

**ICANN
Transcription
IRTP Part D Working Group meeting
Monday 02 December 2013 at 16:00 UTC**

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

Attendees:

James Bladel - RrSG
Avri Doria – NCSG
Volker Greimann - RrSG
Mikey O'Connor – ISPCP
Graeme Bunton - RrSG
Kristine Dorrain – NAF
Bob Mountain - RrSG
Barbara Knight – RySG
Kevin Erdman - IPC
Holly Raiche – ALAC
Chris Chaplow – CBUC
Bartlett Morgan - NCUC

Apologies:

Paul Diaz – RySG

ICANN staff:

Lars Hoffmann
Nathalie Peregrine

Nathalie Peregrine: Thank you very much (Tonya). Good morning, good afternoon, good evening everybody. This is the IRTPD call on the 2nd of December 2013.

On the call today we have Bartlett Morgan, Mikey O'Connor, Volker Greimann, Holly Raiche, Kevin Edrman, Barbara Knight, James Bladel, Kristine Dorrain, Chris Chaplow and Graeme Bunton.

We have an apology from Paul Diaz. From staff we have Lars Hoffman and myself Nathalie Peregrine. And Bob Martin has just joined Adobe Connect Room.

I'd like to remind you all to please state your names before speaking for transcription purposes. Thank you very much and over to you James.

James Bladel: Thank you Nathalie and welcome everyone to IRTP Working Group Call for the 2nd of December. I can't believe it's December already.

So per our usual order of business if anyone has any updates to their statements of interest could you please indicate so by raising your hand now?

And seeing no takers on that point does anyone have any comments, suggestions or edits on the proposed agenda that was circulated on the mailing list and appears in the right-hand column of the Adobe (unintelligible)?

Okay no interest there as well. So welcome back everyone. It was great seeing everyone in Buenos Aires. And I think for some of us on the call, I know Lars and some other folks our trip was extended perhaps a little bit longer than we would have liked based on our schedule departure versus actual departure from Argentina.

But it was good seeing everyone. I thought we had a good conversation in our workshop session there.

I think that we have laid out a plan that would get us to a - and it's an ambitious plan, it is. But it would get us to a draft final report with some draft recommendations by the Singapore meeting. And that includes the of course the requisite public comment period and review of the comments received.

But I think that was we discussed, the whole lynchpin of this exercise pivots on Charter Question C which is this ongoing discussion of how we should address the questions surrounding the TDRP, the dispute options and whether or not registrants should have direct access to that or whether we can somehow compel registrars just to play ball with the existing policy.

I noticed the agenda is changing while I'm talking. I hope that's not the result of something I misfed here. But Lars is that just - we're just updating?

Lars Hoffman: Yes I'm sorry about that. I've - I just forgot to take the last time out. It should be updated now.

James Bladel: Okay thanks. So you were basically you were testing us to see if we were paying attention.

((Crosstalk))

James Bladel: We all failed the test, exactly. Okay. Thank you. So anyway folks I think hopefully everyone had a chance to kind of digest what we were discussing in Buenos Aires.

I know that when we first took a look at this issue - and I don't mean to presume any sort of an outcome here. I'm just trying to summarize. So please smack me on the wrist if I've gone too far down that road.

I know Mikey will - the co-chair will definitely keep me honest on this. But it seems like we maybe found some issues or some dependencies or complexities with Charter Question B that were not readily apparent when we

first entered into these waters but soon, you know, immediately started to bite us a little bit.

So the question is can we back out cleanly or do we charge ahead? And I think that the issue on the table is we want to make sure that TDRP is doing its job.

And I think that in order to attack that question we have to make sure that we understand what its job is for.

And I think there's some differing opinions. I think, you know good spirited debate or really more of just kind of an exchange of ideas on the difference between undoing a transfer that where the process was not followed versus wading into the minefields of intra-registrant dispute which as we discovered can transcend transfer issues and really get into, you know, issues of property law and resolution of, you know, business disputes or, you know, even in things like divorces and settlement of estates.

So I think Mikey, Lars, I mean is that a good capture of where we came out of Buenos Aires and what we have in front of us or what did I miss there? What should we add to that?

Mikey please (unintelligible).

Mikey O'Connor: Thanks James. It's Mikey. I think that's right. I - just to put a little more meat on those bones I think we also sort of looked back into the results of IRTPC and said we may have left some work undone there when we added inter-registrar transfers to the IRTP and we said oh, well that'll be fine. We'll take care of that with the TDRP.

And I think the sense of the room in Buenos Aires was that that may not have been the best idea and that one way to tidy this up may be to narrow the TDRP back to its original purpose which is issues between registrar, you

know, transfers between registrars and figure out something else to do with transfers between registrants which then cascades a little bit into the implementation planning for IRTPC because, you know, that work is underway.

So we talked a little bit about that. And my recollection is that we also talked about the question as to whether the registry layer should remain in or out. And my recollection isn't quite clear on that.

