant angle. That's a really good point.

Greg Aaron: Yeah, they are the target of this kind of activity.

Mikey O'Connor: Yeah. Yeah and it's pretty all over the place, so you know it's going to be tricky to gather good data, et cetera, et cetera, so I could bump that up to medium. I'm going to go with that unless I hear howls of anguish.

Okay, then on resources required, we have Greg in the high, me in the medium along with Joi, and Fazal, Lisa, Berry, Elisa, and Fred in the low. Mary Wong - high for PDP. I could certainly go with a medium. I don't think it's as bad as some of the others. Greg, where are you at?

Greg Aaron: Medium is fine with me.

Mikey O'Connor: Okay, I mean what's emerging here is that if this kind of continues, one of - you know we have sort of a candidate that this may be a hard PDP to sell because it's a lot of work, but not a lot of payback. And so that's an interesting trend.

Greg Aaron: Yeah.

Mikey O'Connor: I think we can remove the question mark from the PDP, but let me just check.

Greg Aaron: Yeah, it would definitely be a PDP. We know the dependency is the question above and I guess to start the PDP the next step would be the issues report, which is in that last cell. Is that correct?

Mikey O'Connor: Yeah, that's right. Marika, on this one, do you feel any need for a pre-issues report sort of drafting group kind of work or do you think this one is appropriately kicking off with an issues report?

Marika Konings: This is Marika. I think that probably depends on the feedback from compliance. I think it's probably you know too early at this stage to be able to determine you know what is required. So maybe you need to just leave it as request issues report because I think we've built in here anyway that there is - it's dependent on the response received by compliance (or presume at that time) the Council would discuss in further detail what is required as a next step.

Mikey O'Connor: Yeah, okay. All right, good. Well we've knocked out those two rows. Cool. Let's keep going.

The next one is 5 - "GNSO should determine what additional research processes may be needed to ensure that Whois data is accessible and in an appropriately reliable and enforceable and consistent fashion. The GNSO Council should consider how much might be (relayed) to other Whois efforts such as the upcoming review of the Whois policy and implementation required by ICANN's new affirmation of commitments."

So we've actually got the dependency between Whois efforts built in to our recommendation. That's part of the reason I want to clarify this with Mary. And we had guessable but not quite consensus views on a lot of this stuff, so let me just run us through the first one on complexity.

We had mostly medium with Berry coming in at high, and everybody else put it at medium. Berry are you okay if we drop down to medium on this one or do you want to...?

Berry Cobb: Yeah, I'm fine with that Mikey.

Mikey O'Connor: Okay. All right, so that takes care of that column.

Greg Aaron: Mikey, this is Greg. I think the rankings may depend upon what the next steps in dependencies are, and I think maybe we should figure out...

((Crosstalk))

Mikey O'Connor: Do you want to go there first?

Greg Aaron: Yeah and I'm wondering how many options we might have. One of the things I had suggested is that this is about accessibility of the data. In other words, can you actually get to the data? Can you actually look at it?

And the issue that the RAP identified was often you can't because registrars aren't making it accessible or they don't have obligations in place to do so. And there are also some unanswered questions like should it be - should you be displaying the same thing on your Web Whois versus your Port 43 Whois.

It comes down to what are the registrars doing or what should they be required to do, which is why I then said, "It sounds like a question for the RAA Group. They are discussing the registrar contracts." So I said, "If you refer it to that drafting team, that might be a place it could go, and that's already in place and that group is already set up to discuss registrar obligations."

So if it was a referral to that group, it's actually very low cost.

Mikey O'Connor: Yeah, everything drops to zero.

Greg Aaron: So they are set up - yeah, the Council just says you need to look at this issue and you need to pay close attention to it.

Mikey O'Connor: Yeah, it's almost (unintelligible).
((Crosstalk))

Greg Aaron: Then it's their problem. Now the one question is are there other options.

Mikey O'Connor: Yeah and...

Greg Aaron: That's one thing we could suggest, but is there anything else we should suggest that's different.

