

Inter-Registrar Transfer Policy Part B PDP Transcription
Tuesday 27 September 2011 at 14:00 UTC

Note: The following is the output of transcribing from an audio recording of the Inter-Registrar Transfer Policy Part B PDP call on Tuesday 27 September 2011 at 1400 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-irtp-b-20110927-en.mp3>

On page : <http://gnso.icann.org/calendar/#sep>

Attendees:

James Bladel – Registrar SG
Berry Cobb – CBUC
Mike O'Connor – CBUC
Anil George - IPC
Bob Mountain – Registrar SG
Michele Neylon – Registrar SG Chair
Matt Serlin - Registrar SG
Kevin Erdman – IPC
Barbara Steele – Registries SG
Chris Chaplow – CBUS – joined after roll call

ICANN Staff:

Marika Könings
Nathalie Peregrine

Apologies:

Simonetta Batteiger – Registrar SG
Paul Diaz – Registrar SG

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

(Maxie Pellegrin): Thank you very much (Louise). Good morning, good afternoon and good evening. This is the IRTPB call on the 27th of September 2011. On the line today we have Bob Mountain, Mike O'Connor, Michele Neylon, Kevin Erdman, James Bladel, Berry Cobb, Anil George, Barbara Steele, Matt Serlin.

For ICANN Staff we have Marika Konings and myself, (Maxie Pellegrin). We also have apologies from Paul Diaz, Simonetta Batteiger, Chris Chaplow. Please remember to say your name before speaking for transcription purposes. Thank you very much and over to you.

Michele Neylon: Good afternoon everybody. It's been a while since we've had a meeting. So let's see, has everybody had an opportunity to read over the documents that Marika circulated?

Or to get a better answer out of you does anybody have any questions or any - do they - does anybody have any queries about the documents that were circulated? James, go ahead please.

James Bladel: Hi guys. Thanks. This is James speaking. I don't really know what a - what constitutes a question or a query. I have two comments about - one for each document. So...

Michele Neylon: A comment is good James.

James Bladel: Well I just didn't know - are we - do you want to read through them? Do you want to just take them - just want us to just fire away or...?

Michele Neylon: Well I'm a strong believer in - I think, you know, the thing is some people obviously have read through them and have provided comments to the list that are on this call.

Some people might not have read through them. Some people might have very strong feelings. Some people might have no feelings at all, so I just thought I'd kick it off by just seeing if anybody has anything they want to share and you volunteered.

James Bladel: Okay, so I want to echo something that Paul posted on the list. I believe Paul was traveling last week. And that is in regard to the first document and the first - and the language - the drafted language that's been posted here.

And that is that I don't believe we have sufficient safeguards or a carve out or whatever you want to call it in that language for situations where the Registrar has locked a name for a legitimate purpose and the Registrant does not particularly like it.

Example - UDRP, law enforcement action, other administrative or fraudulent type activities. I don't know if there's language existing somewhere else that we can borrow from to set up some provisos and qualifiers to this language, but I just - I think that we need to make sure that we are not giving bad actors another tool. That's all.

Michele Neylon: Okay I believe Marika might have a response for you.

Marika Konings: Yes this is Marika. Maybe just to clarify that the new language is really intended to cover a Registrar lock that is placed on the domain at the specific request of the registered name holder; nothing more.

So the revised denials in 6 as well as the new language that has been proposed - the - from a Staff perspective they do not override any of the other valid reasons for denial that are still in the transfer policy.

But obviously if the Working Group thinks that additional qualifications or clarifications might be required, you know, you're more than welcome to suggest the edits that might help to clarify that.

James Bladel: Okay, just a couple of other questions. I put my hand down but if that's okay Michele.

Michele Neylon: Work away, work away. Might as well let you get it off your chest.

James Bladel: Okay so...

Michele Neylon: Along with the 50 million domains. Go on.

James Bladel: So I understood that we are working through locks that are applied by the Registrant or with the consent or opt in or whatever of the Registrant, and that is probably okay.

