

**IRTP C
TRANSCRIPTION
Tuesday 10 April 2012 at 1400 UTC**

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Attendees:

Mike O'Connor - CBUC
Philip Corwin - CBUC
James Bladel -co-chair
Avri Doria - co-chair
Michele Neylon - RrSG
Bob Mountain - Rr SG
Angie Graves – CBUC
Barbara Knight - RySG
Rob Golding – RrSG
Hago Dafalla – NCSG
Kevin Erdman - IPC
Jonathan Tenenbaum - RrSG

ICANN Staff:

Marika Konings
Glen de St Géry
Nathalie Peregrine

Apologies

Paul Diaz RrSg
Chris Chaplow – CBUC
Alain Berranger – NPOC
Matt Serlin – RrSG
Zahid Jamil – CBUC
Roy Dykes – RySG
Simonetta Batteiger - RrSG

Nathalie Peregrine: Thank you very much, (Tonya). Good morning, good afternoon, good evening. This is the IRTP-C call on the 10th of April, 2012. On the call today we have Mikey O'Connor, Hago Dafalla, Angie Graves, Michele Neylon, Barbara Knight, James Bladel, Bob Mountain, Philip Corwin, Kevin Erdman, Jonathan Tenenbaum, and Avri Doria.

From staff we have Marika Konings and myself, Nathalie Peregrine. And we have apologies from Paul Diaz, Alain Berranger, Matt Serlin and Roy Dykes. I would like to remind you all to please state your names before speaking for transcription purposes. Thank you very much and over to you.

James Bladel: Thank you, Nathalie and good morning, good afternoon everyone. Welcome to the IRTP-C working group call for April 10, 2012.

We have a couple of housekeeping items, as usual, for the first part of our agenda. First off has everyone had a chance to review the agenda? If so if you spot any omissions or things that you would like to add please indicate now.

Okay seeing no hands let's move onto the next item which is if there are any changes to statements of interest or updates? Anyone have anything that they would like to declare at this time?

Okay great. So when we last left our heroes the two sub teams I think had a number of action items in front of them. And I believe that we can - we have some significant progress to report from each of the sub teams. But Simonetta has not yet joined the call and I see that her spreadsheet is up in the window.

So while we wait for her, Bob, perhaps would you mind if we kind of put you on the spot here and just give an update on your survey?

Bob Mountain: No, I don't mind at all, James. Thank you, this is Bob. So since we last talked the survey has been finalized. Marika was kind enough to take it form draft form and put it into a final survey form. It was circulated to the entire working group. We really didn't get many comments. I think it was sufficiently hashed out.

So - and since then it has gone to the head of the Registry Stakeholder Group. And I believe it will go to the head of the Registrar Stakeholder - or I'm sorry, what we decided on the Registrar side is that Marika had identified a mailing list that will go to the entire Registrar - the entire list of registrars.

So we have put an email together to the person who runs that list. So I believe that will go to them today so we should have it very shortly going out to all of the ICANN accredited registrars. Marika, jump in if I'm misquoting that particular element to this.

Marika Konings: No I think you're correct.

Bob Mountain: Okay great. So and then so those two we'll get a - we should get a pretty good amount of coverage between registries and registrars using those two. And then as well I would ask everybody in the working group if you know people who are not in one of those two parties please feel free to send the survey, the link to the survey to them.

And that way we'll encourage to get some response. I'm thinking - I'm sure Simonetta and I will have the aftermarket covered pretty good but if you have, you know, other people, end users or what have you that you think might be relevant feel free to forward this to them and request their input.

All right so that's where we're at right now. We've asked that respondents complete the response or complete the survey by Tuesday, April 17. We've set that as the deadline so I think we'll - by next week we should have an idea of how many responses we've had and what next steps are.

James Bladel: Okay thank you, Bob and for everyone on that sub team. Could - does anyone have any questions for Bob? All right I don't see any hands. I have one quick question so I'll put my hand up.

Bob, you and Simonetta mentioned that you're covering the aftermarket; is there a formal group that you're reaching out to or is it just through your customer channels or is there, you know, a forum or something where you're trying to get some - the maximum coverage or is it just - can you give us an update?