Actually probably what I need to do is go listen to the transcript of that session because I was leading it. and my memory is a little bit foggy because I was busy leading the room and not paying attention to the content so much.

But I think that, you know, James, you've landed on the nub of it. If we can figure out what to do with inter-registrar - I'm sorry, intra registrant transfers then the rest falls out.

And my sense was that we had gotten close enough to agreement in the room that we could give the Drafting Team instructions that say go ahead and revise the TDRP presuming that the inter-registrant transfer piece is not in there. So exclude it from that.

And if that instruction is correct then I think the drafting group is getting together later this week and could hopefully come back to us same time next week with a preliminary draft to take a look at. So there's my recollection.

James Bladel: Thanks Mikey for flushing out some of the details. I think that the question of the registry's role in TDRP was also addressed during our update to council. And some of the questions that we were fielding particularly from the time registry rep from Neustar Jeff Neuman.

And I think he made some good points about the frequency of TDRP and the, you know, the relative usefulness of that policy.

So maybe in addition to the transcript from our session maybe folks could be encouraged to also take a look at the transcript from I believe it was Saturday before.

So can we - I think you're right Mikey is that we need to get some direction from this group that the drafting team is meeting on Thursday with the goal of preparing our draft analysis and response to Charter Question C so that we can bring back next week to this group some language that we can start to poke sticks at.

But I guess what - the question that we're putting on the table to the group that maybe we want to go around the horn here and, you know, put folks on the spot here is, is, you know, do we favor a or do we have - is there more support for a light touch or a heavy, you know, machete type approach to TDRP?

And how do we address or how do we approach the question of intra-registrant transfers?

And perhaps there is room for a - you know, maybe we can threat the needle and that there is room for a process that resolves any inconsistency or myth application of the process similar to TDRP but steers clear of any of the efforts to adjudicate between two competing claims of registrant status of domain name.

And I don't know if that's possible but I'm just maybe putting that out as one possible - one goal which would be to say hey, you know, you didn't get the authorization versus my authorization is stronger than your authorization.

I don't know if those kinds of questions can be detective in a policy or not but that might be one we could look at that.

So I see some things getting in the chat here. So Kristine and I hate to put you on the spot but I think you raise an important point here regarding the drafting team.

Maybe the simplest question that we can put to the group -- we have a fairly good cross section -- is do we believe that the drafting team should work to eliminate the registry role from the TDRP?

And I guess that the - what we're looking for here is a green checkmark perhaps or a red, you know, red disagree mark depending on where we think this is going.

I see our registry rep is more than happy to extricate the registries from this process and have that TDRP begin and end with the panelists.

And Kristine is recusing herself from this - and it's not really a vote I guess. It'd more just taking a - taking the temperature of the group in this particular issue and trying to understand exactly what the drafting team should be aiming at.

And then of course the language will be presented back to the group for comments, discussion and edit.

I will put my group in here. Kevin as the sole dissenter at this point would you like to perhaps weigh in on your thoughts of why the registry role should be maintained in this process? Hate to put you on the spot but if you would maybe help us a little bit that'd be great.

Kevin Erdman: Yes this is Kevin Erdman.

My thought is that in all of these situations one of the important holders of factual information about what occurred whether it be what occurred between

registrars or what had - what occurred between a registrant and a registrar are the registries.

And if they are totally removed from the process it seems to me we're cutting off any significant place where there's factual information that is needed to resolve many of these situations.

James Bladel: Okay thanks Kevin. I think that's a good point and...

Kevin Erdman: Did you get that?

James Bladel: ...you know, if we - yes I think we did hear that. I think that's a good point. I - my understanding is -- and perhaps I'm looking to Barbara and Kristine to help clarify -- is that what we're actually discussing is where the process is initiated that that repository or access to that factual data or that paper trail would not be removed from this equation, that the registries would still be able to provide that.

They would be providing that to the panelists. But I may have that wrong.

So I'm gonna go to Kristine first and then Barbara. Kristine?

Kristine Dorrain: Hi. This is Kristine. And hold on. I'm just going to reduce - oh okay there we go. I know my microphone's been loud in the past so somebody yell at me if it's too loud.

I just kind of thought though...

James Bladel: (Unintelligible) great.

Kristine Dorrain: ...yes you're right the - okay good. Yes I would going to throw out there that yes, so you're right about the fact that we - the point isn't to cut the information that the (reges) have out of the picture.

Currently the way it works is that if someone wants to file a first level dispute with the registry and they do that then they want to file an appeal with the provider, the provider is actually compelled to request the information on the underlying dispute from the registry.

And my proposal's going to be in the drafting team that if we do away with this registry piece that we still require the provider or the - to get as much information (registry) has on the transfer or not.

Now sometimes the registries don't have anything because it truly is just a registrar issue. But I think it's absolutely going to be important to make sure that the provider for the panel gets the information that the registry - any information that the registry might have.