The question I get to and this is - there's a difference between - I think there's a difference between a Registrar applying a lock versus a Registrar issuing a NACK for domain name transfer.

And I think that we may have commingled the two here by saying that the lock can be applied legitimately for the same reasons that a Registrar might NACK a domain name or deny a transfer. That - I'm not - did I follow you correctly or am I missing something?

Anil George: What's a NACK?

James Bladel: I'm sorry, denial of a transfer.

Anil George: Okay.

Michele Neylon: It's the opposite of an ACK, which is an acknowledgment of a transfer.

James Bladel: Yes, non-acknowledgment of a transfer so that - I'm sorry. So we have these reasons for denial and I just want to point out that that's different. A Registrar denying a transfer request is different than a Registrar blocking the transfer request in the first place.

Michele Neylon: Marika?

Marika Konings: This is Marika. I don't think I'm really - I'm not understanding James' question because it - the provision specifically deals with locks that are applied on the request of a Registrant.

So basically you're ask - your question is that, you know, if the Registrant requests a lock to be applied that you can deny applying that lock if there are other valid reasons not - for doing so, or you're asking the question the other way around, that if the domain name is locked and a Registrant asks to unlock it under this provision, that you are not allowed to deny it because...

James Bladel: No it - okay, the way I understood your explanation is that if we had a reason to lock the domain name and we locked it and the Registrant said, "You know, I request that you unlock that domain name. You have five days according to this policy."

And then we unlock the domain name and they try to transfer and then we deny the transfer because something else is going on, it's the law enforcement, it's fraud, it's, you know, it's UDRP.

This is what I'm getting at is, you know, I think we'd rather have the lock in place in those situations than to deny the transfer after the fact. Maybe...

Marika Konings: Right.

James Bladel: You know, maybe we can go through the queue. Maybe some other folks in the queue have some other light they can shed on this. But I just think that the language of the - I'm sorry.

Marika Konings: Yes, I think I understand your question now, and again I think it would maybe be helpful to provide some language that you think might clarify that situation.

And indeed it would be interesting to see if others see it as a similar issue that indeed, you know, blocking the undoing of the lock or denying the transfer, the difference between those, you know, how that can be addressed.

Michele Neylon: This is Michele. I mean, the first email notification you get from WIPO or the National Arbitration Forum, whatever they're called, asks you as the Registrar of record to confirm that the domain is locked against transfer, not that you are going to deny transfer requests. I'll move down the queue. Anil and then Mikey. Go ahead Anil.

Anil George: To the question that you guys are talking about, I am just curious and you can share your input. Is there anything here that would be inconsistent with what would happen if there's a UDRP proceeding?

So is there something here that we - differences during the - during a UDRP you - there is - I guess you don't officially use the term lock but from - the Registrant isn't permitted to transfer the domain and defend - the Registrar isn't - generally doesn't transfer to another Registrar unless they agree that a UDRP will still - unless they accept the UDRP will continue and apply to them.

So I'm just curious based on the prior comments, are - is there enough safeguards here to avoid something that's inconsistent with what I just stated about the UDRP?

James Bladel: That's my concern Anil. This is James speaking.

Anil George: Okay. And I'm wondering, I mean, if it's a matter of clarifying that the actions here - adding language of the actions here to be consistent with the provisions provided under the UDRP policy or that it should be consistent with and not contrary to or something like that to make sure that there's some type of - something that would catch that type of action that could fall through the cracks.

Michele Neylon: Does anybody have any specific counsel? If not I'm going to read what James has put in the chat, which is he's just reiterating that he likes Paul Diaz's suggestion of legal administrative process.

What Paul was saying is that he actually supports the draft proposals as long as the five-day turnaround does not automatically overrule a lock that was put in place due to some valid legal or administrative process.

And just to confirm I dragged out an email from the National Arbitration Forum, and the third question they ask is - and they use the term lock. Confirmation that each domain name as referenced in Point 1 of their email is on a Registrar lock or its equivalent preventing the domain names from being transferred.

So it's not simply a question of denying the transfer request. Mikey, go ahead.

Mikey O'Connor: Michele, is what you read in these documents or a subsequent email?