Mikey O'Connor: If we look at the - if we look at the nature, we sort of get a hint. Because what you say in there Greg is that a drafting team is really all that's required because all we would need to do if we referred to the RAA would be to write a note basically.

Greg Aaron: Yes.

Marika Konings: Mikey, can I just (intersect) here?

Mikey O'Connor: Yeah, go ahead Marika.

Marika Konings: Just to point out that the RAA Drafting Team - they are about to submit their final report, so it's probably too late to you know push that on to that group as you know they are basically done with the...work and ready to submit that to the council for project consideration.

(Greg):   Oh they're done? All right that changes things.

Mikey O'Connor: Yeah, it certainly does. Dang, I was liking where that was going too because that would have been fast and easy and another piece of low hanging fruit.

(Greg):   So Marika in the process what happens next? They send a report and then what happens?

Marika Konings: And so the report outlines a number of priority issues that they would like to see addressed in the RAA and then it puts forward as well a number of medium priorities and low priorities.

In addition it has proposed a process way forward and how to conduct it and negotiations. So I mean Margie's actually leading that group so sure she's the expert on that.

But as I understand this now goes to the council for consideration on how to move forward with that and next steps.

Mikey O'Connor: Margie, you've got your hand up, go ahead.

Margie Milam: Yeah, I just wanted to confirm what Marika said that they've essentially are putting the final touches on the final report and don't have any other work to do.

It's really going to be in the hands of the council to decide what to do and how to take the recommendations to the next step to negotiation or you know come up with a new form agreement.

So the drafting team essentially is done and so I think it's probably too late to send them anything.

Mikey O'Connor: Is there any mention of this issue in the stuff that's come out of the drafting team?

Margie Milam: There are recommendations related to WHOIS but I don't think they got into this level of detail so the - you know the detail on what goes into port 43 versus website, I'm sure it was much more high level.

(Greg): Yeah, what I saw, this is (Greg), what I saw in their draft reports didn't identify excess with WHOIS accessibility as one of the - at least not one of the higher priority items.

I think the RAP identified a problem that they didn't discuss maybe.

Mikey O'Connor: I think that's right.

(Greg): But the RAP thought it was a pretty important thing.

Mikey O'Connor: So (Greg) given the fact that the window of opportunity for that seems to have passed, would you then drop back into the - you know essentially the view that everybody else had was that this is a medium difficulty PT let's see, what was the - let me just check and make sure that I'm not misstating.

Actually we're all - we for the most part call it the advisory group which we need to work through because it turns out that was a red herring that I introduced into the process.

(Greg): This is (Greg), there still might be a couple of options. There's - maybe it's no longer an option to defer - to send it over to the RAA drafting team but one option could be we still highlight to the council that this is an important issue.

And it should still be part of the RAA discussions. In other words we don't need to vet to go through the RAA drafting team because we found our own issue that bears on the contractual obligations.

That's one option, you just say this should be part of those ongoing processes, or whatever discussions they have. Another option would be another route.

Mikey O'Connor: Marika and Margie is there an ongoing process that's contemplated where what (Greg) just described could work where we would basically pour this into the hopper of an ongoing RAA refinement process?

Margie go ahead.

Margie Milam: Yeah I think it's possible. I mean essentially what you are saying is you've added another recommendation to be considered in the - you know in the scope of work that the council is going to look at from that report.

So I guess you could do that, you'd probably want to rank it you know high medium or low in terms of priority because that's the kind of language that was used in the final report for the RAA drafting team.

Mikey O'Connor: And presumably we'd do that as a matter of course.

Margie Milam: And whatever next steps would happen for those recommendations could also include this as one of the recommendations. I don't see that as being you know too unusual.

But you'd have to get it to the council you know by the time they you know evaluate the RAA report.

Mikey O'Connor: What's the timing on that?

Margie Milam: They expect it to finish the report in the next two weeks so it's fairly quickly.

Mikey O'Connor: Because I think that we'll probably get done with this exercise within some number of weeks as well. Let's see, oh we've got other hands up. Faisal, go ahead.

Faisal Shah: I was just thinking that I'm fine with that if we can get it to them with enough time for them to consider it or I guess the alternative is to set up a separate drafting team to be able to consider it.