Bob Mountain: Yeah, I'd say that, you know, the forum route would be fraught with perils; it's just a lot of activity that might not be constructive there. So I think the, you know, the approach I think we'd recommend would be to go out to customer lists and contacts that we have. I think we should be able to get a - you know, a sufficiently broad number of people that we can send to between us.

James Bladel: Okay thanks. Okay no other questions then for Bob so we appreciate the update from that group and look forward to seeing the survey results come back.

Simonetta still has not joined so is there a member of the IRTP - sorry, the Sub Team A, ideal process sub team, that would like to take the torch and run with it? Otherwise I could probably give a brief and - I can do a poor approximation of Simonetta's update. But if there's anyone chomping at the bit, Mikey or Michele?

Okay I'll go ahead and just fill everybody in. We had - I think it's a fairly substantive call on Wednesday of last week and we have another one scheduled for tomorrow I believe.

This spreadsheet represents a number of discussions on what we would call high level concepts of the change of control ideal process. And some of the

things, as you can see, we have comments or questions for the working group.

Certain areas have I think we uncovered some significant decisions or choices that would have to be made and we felt that it would probably be best to bring those back to the group for a wider discussion. And those are highlighted in red.

So Simonetta sent this out I believe yesterday morning and was hoping that perhaps folks had a chance to at least skim this document before today's call or we can go through it as well here.

But this is the group. I don't think that we intend for this list to be exhaustive. There's probably something that the sub team has likely overlooked. And so please give it a once over and if there's something that you believe that has been missed we should introduce that at this time.

But otherwise if we could let's go through this group here. We've got - let's maybe spend 20-25 minutes on this document and see if we can get through it here. I would ask that if you have questions or comments that we try to get through those as expeditiously as possible and capturing them and then we add them to the list - the second column there.

So can we - I'm trying to zoom in here so I can read this. Marika, can you read that? I...

Marika Konings: Sure which one do you need?

James Bladel: I'm just trying to get the - font to a happy place here where I can actually see both the columns...

Marika Konings: If you use the plus sign at the bottom of the pod you can...

James Bladel: Yeah.

Marika Konings: ...enlarge it or use the full screen option.

James Bladel: That made it a little too large so I just made it - I just typed in a custom number. So let me just kind of run through these here and then we'll pause at each one for comments or questions. And if it feels like we're going to have a wider discussion on this maybe we can flag that particular concept and move that into a larger discussion. We can take that to the list.

Because I think that there's certainly a number of opportunities for us to go down rabbit holes with this document and I want to make sure that we're able to at least present all of them today so that everybody has an initial exposure to these items. And then we can delve into them a little bit further on the list.

So the first one is just an overall statement of while the process will often or most likely result from the sale of a domain name we shouldn't, you know, assume this is the case. And this is our terminology question we discussed in Costa Rica where we were striking ideas like buyer and seller and said things - something along the lines of old registrants and new registrants. And hopefully that's something that translates well and doesn't generate a lot of confusion.

The second item is that if the old registrant and new registrant are both customers of the same registrar they should use whatever that registrar's internal change of control process is first before invoking this policy. I think what we're saying here is that if there is a change of control without an inter-registrar transfer that this may be overkill for that if the registrar already supports that service.

Now some of the participants on the group thought that that was also inconsistently implemented and that we could offer a standardized process for that as well. So I think that perhaps this warrants a bit more discussion.

Avri.

Avri Doria: Yeah, the point I was just curious about was should use it first. And I guess maybe what you just said feeds into that. But I don't understand what you mean by use that process first.

James Bladel: Well the original intention was that if a registrar already has a function for this we didn't necessarily want this to replace that. Or, you know, I think a better way of saying that is do we want this to replace all of the various functions that registrars may have whether they're working or not.

And this goes back to the old spectrum of uniformity versus variety as some registrars may have a very robust function that people like and others may have just kind of something that's duct taped together. So I think this is an open - this is an open topic.

Someone make sure that their cell phone is away from their microphone. Go ahead, Avri.

Avri Doria: A registrant would try to use the existing process and if that somehow didn't work they would move to another process but that's not what you mean.

James Bladel: I think I didn't hear the first part of that statement but I think that you're correct.