Michele Neylon: Which - what - which did I read, sorry?

Mikey O'Connor: The thing referring to the legal administrative process.

Michele Neylon: That's a note that Paul Diaz posted to the mailing list.

Mikey O'Connor: Okay, thank you.

Michele Neylon: And it's summarized in the Adobe chat in the notes...

Mikey O'Connor: Okay.

Michele Neylon: ...that Marika put up. Marika, do you want to skip ahead to Mikey very quickly?

Marika Konings: No. This is Marika. I - just to comment it definitely wasn't the intention I think of the language that has been proposed to indeed avoid those situations. And, you know, I'm happy to take that point back as well to - internally to see indeed if there are any further clarifications that need to be provided to indeed ensure that in those cases where a lock is applied for other reasons such as, you know, indeed UDRP cases that, you know, despite the unlocking doesn't apply.

And so again if someone has any suggestions, you know, I'll look as well at - I'll take back as well Paul's language and I'll discuss that internally further.

Michele Neylon: Okay thanks. Mikey go ahead.

Mikey O'Connor: This is Mikey. I think mostly I want to back the - this thread. I had a specific comment but it got covered, so I'm in favor of where we're headed with this, that Marika takes this back.

It's a little hard to do this on the fly and, you know, I think it needs thought because we could make a pretty serious mistake if we do this and leave a loophole. So thanks James for bringing that up and I'll support the outcome.

Michele Neylon: Okay, thank you. Does anybody else have any other comments on this particular document? Anil?

Anil George: Yes, I guess to that general discussion I just had a question maybe just to clarify from your perspective. In the document where it lists - there's a paragraph which says, "Upon denying a transfer request the Registrar must provide the name holder the gaining Registrar with the reason for the denial."

And then it lists - and the list there where it says - is that - are all of those things - are they - are the Registrars required to deny under those circumstances, or is it just an optional thing?

Michele Neylon: In relation to UDRPs and things of - as other administrative processes?

Anil George: Yes, and I guess...

Michele Neylon: We are - we cannot allow the transfer. If we allow the transfer that puts us in breach of our contract.

Anil George: Okay. Okay.

Michele Neylon: The other things like legal things and everything else I think, that's just me speaking personally. I'm not aware of those being covered specifically in the RAA.

James might have a better take on that but it's what - but, I mean, as far as I'm - my understanding is UDRP is completely binding with respect to the RAA. James?

James Bladel: He, I'm continuing speaking. All of the reasons for denial are optional at the Registrar's discretion. However Michele is right. The UDRP has other specific language that is mandatory.

So I know it gets a little confusing but this was part of our discussion when we were talking about the domain name was less than 60 days old or something like that or one of - it's one of the other things when we were going through the meat and potatoes of this Working Group.

We noted that there was - I think it was reason for denial 8 and we thought, well, you know, pretty much everybody does that even though it is in fact optional. But the reason...

Michele Neylon: That was the 60 days after a transfer James I think is the one, not 60 days after a registration.

James Bladel: Well I think they were both kind of - they're both kind of standard practice for the most part, even though they are in fact optional.

Michele Neylon: Well the second one is; the first one isn't.

James Bladel: Okay.

Michele Neylon: But never mind.

James Bladel: The reason I wanted to jump in the queue is I've been typing like a madman into the chat text box and, I mean, I think we can fix this language fairly simply by borrowing some of Paul's language, and then tacking it on at the end and saying something to the effect of, you know, this is - doesn't apply when the Registrar lock was applied for legitimate, legal or administrative processes or something, you know.

I think that we can just - as long as we have the carve outs safety nets, and I understand that it is very - attempting to have this certainty of the Registrant being able to remove any kind of lock whenever they want from now until doomsday.

But I think in the real, you know, where the rubber meets the road there are certain locks that Registrar - Registrants cannot remove even if they want to. And I think that by tacking on a sentence like that Marika we can possibly pick that.

Michele Neylon: Marika, a new hand or an old hand?

Marika Konings: Yes, a new hand.

Michele Neylon: Go ahead.