I know we have that confusion with advisory but it seems like the advisor review was maybe confused with maybe a drafting team?

Mikey O'Connor: Well actually it turns out advisory group should be thrown away. That was a bad idea by yours truly and for the most part I think advisory team is a surrogate for a real PDP.

Faisal Shah: Or we could set up a drafting team right, and to be able to see - I mean I think the key is to determine whether or not there is - if there is overlap on what's already ongoing.

I don't think we should be you know trying to do any duplicative work but to the extent there isn't and there might not be I think that that's something that has to be considered by that team.

Mikey O'Connor: Yeah, I think that's right, I think we're all kind of headed in the same direction. Margie I'm going to sort of throw the ball back in your court. Do you think that it's feasible for us to - I mean in a way we're sort of presuming that something would be possible.

Could we find that out maybe this week and pick this up again next week after you've had a chance to sort of talk to whoever needs to be talked to to find out how that might work?

Margie Milam: Yeah, I can follow up. I can certainly talk to Chuck and the GNSO co chairs to see whether they think that would be an appropriate way to handle this.

So I'll send a response to the list.

Mikey O'Connor: Okay, that would be fantastic because I think the choice is - of pursuing this is really appealing, it takes what it is otherwise going to be a pretty big, pretty intense effort of PDP probably.

And transmogrifies it into some low hanging fruit that we could basically pass along the findings of the report to the process that is going to take up the RAA for inclusion in their discussions.

Anybody want to get into - Berry are you trying to get in?

Berry Cobb: Yes, thank you Mikey. Just real quick would it do any harm if we sent an email over to the chair of that working group just to get their two cents worth from their perspective as well and parallel to the to do with Chuck?

Mikey O'Connor: Margie, you think that's a good plan? It sounds like a good one to me.

Margie Milam: Yeah, do you want to send it Mikey or do you want me to send it?

Mikey O'Connor: Why don't you and I take an action to real quick put our heads together. You're so good at drafting those things and I don't know anything much about what's gone on in the RAA.

I'd hate to do it on my own because...

Margie Milam: What I'll do is I'll draft something for you and then you can send it to them and I'll tell you where to send it.

Mikey O'Connor: Okay. Maybe (Greg) and I can send it together. So let's do that this week and then we'll defer this one till we hear back on what's going on there. So I'm just going to do some note taking real quick here if I can operate my own dang spreadsheet.

Okay, enquire of the RAA drafting team, can this issue be incorporated to their recommendations? Pick up again next week. Okay. That was nicely done (Greg), I'm glad you picked up on that.

I totally missed that. Okay, it's quarter of, we're actually pushing along pretty well. Let's do Row 6 which is the GNSO should request that the ICANN compliance department publish more data about WHOIS accessibility on at least an annual basis.

This data should include a, the number of registrars that show a pattern of unreasonable restriction of access to Port 43 WHOIS servers and b, the result of an annual compliance audit of compliance with all contracted WHOIS access obligations.

Let me just take a look at the details here, we were honing in on medium on that one.

(Greg):   This is (Greg), the complexity is related to what the council has to do. So this one is basically a letter to the compliance department asking that they do this.

So that's why I had ranked it a low rather than a medium.

Mikey O'Connor: I think that makes sense. I put it as low as well. So we had a fair - everybody except (Greg) and Mikey thought this was medium. So I think (Greg) and Mikey stand awaiting to be convinced.

Faisal is your hand up from before or is this new?

Faisal Shah: That as before.

Mikey O'Connor: So anybody want to try and convince (Greg) and me that this is anything but kind of a low hanging fruit item? I'm not hearing an overwhelming....

Man: Wait Mikey, shouldn't we be convincing everyone else that it isn't lying?

Mikey O'Connor: Okay, we can do that.

(Greg):   Well we have another one which is a letter to the compliance department
                 which is Number 3 and we ranked that one low. So basically doing the same
                 thing.

                 Again this is a ranking of not how much work is involved for the compliance
                 departments how much work is involved for the council.

Mikey O'Connor: I think where we may find some interesting - we all agree that this is an
                 implementation thing. I don't know that we've had one of those before, let me
                 look backwards here.