((Crosstalk))

Avri Doria: ...to me and maybe I'm just misreading the words. A notion that you would use their internal process but if for some reason that didn't work you'd then move onto some other process. But that's not what you intended to say.

James Bladel: I think instead of - rather than saying if that didn't work I think more likely would be if the registrar doesn't offer it because they're not required necessarily to offer this function.

But perhaps we should flag this one and take this one to the list for further discussion.

Avri Doria: Yeah, I think it's just a matter of language.

James Bladel: Okay maybe we can clean it up so that it's not quite so confusing.

The third item if the registrar doesn't offer or support a change of control then parties could use this function or mutually agree to transfer to a registrar that does support the change of control. And I think this is the flip side of that earlier statement. So maybe we can bundle those two together as a point of further discussion.

Item Number 4 the process was must obtain authorization or must inform both the old registrant and the new registrant. And I think what we were discussing here was whether an FOA type of function should be - should occur where the registrar that was changing ownership would go out and explicitly get affirmative authorization from the old registrant and the new registrant to change control of the domain name.

A more lightweight approach would be for the registrar to obtain authorization from maybe one of the registrants - one of the parties and inform the other party that this was occurring.

I think my personal - and I don't want this to sound like it's the decision of the group - but my personal feeling was that in order to accept the registrar's registration agreement the new registrant would have to provide some sort of authorization. And there was some discussion of whether or not that would work across all jurisdictions.

But the - I think at a minimum we would definitely inform the old registrant. So this is really a question of do we obtain authorization from both or just one or neither? So any quick thoughts on this issue or does the group want to maybe flag this one for further discussion on the list?

I can't believe you guys. You're letting us off so easy. There you go, Michele, go ahead.

Michele Neylon: Actually my comment has nothing to do with what you're actually asking about. Sorry. Well it is kind of what you're asking about but not directly.

James Bladel: Throw it out there anyway let's see where it fits.

Michele Neylon: Well no it's just - it's the problem we've had in the past and it seems to be a problem with most of the working groups that I'm involved with - now whether that's because I'm involved with them or just bad luck or is the way all working groups work.

Generally speaking very little gets done on mailing lists in terms of discussion.

James Bladel: Yeah.

Michele Neylon: I mean, does - you know, obviously you were saying that, you know, maybe we'd want to discuss this further on the mailing list. The problem I have with that is while that's a lovely idea the reality is it's not happening.

James Bladel: Well, you know, if you have a secret to getting folks to participate on it...

Michele Neylon: No, no, no, no, James, no I don't. I'm just - I'm just saying - I'm not - that's not what I meant at all. I suppose what - I suppose the thing is this, is just if we're

punting the discussion to the mailing list and there's never any discussion on the mailing list when does the discussion ever happen?

James Bladel: Okay so my intention today was to go through this list as an, you know, and introduce these concepts to the larger working group and that hopefully there would be some progress on the list but that there would be a more substantive discussion again in future calls but that those would just be, you know, continuing to build upon any - any and all or no comments that we received on the mailing list.

So I hear what you're saying. I don't have the answer. But I think that, you know, I think there's something to be said for getting through this introductory reading first. You know, unless folks think that this is not a good use of our call time as well. But then the question I think goes back to your last statement is when is a good time. If we're not going to do it on the list and it's consumed so much call time. Bob, go ahead.

Bob Mountain: Yeah, thanks, James. This is actually I think specifically to Point 4. I'm assuming - maybe I'm misreading it but it - does Point 4, based on the discussion are we considering that authorization would not be required by both parties to transfer a domain or am I just misunderstanding the...

James Bladel: No I think you are - I think you're correct. I think one of the options was that the authorization would be obtained only by the new registrant and the old registrant would simply be informed or notified and then given an opportunity to perhaps, you know, abort the transaction. At least that was my memory of it. Mikey, maybe you can shed some light?

Mikey O'Connor: I think that's right. I have to admit that I'm a partisan in this debate and so, you know, I'm in the camp that both sides ought to authorize. And I guess I was a little startled when this was raised as an issue because it seems so fundamental. So, yeah, you know, I think - the issue came up on the call and I think the original language - I'd have to go back and look but I think the

original language was the process must obtain authorization from both parties.