Marika Konings: Yes, so this is Marika. My question is what would be a legitimate administrative process, because I think we do want to avoid as well that we create another loophole by - whereby a Registrar would say, "Oh well, this is an administrative process which is not clearly identified as, you know, being a valid reason why a Registrant shouldn't be able to unlock a name."

I guess for a legitimate legal you can identify it as, you know, court proceedings, you know, UDRP, but I'm just asking the question what would a legal or a legitimate administrative process be that would fall under this category?

James Bladel: Well, you know, we could probably come up with an exhaustive list that would immediately be obsolete, but we can give that a shot.

Mikey O'Connor: This is Mikey. Let me just jump in at this point. That's exactly the point I was going to make, which is that we run the risk of undoing the whole point of the IRTP, which was to rein in Registrars that were abusing their customers by not releasing names.

And if we leave the language so vague that the Registrar gets to determine what the legitimate administrative process is - I share Marika's concern about that. I think we need to narrow that down a bit.

Michele Neylon: James, do you have anything that you want to add?

James Bladel: Well I agree with Mikey and Marika. The whole point of this was to, you know, was to fix a loophole. But I want to make sure that in the process of fixing it we don't tip the pendulum too far in the other direction.

Michele Neylon: Okay. Marika?

Kevin Erdman: This is Kevin Erdman.

Michele Neylon: Oh Kevin, go ahead.

Kevin Erdman: Yes sorry, I'm not on Adobe Connect so I couldn't raise my hand. But on this point I wanted to raise the issue that possibly we should not reference a "legitimate legal process," because that might be too vague.

We know that the UDRP is a binding commitment that every Registrar has, and so binding this language to the UDRP makes sense. But I'm not confident that every nation in the world wouldn't necessarily be subject to some sort of "legal manipulation" if, you know, a Registrar was truly a bad Registrar, particularly in a few of the countries where there are, you know, notorious bad Registrars.

So my comment on this would be that having a specific reference to the UDRP or the IRTP would make sense, and possibly drop the other comment about a legal procedure because we can just leave that up to the National Corps to decide what they want to do with Registrars that may or may not be subject to their jurisdiction. So that's the end of my comment.

Michele Neylon: Okay, I see Anil, Marika and James and I've also put myself in the queue. Anil, go ahead.

Anil George: So I think let's start with the general - Paul's suggestion I think is the right - he has the right intentions and then we've raised this question about whether it's too broad or ambiguous.

I think it's a reasonable thing given that we already mentioned court orders and UDRPs in the document to simply reference court actions, court proceedings and UDRP actions to the language that Paul was suggesting.

I just want to accent one thing. I just want to make sure that the UDRP provisions - the UDRP policy Paragraph 8 - it specifically references court actions as well.

So I just want to make sure that we don't exclude that reference, because we should make sure we don't do anything that is so narrow that it - that it's not really consistent with what's permitted under the UDRP policy.

Michele Neylon: Okay James, go ahead.

James Bladel: Yes, I just wanted to mention to the group that as soon as new gTLDs hit the streets, they will also be bound by this so we want to make sure that we - when we say UDRP we also mean anything else that's based into that program.

And this is why I was trying to say administrative proceedings. Maybe the right word is, you know, ICANN administrative proceeding or Registry proceeding or consensus policy or something like that, because I believe that if we just say UDRP we're probably being too limiting.

Michele Neylon: Okay.

Anil George: Right, and just to accent that point that I just made which is you'd have to tack on what's also permitted under the UDRP, which includes court action. That's all.

Michele Neylon: Mr. Serlin, and thank you for joining us.

Matt Serlin: Oh you're very welcome. No, I was just going to echo what James said actually. I think the right wording we're looking for is binding ICANN consensus policy, because that gives us the ability to basically shoehorn anything in that's - that goes to the ICANN process in the future as well.

I think if we leave it open to, you know, "administrative proceedings" then I kind of agree with Mikey that that leaves the door open for folks to say, you know, they got served with a letter from a, you know, local magistrate or whatever it might be, that it's really kind of not in the spirit of what we're trying to do here. So I think the right wording is consensus policy.