Berry Cobb: Mikey this is Berry, I would just say I think the reason why I ranked it as
                 medium is how often does the community kind of - I'm using the wrong word
                 here but basically dictate what reports should be created from the ICANN
                 staff perspective.

                 If it's been done several times in the past then I could easily bump it down to
                 low but the reason why I chose medium is I wasn't really sure whether that
                 kind of activity has really be done before.

Mikey O'Connor: That's a good question, Marika, Margie, you got any sense on this as to
                 whether this is going to be a huge uphill fight that we have to blaze new trails
                 through complex staff processes?

Marika Konings: This is Marika, I think it's more an issue of resources in the compliance
                 department and you know and might be required to spend some time to make
                 that as part of their overall plan because they normally plan out the year with
                 a number of issues they're going to address or reports they're going to
                 publish.

So I think it's more a question of their work calendar, but there have been issues in the past where you know we've made requests for certain data or information or certain working groups have done so.

And you know so far they've always honored those but again I think that the - you know it will be difficult to commit them on you know providing that information in one month or two months that will depend on their schedule and resources.

Mikey O'Connor: Yeah, and when I was - I wasn't really asking quite that question. What Berry is asking and it's a good one is have requests like this, is the process of making this request complicated or not.

And the reason that he ranked it medium was because he wasn't sure whether making a request like this, not that the implementation by compliance but the process of actually asking, whether that's been done a lot before and whether it's easy or hard.

Marika Konings: This is Marika, I don't think asking is difficult because it's just forwarding the request to compliance and normally that's then followed up internally by the responsible staff and we explain to them what is needed and provide them for example with the relevant information from the registration abuse report that provides further background.

So on itself I don't think making the request is hard, it requires a motion by the council and then adoption of that.

Mikey O'Connor: Yeah. Well that's sort of the way I felt about it, that's why I ranked it low. Berry what's your reaction having heard all that?

Berry Cobb: It sounds good, I was just kind of curious in that regard, so I'm not going to be persuaded below.

Mikey O'Connor: So you're okay with low?

Berry Cobb: Yes.

Mikey O'Connor: Okay. How about some of the other medium folks? Anybody still feeling that this needs to be a medium? Because these questions like the one Berry asked are great and it's very helpful to clarify where we're at. But if I don't see any hands pretty soon I think I'm going to roll with low and kind of treat this across the board a lot the way we treated number 3.

You know low effort, low resources and implementation thing, no dependencies and send the letter. Faisal's okay with that, I'm not hearing any cries of outrage so that's what we'll do. Cool.

This is nice, I like this process a lot. Okay.

(Dave):   This is (Dave), just one point though, I mean it does - this is something that does affect - I'm just trying to - I mean given that it does affect registrars, right?

Mikey O'Connor: No, actually it's just a request that compliance publish more stuff, it's not actually going to require the registrars to do much that's different.

(Dave):   Okay, then I'm good with low.

Mikey O'Connor: Okay. I think that's right, isn't that right (Greg)? I mean we're not asking the registrars to jump through any hoops.

(Greg):   No, we're just asking for what's the lay of the land out there. Because compliance actually hasn't published any information about this kind of thing in quite some time and it's germane to a lot of people.

So anyway, we've got complexity, what's the scope Mikey?

Mikey O'Connor: I'm pretty much treating it like let's just see what we said about scope, we all said it was narrow except for you (Greg) who said it was medium and Mary who said broad if a PDP was initiated.

But I think if we run down the tracks of sending a letter, that would dodge that bullet. So you get to persuade us why it might be medium (Greg).

(Greg): I don't know, I guess I thought it was medium because accessibility, WHOIS is used by a lot of parties for a lot of different reasons. So I put medium.

Mikey O'Connor: And I guess the reason I'd lobby for narrow is because the people who actually have to do any work in this particular one is pretty narrowly defined, it's basically compliance.

You know it's not like a PDP or we'd have to get a whole bunch of people to meet for a year and a half and work and it's - even though there are a lot of people who use the data the project to get to the data is pretty narrowly confined to the compliance gang.