And then we loaded in that question based on debate on the call. And I was a good scout and didn't get real cranky about it on the call. But I'm pretty partisan in favor of both sides knowing that this transfer is happening.

Bob Mountain: Yeah, I would say that it would be - at some point the owner of the domain needs to authorize rather than be informed. Now authorization at time of sale may not be necessary if authorization was given, you know, in advance of the sale. In that case inform would be, you know, potentially I think acceptable and probably the right approach in my opinion.

But I would - I would think that at some point the owner of the domain would need to have a higher authorization as opposed to simply a veto because if they don't, you know, veto in time because they're not aware or, you know, for whatever reason, out of the loop, then, you know, that could have a very bad outcome.

James Bladel: Right. And, Bob, I think a lot of folks in the sub team share that exact opinion, yeah. And I think that Mikey is correct; that was the original - that was the original language. And the pre-authorization could be given and then notification that that was executed would come at a later date.

Mikey, did you have something else? I kind of picked on you there but your hand was up for something else perhaps?

Mikey O'Connor: No I was just - I was going to say the exact same thing. I just tacked on...

James Bladel: Okay.

Mikey O'Connor: ...the other bit.

James Bladel: Okay thanks. Michele.

Michele Neylon: Yeah just repeating what Mikey and others were saying. I mean, both parties need to be informed. I mean, if a domain is being switched over to me as the registrant I need to be able to stop that happening; I need to be aware of it. Because, I mean, that involves me accepting a registration agreement, accepting responsibility for the domain.

I mean, if I wanted to really, really screw up somebody's chances of getting a new TLD very quickly I could transfer - unilaterally transfer a load of slam-dunk UDRP domain names to them and basically effectively get them blocked for having a new TLD. That's an evil thought. But anyway but that's, you know, there's a lot of danger about unilaterally making those changes so it has to, you know, it has to be - has to be informed. Thanks.

James Bladel: Understood, thanks. Angie.

Angie Graves: Yeah, just the point that - I heard the statement that at some point the old registrant would need to be informed. And I would think that that point should be at a point that they could do something about it. That's all I wanted to say. Thank you. In other words prior to the transaction completing. Thanks.

James Bladel: So even in the case where they would be - and just so I can clarify your statement, Angie. So even in the case where the old registrant is informed and not - they've had their - some - window there between the notification and the actual transfer or change of control that they could actually stop that process from happening.

Angie Graves: Right.

James Bladel: Okay so some healthy discussion here. It sounds like at least those folks who are speaking up feel fairly strongly that authorization is preferred to just notification. And I think that the - there's a lot to be said for getting affirmative

consent especially when we're talking about registration agreements and the change of something that could be - could be valuable property. So I think that's - I made a little note here that that's something that we should consider coming down fairly strongly on.

The next item, Number 5, was similar - in the similar topic as Item 4. The process must confirm consent from the new registrant. Responsibility for obtaining consent will be with the gaining registrar. A couple of thoughts here, the first one here is that the gaining registrar has the responsibility to obtain consent. The losing registrar doesn't necessarily know who the new registrant is.

And this is presuming that there's also a change of registrar in conjunction with the change of control. I think that where we were going here was similar to Item 4 in that we want to eliminate the possibility that someone would be assuming legal responsibility for a domain name as a new registrant without their knowledge and without accepting the registrar's registration agreement which is a loop hole that exists in the current system.

So any thoughts or comments here or should we just consider this folded in with Item Number 4? Mikey, go ahead.

Mikey O'Connor: One of the things that just strikes me as we are talking about this one that I hadn't thought about before is that I'm trying to imagine the circumstance where a losing registrant wouldn't know or wouldn't want to know the identity of the gaining registrant.

And if that's the case then it seems to me that all four parties need to know both sides of the transaction which makes this different than IRTP in a way. You know, IRTP the two sides don't necessarily know; it's this transfer between registrars.

But when you're changing control I'm struggling to fabricate a scenario where the losing side, registrar and registrant, wouldn't know who the gaining side was. Can anybody come up with one that clears me up on that? Because if there isn't a situation like this then I'm not sure that the no visibility as to who the registrant is comment really makes sense.

James Bladel: I could offer a quick response but I see we've got quite a queue so I'll just go next to Avri.