Michele Neylon: Okay, I put myself in the queue. I'm not too comfortable with it being just consensus policy for - because if I - what happens if I'm being - as a Registrar I'm being sued by a local court? That isn't covered by consensus policy, is it?

Matt Serlin: Well that's a, you know, outstanding issue that - especially related to the UDRP, that hasn't actually been clarified. You know, there's been issues with Registrars and - that have had potential compliance issues for that exact issue, and it hasn't really been clarified by ICANN Staff.

So I don't know how we're going to try to address that, you know, when we don't really have a clear direction from ICANN about that.

Michele Neylon: I mean, the thing we have here is in the current policy as I understand it - and I could be missing something - is court ordered by a court of competent jurisdiction, and that's fairly clear.

But, I mean, generally speaking as a company director, I mean, forget about ICANN, forget about anything else, if I am in receipt of something that my legal counsel considers to be legitimate I can't really ignore it. My fiduciary responsibility is going to be to the company before it is to any contract with ICANN or any other third party. So this is a headache for me.

Mikey O'Connor: Wouldn't that court order one cover that?

Michele Neylon: It mightn't be a court order, Mikey. If I'm put on notice of an impending court - legal action if surrounding something and I can't exactly ignore it. I mean, a court order to me...

Mikey O'Connor: Yes, maybe Anil's language is the one you want there.

Michele Neylon: Maybe, I don't know. I'm just - I'm just asking; I'm just - I'm just concerned that I - I don't want to end up in a situation where I personally helped to put myself into a corner. Marika and then Anil.

Marika Konings: Yes, this is Marika. My question for you, Michele, is like what would you do under the current policy because, you know, the language that has been added doesn't change the reasons for denial it just talks about, you know, locking and unlocking of domains.

So under the current policy what would you do if you indeed receive an indication that there's a valid legal proceeding? Would you deny...

((Crosstalk))

Michele Neylon: But a valid legal proceeding in a court of competent jurisdiction is going to trump everything else. I mean so...

Marika Konings: Yes so - so basically I think is what we should try to avoid to confuse the two things because those reasons for denial are still there; nothing has changed to those. I think what we're talking about is indeed the locking and unlocking because just because a domain name is unlocked doesn't mean that a transfer goes ahead. So I think, you know...

Michele Neylon: Which is...

((Crosstalk))

Marika Konings: I understand...

Michele Neylon: Yes but that - the problem there is that if I remove locks and I still - and I reject all the transfers then I could end up in trouble as well or at least that's my understanding.

Marika Konings: No...

((Crosstalk))

Marika Konings: ...for a valid reason - you're only in trouble if you're not unlocking the domain name. But if you have a valid reason that is in the IRTP for denying a transfer as far as I can see (unintelligible) you wouldn't be in trouble because you - you have unlocked a domain as according to the procedures but you've also denied the transfer which you're allowed to according to the procedures as well.

Michele Neylon: It seems a bit pointless though. I mean, if locking and unlocking domain names is primarily a function to allow for the transfer of domain names and yet I'm denying them then it kind of goes back to Mikey's original point. Or maybe I'm missing something. I'm not sure. Anil and then Mikey.

Anil George: Yes, this is Anil. I think there has to be some balance between. I think what some people have suggested which is you don't want something that's overly broad but yet to Michele's point you still want some flexibility because you want, you know, let's say Michele's company you want them to be able to use their judgment to say oh this is something that's a real thing that's happening; we can't ignore it.

And I just have a second point which is maybe we should also be guided by language that's already in the UDRP policy. The language that they referred to where you're impacted in the transfers is they use language that says during a court proceeding or arbitration. So maybe that type of language should at least be included.

Michele Neylon: Good idea. Mikey.

Mikey O'Connor: I - this is Mikey for the transcript. I think maybe what needs to happen at this point is Marika needs to take this transcript and head off and come up with a new draft that we can take a look at.