(Greg): Yes, the scope of people who have to do the work would be low. The stakeholders are people who would have interest in the data might be medium I guess.

Mikey O'Connor: Yeah, I think that's right but I think in the scope discussion that we're having here, what we're really trying to do is define the scope of the initiative itself, not the...

(Greg): Sure, sure. Let's go with low if that's the way we define it.

Mikey O'Connor: Okay. So then what we say, just to summarize is that the complexity is low, the scope is narrow, the resources required for this initiative, not for

implementation by compliance necessarily but through this initiative on the GNSO side is low.

It's an implementation thing, there aren't any dependencies and the next step is to send a letter. That's sort of where I am focused on this one. So this is another low hanging fruit one I think.

Okay, it's four minutes till the hour, I think probably this is a good spot to stop.

Berry Cobb: Mikey, sorry this is Berry, just one other quick question relating to this topic and I think Marika touched on it a little bit about you know with the request being received by ICANN is one thing.

The next question is whether they do it or not, just having been a member of the RAP group and you know we put a lot of time and effort into this particular recommendation.

What happens and just strictly hypothetical but what happens if ICANN were to come back and say we don't have the resources to implement this or we don't think it's necessary.

Does it just go by the wayside or you know how would we manage it from that point forward?

Mikey O'Connor: I think it's a fine question, Marika, Margie, either of you want to give us a first try on the answer to that?

Marika Konings: This is Marika. I mean even if compliance would come back saying we don't have the resources, I mean the council could say okay when do you have the resources? I doubt that they would just say no we won't do it and don't want to do it.

If it's a question of resources I guess a fair question would be when could you do it? And I guess there you know the council can you know start patching things, we think this is really important and you know if there are any other issues you're doing for us maybe we put those on a lower level of priority so you can first do this.

I mean that might be an approach, but again I think you know the relationships we've had so far with the compliance team on other requests that have been made from working groups, we've always received a response sometimes saying well you know we cannot -= we're not able to give you an answer this week or next week.

But we aim to give you an answer by that date, so I think that's you know normally the way they work and again if they might come back and say look, we can do this but it really requires additional resources to our budget.

And you know maybe the council would like to make a request or you know in the budget process to allocate resources for such work as for example those have been done for WHOIS studies.

I said I don't know the exact nature of how many resources such a project requires so I think it really depends on their feedback, on their number of options to pursue if an answer is negative as we cannot do it immediately.

(Greg):   This is (Greg). I was going to say something similar but I think it's one of those things that the council will have to cross that bridge when we get to it.

I mean this is a request coming through a formal community process and you know if it's a resourcing question then you've got a justification for making some resources available.

Communities wanting to understand what's going on out there and this is a formal request and if they don't have resources then this is something maybe they can obtain resources for.

So...

Berry Cobb: Okay, thank you for the clarification. Again just the reason why I asked and it really tied back to the - you know the reason for the complexity of - because I don't think we're asking just for a one time report, this is going to be a new - I think from what I understood the shape of (unintelligible) you know a change to their business as usual then this is going to be some kind of reiterative or cycled or quarterly report so that we get at the status.

And that definitely would have an impact on their budget and resources as opposed to just a one time report where we stand today. So thank you.

(Greg): Mikey this is (Greg), if I may take a moment here at the end of the call I'd like to propose something. We are currently in the middle of October and we'll have an ICANN meeting the first week in December, a month and a half from now.

My suggestion is that we set a goal for ourselves in this group to finish up this spreadsheet in two more meetings. Because what we have to do after that is we need to write a little letter to the council summarizing what this is all about and how to read this spreadsheet and get that to them.

And I think that would be a good idea to do a month before Cartagena. And also this group was originally designated to have a pretty short lifetime anyway, so I'm wondering if we can agree to shoot for that goal.

And if it turns out not to be realistic, you know it's not going to be realistic. But I'd like to try to set a goal for ourselves. So put that out for discussion.

Mikey O'Connor: And I'll chime right in and say that I think that's sort of in the lines of what I was thinking as well. And let me just circle back to a question I posed to you a little earlier (Greg).