Avri Doria: Yeah hi. I guess - two points on this one - the 4 and 5 and 3. So 4 and 5 really only add in terms of content who it is that's responsible, I mean, 5 and 6 to 4 - only add who it is that's responsible for the obtaining authorization because 4 already said - and I guess we were driving towards yes authorization has to be obtained by both and 5 and 6 just specify who it was. And I want to make sure that they're not adding some extra new content or an extra new step that I don't understand.

The thing on Mikey's question is perhaps one would know the registrant though not necessarily and certainly might not know the registrar of who they're going to. And I can think of a case of, you know, just a simple one in my personal life I've had a registration for my sister for a long time. I've now gotten the authorization code for her to register it.

And I don't really care whether it's her or her boyfriend or her boyfriend's father doing the registration. I've basically transferred it to her. I've given her the code. I'm out of it. And also I could almost see that going on a blind auction where someone is selling something. Somebody is transferring something. They don't really have to care who's getting it if they don't want to.

Now this brings up an issue of how do you differentiate when they don't care, they do care, when they shouldn't know, when they should know if that becomes an issue. But I could certainly imagine cases, as I say, with my own

personal small case, where who it's going to is besides the point to me and I don't care. Thanks.

James Bladel: Okay thanks, Avri. Michele, go ahead.

Michele Neylon: Sorry I was just talking to thin air there for a second - (consider) myself a mute on my end. Just sort of back to Mikey's thing about when people wouldn't want to know. I mean, the only thing - reasons I can think of is when the change of control is as a result of a UDRP or a court order or something like that.

But I would presume that we would have something in this anyway which would have a carve out for court orders, UDRPs, those kind of disputes anyway. Thanks.

James Bladel: Okay thanks, Michele. Bob.

Bob Mountain: Yeah, thanks, James. This is Bob. Mikey, unless I'm misunderstanding your question would a scenario where the registrants - the previous and the new registrant did not know each other would be pretty common in the aftermarket, right, where I'm a domain owner, I've listed a domain for sale.

I don't know when or who it's going to go to but suddenly it's gone and it's been acquired and moved into the gaining registrant's account or the new registrant's account, wherever. And that might be the same registrar, it might not. But isn't that a case where - and I thought that's what your question was but - so sorry if I missed it. But is that not a scenario that would match what you outlined?

Mikey O'Connor: This is Mikey. And let me break in to the queue. James, shut me up if you don't want me to do this. But I would think that even in that case, Bob, that the - as the losing registrant I would want to know that my departing domain was going to the right place.

You know, it might be the case that I wouldn't care - like Avri said - I wouldn't care whether it's ABC Corporation or ABC Corporation's legal counsel or whatever. But I would think that I would want to know that even in an aftermarket situation that somebody hadn't sniped the domain and that in fact it was departing for the wrong destination and, you know.

So it might be that it would be cloaked if there were a privacy issue. For example I can certainly imagine a situation where a buyer wouldn't want to reveal who they were. But I would think that I'd still want to know that it was going to the right party, you know, the right gaining registrar. Somehow I would want to know that it's going the right place.

James Bladel: All right so you'd want to be informed at that point. But the advance knowledge is not the question it's the post-transaction inform that you'd want to be, right?

Mikey O'Connor: Right. And what got me going on this isn't the authorization thing it was the losing registrar has no visibility thing that sort of got me going on this. It seemed to me that in this particular case it's different than IRTP where there in fact is no visibility.

In the change of control it's almost as though all - at least three of the parties have to have visibility in order for the thing to work, gaining and losing registrar and losing registrant - well or gaining - I don't know it's just a puzzler. It's just one I think to throw out there and to puzzle on. I'm not sure I've got a real smart answer on it right now.

((Crosstalk))

James Bladel: Who is speaking there?

Rob Golding: Hi, it's Rob Golding. Sorry I'm not in the chat room so I couldn't raise my hand.

James Bladel: I'll raise my hand for you, Rob, we do have a bit of a queue here and then when I get to my point I'll just...

Rob Golding: Okay.

James Bladel: ...call your name, okay?

Rob Golding: Excellent.

James Bladel: All right, Michele, you're next. Michele.