One of the things that's starting to happen is we're starting to get way off the topic at hand. And I think - I agree with Marika's point there. You know, and we're getting into topics which are pretty substantially outside the scope of IRTP B. And so I think that what we need to do is sort of pay attention to the scope boundaries here; stay zeroed in on this locking and unlocking issue, get a new version of the language.

But when we start rolling back up into other denial reasons in the IRTP that's outside the scope of our brief and we could dig ourselves into a quagmire if we're not careful.

Michele Neylon: Thanks Mikey. I would tend to agree and I see James agrees with Mikey. Okay can we have a look at the other document then, Marika? Marika?

Mikey O'Connor: She's got the other document up.

Michele Neylon: Oh okay. I thought - I was expecting her to say something. And you've got better eyes than me, Mikey. Okay with respect to the other document - oh okay Marika is saying to me that she is saying something. I can't hear you, Marika.

((Crosstalk))

Marika Konings: Can you hear me now?

Mikey O'Connor: Yes, I can't either. Oh, there you go, now it's good.

Marika Konings: Yes? Okay, sorry, I'm not sure what happened there.

Michele Neylon: Okay you might want to repeat that meaningful thought that you just shared with us.

Marika Konings: Yes. So this is Marika. I just wanted to very briefly say for those, you know, that haven't had a chance to review this document I think it very much follows the line of thought that the working group has - had.

I think the only change or simplification that staff has suggested is that instead of associating each status value with a message it might be easier and more straightforward to just provide a reference or a link to the document that provides the overview of all the EPP status codes that we've developed as well as part of the working group activities.

The idea being as well all the information can then be posted in a central location. Any updates that are being made can as well be done by updating that document instead of having to, you know, change any policy documents.

And it might make it easier as well on registry and registrars instead of having to, you know, attach values to each message and making sure they're all consistent it just means providing a link or the same sentence with, you know, with its output.

Michele Neylon: Okay thanks Marika. James, go ahead.

James Bladel: Hi, Michele, James speaking. And I have two quick comments on this section. Hopefully it's not as involved as the previous one.

The first one is how would we go about writing that document or does it already exist? And, you know, I'm assuming there'd be some sort of drafting team put together or whatever.

And then the second thing is, you know, and maybe this is a dirty little secret of the industry but some registrars put advertisements and links into - they embed that into the Whois output and so other registrars have programmatically stripped out html links out of Whois output to prevent competitors from stepping all over their Whois messages with advertisements.

And I just want to make sure that if we're linking to an ICANN-required or managed document that we're at least aware of that and we're specific about where this link needs to go mainly because I would hate for it to become a backdoor for people to start cramming ads back into the Whois. Thanks.

Michele Neylon: Thanks, James. Marika.

Marika Konings: Yes, this is Marika. On the first point we do have a document and it's linked a well and referenced in the report. It's currently there as Annex F of the IRTP B final report. And I think it's currently also on the transfer page that's on the ICANN Website or those that are able to find that page.

James Bladel: Oh yes, yes.

((Crosstalk))

Marika Konings: Yes, so that was the document that was developed initially by I think the support from communications staff reviewed by the working group. I think several of you provided input and then basically finalized. So I think the idea is that that will be the basis.

But, you know, as I think already we've said the idea would be after feedback from the working group that these proposals would be put out for public comment to the broader community. So I think then there will be an opportunity as well to comment on that specific document by saying well, you know, those - the way to describe there makes sense, works or, you know, other changes should be made.

James Bladel: Okay I remember that document now. Thank you.

Marika Konings: Right. And on the other question that's something I would really need to take back to some of my colleagues because I'm actually not a (unintelligible) expert on how that works within Whois and EPP. So I'll take that question back and hopefully we'll have some feedback for the working group on that shortly.

Michele Neylon: Mr. O'Connor.

Mikey O'Connor: Mr. Neylon, thank you. This is Mr. O'Connor speaking. Just a caution to Marika; when you come up with the language I think that that requires a language change. James's second point - the one about pointing specifically to someplace in Whois.

I don't think that that's going to be trivially simple to figure out and we'll probably need to take a look at that again because we're touching the third rail Whois and we're perhaps venturing again a little bit outside of our scope, I'm not sure. So pay close attention on that one.