Take a look at your response real quick while I blather on for a minute and see - you drew a line at some point in the pile and said basically all the stuff below this line we don't really have to rank because we didn't have a consensus from the group.

And if I were to take a guess I would say that it might be that we really only have to go through item number 9 which means we've only got three left, those are the ones that we had unanimous consensus.

Maybe Item 10, but then we would leave the 11, 12, 13, 14, 15, 16 ones off of our recommendation because we didn't have agreement within the working group to do this.

As a way to sort of shorten this, so then what we could do is if everybody else is all right with that approach, what we could do is spend next week's call doing the last four that we have to do.

And then the week between that call and the next call would be when we redo our sequencing responses because what we will have done is moved a bunch of these into the sort of low hanging fruit pile.

You know we'll have hopefully at the end of the next call what we would have is three piles, we'd have really easy ones, low hanging fruit that we could just basically say dear council, go ahead and do these because they're easy.

A pile of really hard ones and a pile of ones that are sort of in the middle and maybe what we can do is then in that second call complete our rankings of the three piles to hit that two week target.

(Greg): Yeah, or this is (Greg) or another way is to just continue to go through the rows but a lot of them require little to no discussion. Because the RAP said basically don't make a recommendation - we have no recommendation on this, we're leaving it.

So you know next step is none. And that's it, we just move on to more interesting stuff and then we do our final ranking and say we think you ought to do...

Mikey O'Connor: These are the ones you should look at.

Faisal Shah: Hey Mikey, this is Faisal. I'm just - I guess I'm confused, are you saying that we shouldn't - you don't think and maybe you just (unintelligible) but that we shouldn't be discussing any recommendations where there was any opposition and that only unanimous recommendations are the ones that should be ranked?

Everything else falls to the side because I would disagree with that. I think we should be looking at everything, kind of to what (Greg) is saying right now which is basically if we look at everything and then the ones that don't have any - that the RAP didn't suggest that it would be any recommendations moving forward then those are the ones we don't discuss but everything else gets discussed.

Mikey O'Connor: I was sort of throwing this out as a way to speed things along but you know we're sort of out of time and since we're not entirely in agreement I would withdraw that idea.

Marika Konings: Mikey can I make one point?

Mikey O'Connor: Yeah go ahead Marika.

Marika Konings: This is Marika. I think maybe we're confusing two different things, there's a (unintelligible) number of recommendations where I need the RAP working group basically said no need to do anything now because we don't see an issue.

But if you look at the call for volunteers, it was specifically mentioned there as well that this drafting team should look at how to deal with those recommendations that did not achieve unanimous consensus.

So - and I think there is an issue and again this is an issue that's also being discussed in some other working groups when you look at decision making in the GNSO council.

How should the council be indeed with those recommendations that are not unanimous? Do they need further discussion, should they just vote on them and see what kind of support there is in the council where there's division?

And there I think they're looking as well for guidance to this group, how they would like to see the council deal with those kind of recommendations.

Mikey O'Connor: Okay, so that - I think all of you are agreeing, even (Greg) is agreeing with that that there's more nuance then what I was thinking.

So let's just continue working our way through the rows and find the ones that are like (Greg) said easy to dispose of where we said in the working group, in the RAP group no action required.

And then handle the interesting ones no matter what the level of consensus was in the working group. I stand corrected on that.

Okay, sounds like a plan to me. I don't think it's unreasonable to shoot for that, especially if we can really bear down on the matrix next week, we made awfully good progress today.

(Greg):   So Mikey thank you for leading the discussions. Sounds like our agenda for next week is we continue through the rows. Mikey you're the holder of the master spreadsheet, right?

Mikey O'Connor: Yes, so I'll send a new version out right after the call with the notes that I took from this call capturing what we've written down so far so you know where we're at.

                  And we'll pick it up again from that revised version. Okay I hear that golden silence that says everything's okey dokey and so with that I think we'll wrap it up, thanks for hanging in just a few minutes over the time of the call and we'll see you next week gang.

(Greg):   Thanks everyone.

Woman: Thanks.

                              END