Michele Neylon: I don't know why that hand is up. I'll remove it.

James Bladel: Okay thank you. Angie, go ahead.

Angie Graves: Yeah, this might be just a thought for fodder and that is - and perhaps it's complicating things as well. But if I were a losing registrant in the aftermarket I might like to assign transfer responsibility to whatever aftermarket provider or platform my name was being sold on. That's all. Thanks.

James Bladel: Okay thank you...

Mikey O'Connor: Yeah, this is Mikey again.

James Bladel: Mikey, can I put you at the bottom of the queue, please, because I've got myself...

Mikey O'Connor: Yeah, sorry.

James Bladel: ...and I've got Rob. Rob, go ahead. Rob, you're up.

Rob Golding: Sorry I was on mute. Right, I mean, there's the two things - there's the - what we call change of control or change of registered name holder. And I completely agree with Michele, if somebody was putting me down as the contact on a domain name I'd at the very least want to know about it and probably have the option to (nac) that. I don't personally care too much about the domains that I've got in terms of how they got my details on there because generally they're my domains.

But if I suddenly randomly assigned a whole load of domains that I didn't want to have anything to do with, you know, political, social, religious or whatever reasons I'd need to have the ability to say no to that.

In terms of the change of registrar that's a slightly different issue in that you can't actually change registrant and registrar at the same time with most of them. With the thick Whois, okay like PIR and things, you can't do both at the same time; you either have to transfer it as the old registrant and then change it or you have to change the registrant and then transfer it.

The only one really that you can do that on is the thin Whois because they don't know who the registrant is. And if we are formalizing a proper change of control process then it's a non-issue because the new person will know before the transfer that that's happened.

James Bladel: Okay thank you, Rob. Appreciate those comments. Mikey, you're up now.

Mikey O'Connor: Yeah, I was just going to sort of chime in on Angie's comments and say, yeah, that's - I mean, it could well be that the destination is just the name of the marketplace that the domain is going to.

But even in that case I might, you know, I could see sniping a domain where I masquerade as somebody in moniker and find out somehow that the domain is - you know, I mean, the difference for me in change of registrant - registrar

- the IRTP - is that that process is primarily designed to manage the process between registrars. And we've kind of added on a bunch of baggage with this change of control stuff that we're now teasing out.

Whereas change of control it seems to me is about knowing when it's going and where it's going. It's, you know, I'm kind of trying to imagine a financial transaction where I sell something or I transfer something away where I don't know the recipient. It's kind of like huh? How does that work?

And so it seems to me that it's easy for me to imagine a person want to cloak their identity but then I still think there needs to be some way for the losing registrant to know that the thing is going to the right place even if the identity is cloaked. So it's just...

((Crosstalk))

James Bladel: Okay. I wanted to kind of bring this conversation into a landing. Bob, I see you have your hand up. I put myself at the back of the queue just kind of as a marker. So is this - can you have a quick comment there, Bob, or...

Bob Mountain: No it's fine. I'm happy to stand down on this one.

James Bladel: Oh okay. So thanks, Bob. So we've got a lot of conversations going here. I think that - I like the idea I think Mikey originally pointed out. There are four entities involved in this transaction. You know, we can probably separate that. One way to draw a distinction would be to note in those circumstances or those use cases where there is a change of control and an inter-registrar transfer occurring in the same instance that we - maybe identify a sequence that those things have to happen.

Mikey, I don't know that anyone was suggesting that the old registrant wouldn't know who the new registrant would be but I think that the old

registrar - it's possible that the old registrar would not have visibility to that if the change of control was happening after the transfer - the IRTP.

So, you know, let's - I'm just going to put a mark here on this item, Item Number 5, as something that we need to have more substantial discussions on. And I think it kind of folds into this whole larger discussion of notification versus consent and who has visibility to what other parts of the transaction.

So moving on then to Item Number 6 - I see your hand is up, Michele, but I really need to move onto Item Number 6 which is continuing to discuss this idea of consent or informed notification from old registrant to new registrant and who has the responsibility to do that. And I think we've already kind of determined that this is part and parcel of that large conversation.