Michele Neylon: Okay. So you're afraid that because it involves Whois it could get - start getting messy basically?

Mikey O'Connor: Quite, yes, absolutely especially given the point that James raised which is that if we're not very careful in the way this language is crafted we are likely to incur some pretty substantial unintended consequences from registrars who sort of drive a bus through the loophole that gets created there.

Michele Neylon: Okay. Marika.

Marika Konings: Yes, this is Marika. Yes, I said I'll just take that point back and probably aware that, you know, whenever you touch Whois that's a very sensitive subject. And I'm sure my colleagues are aware of it as well.

So I think, you know, my objective would be to try to get a clarification to see indeed if that is a concern they share that, you know, this change could have that effect that either, you know, language would get blocked or names indeed, you know, bringing back other effects such as, you know, the advertising that James mentioned.

So when I get some feedback I'll share them with the list and then maybe the working group can, you know, discuss further whether that requires further consideration or changes or whether maybe it's less of a concern than we thought.

Michele Neylon: Okay. Does that kind of answer you, Mikey and James?

James Bladel: Yes, I just wanted - sorry, this is James speaking. I just wanted to point out that we could achieve the same thing by requiring registrars to have a link on their Website; the same thing we did for the rights and responsibilities document. You know, I think that gets to the same thing without polluting and/or corrupting...

((Crosstalk))

Michele Neylon: Sorry, James, link to what?

James Bladel: This document - this document that clarifies status symbols...

((Crosstalk))

Michele Neylon: Oh okay, sorry.

James Bladel: ...messages. We could just have a separate link on the Website the registrar or in the registrar's registration agreement and that way we don't pollute the Whois; that's just one thought.

Michele Neylon: Okay. Mikey.

Mikey O'Connor: This is Mikey again. I'm not terribly keen on that idea, James, actually. Part of the thing that I think is important to remember is that we want to try and keep this information as close to the Whois display as we can. And the original proposal was just that they would - that these clarified messages would show up in the Whois output.

And then the proposal that's put on the table is operationally wouldn't it be easier to just put a link to that list in the Whois display? And I'm okay with that as long as we don't step on a landmine.

But when we take that link out of the Whois display itself - so now the person looking at Whois needs to know to go to the registrar's Webpage and track down that link; I'm a little edgy about that because now we're getting two hops away from the actual Whois display on people's screens. And that really reduces the goal of clarifying that we set out to achieve. So I'm less enthusiastic about that idea.

James Bladel: May I propose an alternative?

Mikey O'Connor: Sure, go ahead.

James Bladel: That the link can appear on the same page that displays the Whois out put but it is not part of that output itself.

Mikey O'Connor: I'm thinking of Joe grab-a-sandwich who's coming in with...

James Bladel: But will Joe grab-a-sandwich be using Whois anyway?

Mikey O'Connor: Well...

((Crosstalk))

James Bladel: If I could explain, Mikey?

Mikey O'Connor: Yes, go ahead.

James Bladel: That instead of asking each registrar to supply the link in their Whois output we expect the registrars on which whose the Website the Whois query was created or conducted to add the link there. And I think that that ensures that no one is going to try and slip something sneaky into the Whois output.

So for example if you're Registrar X and I'm Registrar Y and someone comes to my site, does a lookup on a name that you manage that you just give me the standard Whois out put and that I add the link as opposed to I display whatever output you give me and the link including possibly some other bad stuff is included in that output.

And it is a nuance different but I think that it gets to what you want and the Whois status decoder ring is front and center at the time of the query but it is not creating this, you know, hole in the sense that registrars have built to keep ads out of Whois.

Mikey O'Connor: I get all that but what about Port 43 results?

James Bladel: Well that's the - yes, it doesn't work for Port 43.

Mikey O'Connor: Yes. And...

James Bladel: Most things don't.

Mikey O'Connor: I know. And, you know, that's the Joe grab-a-sandwich I was thinking of is Joe grab-a-sandwich with a terminal session open or a person who's, you know, invoking this from a script. And suddenly if we are putting a wrapper around it we're - it's that wrapping that takes us one step away from the clarification that we were trying to do.