Item Number 7 was the first area where we actually had I think almost a consensus if not unanimity from the working group that - from the sub team that the - on the process must confirm the acceptance of the registration agreement by the new registrant. I think that's very clearly a requirement of IRTP in the RAA.

Every domain name that is active in the DNS has to have a registration agreement somewhere. So - and then the responsibility was with the gaining registrar.

Michele, go ahead.

Michele Neylon: It's just a matter of terminology because I think Bob raised this and the new registrant is fine as a term but I - Bob has a valid point, I mean, old registrant, I mean, he's looking at it from a politically correct point of view. It might cause a bit of confusion. Maybe if we refer to previous or something else it might help. And just on Point Number 7 100% agreed, 100% - 110% if that's allowed. Thanks.

James Bladel: Yeah, and I think maybe previous as to distinguish between a registration may have a number of old registrants. But previous registrant is specific to the one that - if I'm understanding that comment correctly.

Okay Number 8 the process must require a gaining registrar to retain confirmations as long as - according to the existing data retention provisions of the RAA. For those not familiar there is a data retention requirement for registrars.

I don't have that section of the RAA handy right in front of me but I think it's - the terms of the RAA plus a number of years until the domain name is deleted or transfers away or after the domain name is deleted or transfers away or something, something, something. But I think what we're just saying here is let's not reinvent the wheel here. Let's plug into existing obligations that are under the current RAA.

The - Item Number 9 - and this is where we start to open another can of worms here in that the process must include or not conflict with existing FOAs required by the IRTP. I think that what we're saying here is whether or not the form of authorization that's currently defined in the transfer policy should be updated to include both transfers and a change of control or whether this should be a separate authorization.

And then how does this - does this impact at all our discussion of Charter Question B which is whether or not the FOA actually has time limits on it which expires.

This is a larger conversation that also touches on this concept of whether or not the change of control function is an additional section to the existing transfer policy or whether it is a completely distinct standalone policy. So we'll pause here for just a moment. But I do want to keep the conversation brief. Michele, go ahead.

Michele Neylon: This is just more of kind of an FYI for those people who aren't as familiar with the technicalities around transfers. The FOA language is not - is very specific and it's mandated. Registrars do not have any choice in the language that's used. We have to use the templates as provided by ICANN. I'm not sure when those templates were last updated but I believe it was several years ago. James, or somebody else might know.

James Bladel: I do not know offhand. We could probably ask staff to dig that up but I think first we should probably just at least identify this question that the - whether or not a separate FOA is required or whether we would modify the first one. And I think that gets to a larger question of whether or not this is a separate policy.

Michele Neylon: Well, I mean, the thing I was...

((Crosstalk))

Michele Neylon: ...James, is that part of the FOA - as the FOAs are mandated by ICANN and the language hasn't changed for several years maybe they need to be looked at. I don't know if they do or not, but, I mean, are there other things in there that might need to be changed? I mean, just as we're looking at one thing do we need to look at anything further or am I just creating more work for people? Thanks.

James Bladel: Well, no I think it's a legitimate question. I think it possible, you know, from a business process perspective, you know, if you're going to open - reopen a document for revision you should take a look at it and try and kill as many birds with one stone as possible.

From an ICANN PDP perspective, you know, then you start to look at it terms of scope. Do we have the scope in this working group to start issuing out new versions of FOAs if it's not immediately pertaining to the stuff that we have in

our charter question. So I think that that's something that we could discuss further.

Number 10 and Number 11 again touch on this discussion of whether or not this is a component of IRTP or whether this is a new policy. Number 10 refers to lockings and denials, you know, would a registrar have the ability to stop a change of control? I think certainly if they were informed by the old registrant that they did not want the change of control to proceed per I think Angie's earlier comments then I think there's one reason why that could be stopped. But I think that there's other scenarios as well.

And then again now here with dispute mechanisms; we don't necessarily want to create a whole new category of dispute or appeals processes for change of controls that says someone wants to claim or, you know, inappropriately or perhaps even fraudulently obtain while we have these existing processes under the IRTP. So, you know, I think those are big questions that we'll need to address. And we've identified here some of the discussions from the sub team.

Item 12 - and this is more of an aspirational thought here is that right now registrars are required to allow registrants to come into their control panel or whatever service or mechanism they use for this and just type in whatever information they would like into the registrant fields.

The thinking would be that after a certain period of time, after implementation or adoption of this change of control function is that that would no longer be allowable. And for those of you who have been around before know that back in the old days of Network Solutions I think that there was also a little bit more convoluted process involved for changing the registrant data.

Now this is more of just a discussion point about how open and ungoverned that system currently is where someone could come in and just type whatever

they wanted into the registrant field and whether or not that should be replaced by a more formal process.

Item Number 14 discusses that this would be available as a remedy to implement UDRP decisions. I think the UDRP says one possible outcome of a successful UDRP complaint is that it would be transferred to the complaining party. But in fact what we really mean is that that would be a change of control so that this new process, whatever results from this, would be available to UDRP.

And I think Item Number 15 speaks for itself. It should be user friendly and easy to implement by registrars.

So, I mean, I know we kind of tore through the last few items here and we went over our time limit. But I would ask everyone to please take a look at this list. We've already identified a few areas that need a substantial amount of discussion and work.

And highlight those areas where you believe that, you know, further discussion or deliberation from the working group needs to occur. But also specifically if you noted anything that is missing from this list, anything that has been overlooked or, you know, because I would say that this list did start out from just a brainstorming session so it's very possible that some things were omitted.

As far as analogies or comparisons or parallels to other industries I think we should reemphasize that this is a fairly ubiquitous process that exists in ccTLDs. Now many of them are (tic) registries but otherwise this does exist so I don't think that we are necessarily creating something where, you know, from whole cloth where a vacuum currently exists. We have some things that we can push off from so let's take a look at that. And thanks for indulging as we go through this list.

Now moving on very quickly to a couple of housekeeping items - we've got about nine minutes left in our call. I wanted to point out that there is a - there is a survey that has been posted. It was part of the agenda. And I will send that around to the working group after this call - to the mailing list.

This survey - we don't want to use the word consensus test, we don't want to use - we certainly are not loading because it's not a yes/no up or down type of proposition. But it is kind of more of a checkpoint on the work that we've done to date and the work that we've identified in the immediate future.

And the thinking here is that the work of the sub teams and the structure of the draft report have hit a point where we need to affirmatively get some assurance that the working group believes that we're on the right track on some of these issues because if we're not then there's a significant amount of rework or commitment to a sunken effort that will have to be determined.

So I'll be sending that around here after this call. And if you could please before our next call I think it's very, very quick, maybe, Marika, how many questions did we end up with? It was like six or eight questions. And I think they're very open ended - open ended discussions of just kind of what your feelings are on some of these topics to date.

And if we can get some indication that everybody or the balance of the working group feels that we're on the right path here versus some folks who might want to weigh in that we're way off course we need to know that now before we go too much further down these roads.

So please take a look at that and respond as soon as possible. I think that the whole thing will probably take about five, six minutes tops to respond to that survey.

Okay so any other questions or comments here before we start to wrap up for today? Michele, go ahead.

Michele Neylon: No just wanted to say thanks, James, for driving this forward with such determination.

James Bladel: Stubbornness you might also say the word stubbornness but I'll use determination.

Michele Neylon: Determination is more positive than stubbornness.

James Bladel: So...

Michele Neylon: It's all about, you know, innuendo like cost effective is better than cheap.

James Bladel: Yeah. So okay so we all have some action items or homework for this week. I think the first one is to take a look at the - I'm sorry the - let's start again. Take a look at Sub Team B, the survey that has been pushed around by Bob and those folks. And if you'd like to respond yourself as well as distribute to any parties that you think could - we could benefit from their insights.

The second item is to take a look at this other survey which I will send around to the mailing list here shortly. And then the third item would be to once again review the ideal process charts and identify those areas that you'd like to see further discussion and please weigh in on the mailing list. Let's prove - if nothing else to prove Michele wrong that substantial work can occur on the mailing list.

And we can - we can go from there. And I think that'll definitely prepare us for next week's call. So any other thoughts or questions before we wrap up? Okay the queue is clear. Thanks, everyone, for your attention and participation today and we'll see you next week. And hope to see some spirited discussions on the list. Thanks.

Michele Neylon: Thanks, James.

James Bladel: Thank you.

END