James Bladel: Yes, put it on the list of all the things you don't get through Port 43 like IDNs and, you know...

Mikey O'Connor: I know but, you know, this is pretty Port 43-oriented kind of stuff. And so I'm less enthusiastic about wrapping it. I think that, you know, I agree wholeheartedly that the issue you've raised is spot-on, James. I don't want to create a giant loophole where people can exploit a hole.

And if it means the Draconian solution which is enumerate the meanings in the Whois display rather than doing a link I'm more inclined to do that if we can't figure out a way to plug the hole. I really don't like the idea of a wrapper.

Michele Neylon: Okay. Anything else? Anybody else? Mikey.

Mikey O'Connor: Sorry.

Michele Neylon: Why are you apologizing?

Mikey O'Connor: Old hand.

Michele Neylon: Oh okay. Marika.

Marika Konings: Yes, this is Marika. So as I said I'll take all these points back so, you know, I can discuss these entirely with some of my colleagues that have been involved in developing this proposal and then hopefully can get back to you shortly with either some proposed modifications or clarifications on some of the questions raised.

And I just also wanted to highlight that there is an IRTP update schedule to take place in Dakar. It's for now on Thursday the 27th of October from 10:00 to 11:30.

And the idea would be I'm hoping to be able to publish the, you know, the final proposals from staff before that time probably in conjunction with the public comment forum and dependant that on of course the feedback we get because I really would like indeed the working group's endorsement on those proposals.

But that session would also be - provide an update on the status of implementation of the adopted IRTP Part B recommendations and possibly serve as well as a way to get people interested in participating in IRTP Part C.

For those of you who haven't heard yet the Council decided to initiate a PDP on IRTP Part C at its meeting last week. So the Board is hoping...

((Crosstalk))

Michele Neylon: What's the actual start date for that, Marika - for C?

Marika Konings: Basically the PDP has been initiated so I'm now setting up the wiki for that with all the information. And I'm working - I will work with Glen to get out a call for volunteers. And then we need to see whether it is still feasible to have a first meeting prior to Dakar.

I think it partly depends as well - I've been assuming that many of the members of this working group will also be involved in the next working group. How far we get with these proposals on the table now because I don't want to either, you know, overload people so maybe just before Dakar and otherwise probably relatively shortly after Dakar.

Michele Neylon: Okay. Who else has got a hand up there? Mikey.

Mikey O'Connor: Yes, this is Mikey for the record. Marika, be careful; I think that the issues that have been raised on this call today are pretty substantive. And effectively we've only got a couple three weeks before the curtain comes down on Dakar and I kind of doubt that we're going to be able to get through all this before Dakar.

So the one thing I would not want to be in is a situation where we're rushed through these just because of Dakar because these are tricky so just a cautionary note.

Marika Konings: And this is Marika. Point very well taken. And, you know, this session is called an update so the update might be as well, you know, we're still discussing these proposals, there are a number of questions that, you know, we've come across and we need more time to go through these.

I mean, in an ideal world I hope that, you know, we might have a solution by that time because of course it's a great opportunity to, you know, present the proposals and get people thinking about them there. But, you know, I fully accept that if we don't manage to

resolve some of the questions that have been raised today, you know, it might just be an update, as I said.

Michele Neylon: Okay. All right any other matters or can we call this a day? Any other final - any other final thoughts? No? Going once, going twice...

Marika Konings: Yes, this is Marika. Maybe just to say I think for now we probably don't need to schedule next call until we get some feedback and base - maybe on the basis of, you know, which direction the feedback takes us we might need to see if another call is needed or whether the issues can be resolved by email conversation if everyone agrees.

Michele Neylon: Yes, sounds perfect to me. Any other issues? No? Okay then thank you everybody.

((Crosstalk))

Mikey O'Connor: Thank you, Michele.

Marika Konings: Bye.

((Crosstalk))

Michele Neylon: Thanks.

James Bladel: Okay.

END