So it's not a matter of not getting the information from the registry as much as it is eliminating the option for the registrars to bring their dispute to the registry at first and instead saying go to a provider. So I just wanted to clarify that.

James Bladel: Thank you Kristine. Barbara?

Barbara Knight: So this is Barbara and I basically am in full agreement with what Christine has indicated. It really isn't to not provide any information from the registry. Obviously I think that the registry should have an obligation to the extent that they have any information that may be helpful in resolving a dispute to be required to provide that information to the dispute provider.

You know, at this point a lot of the information at the first level that the registries receive is really based on what information is provided by the registrar. So, you know, the forms of authorization and they're also be providing the Whois records and that type of information.

So, you know, I can't say at the first level when we're looking at disputes we really are looking at the information that's provided by the registrars.

And, you know, if there is some information in the registry database that may be helpful such as when, you know, transfers were initiated and that sort of thing obviously we would pull that from our databases as well.

But, you know, I agree with Kristine that it's not that registries would not - or dispute providers would not have access to the information that's in the registry. It's just that the registry's would no longer be the first level if you will for resolving disputes.

James Bladel: Okay thank you Kristine and thank you Barbara. And just circling back to Kevin does - if we were to task the Drafting Team to include language that would cover or let's say preserve the access to the information that both registries and registrars are currently providing into this process does that address your concern regarding eliminating your registries as the first step in initiating this process and just but fulfill - keeping them and registrars on the hook to providing this transfer data to the panelists?

Does that close that gap for you or do you still have further concern?

That was for Kevin. I don't know if you were on mute or...

Kevin Erdman: This is Kevin Erdman.

James Bladel: Yes please go ahead.

Kevin Erdman: Yes but no I - my concern is that yes, my concern on this would be that your - from a legal standpoint it's like you're making the (regs) a third party document producer which in my experience is not always the most effective way of getting the information you needed whereas if they are really one of

the parties to dispute they - there is more impetus on that party to then make actual reduction and make sure that that information gets available.

So that's just sort of an overarching concern. And I think that it's a valid point too about whether or not it really is useful to always get the registries involved. And I suggest that maybe that is something that the drafting some group noodle with to try to have a good balance between those two competing interests.

And possibly there's a procedural way to do that. And as long as the group is comfortable with that, you know, trying to approach it that way and having then the drafting group provide a proposed solution along those lines I think that ought to be a sufficient direction.

I'd ask for Kristine's thoughts on that too but that's my two cents on this.

James Bladel: Okay thank you Kevin. I think we can certainly, you know, as the Drafting Team -- and there are a number of us on the call -- we could certainly take that away as one of the items that we want to cover in the draft language what we bring back to the group.

And then, you know, I - we certainly would welcome further discussion and comments on that when we bring that back.

Avri you had also checked your disagree button. And I wondered if you would want to speak to this issues if your concerns were the same as (Kevin)'s or if you had something else you wanted to raise?

Avri you may be on mute.

Avri Doria: Can I be heard?

James Bladel: Now we can hear you.

Avri Doria: Can I be heard?

James Bladel: Now we can hear you.

Avri Doria: Okay.

James Bladel: (Unintelligible).

Avri Doria: Yes. I'm working through my phone with Adobe Connect so I don't know how well that works.

My issue was still - I'm still hung up on the issue of registrant initiated and the role of the registrant in all this.

I wasn't absolutely sure I was in X against because I'm not sure I understand the way the group is looking at it.

But if there's no way for a registrant to initiate something then I still have an issue. Thanks.

James Bladel: Okay thank you Avri. I think that that is a separate question and we are trying to preserve that ability as well for the registrant to initiate the process.

I think the question we were trying to - it seemed like a preliminary question but it's generated a pretty healthy discussion.

But the first topic we were trying to get addressed here was whether or not the registry role should be preserved or eliminated.

But I think that's a good segue into the second question and perhaps a larger one which is what - I hate to use the word right. Somebody help me with a better word than right, but what privileges or prerogatives do registrants have

to initiate some sort of a dispute in TDRP or a dispute over change of registrant and then what must the - who do they raise that - where do they go to file that request and then what does that party then - what is that party then obligated to do for them?

Sorry I'm going to sneeze here. I'm going to mute for just a - there, sorry. So I think that's the bigger question and it's really kind of we need to untangle a few different moving parts here which is first of all where does the process become, you know, first initiated?

I'm not talking about the dispute necessarily but who, you know, who is virtually aware that the registrants or the registrant claimant has a problem?

And I think that really looking at the real work application of these issues I think that registrar is the most natural fit for that role. And it's what's currently happening today. Because the registrars effectively own the relationship between the registrant and all of the other service providers.

So does anyone have any concerns or issues with the idea that the Drafting Team would codify the - you know, the concept that the registrant must contact their registrar to file a complaint or an issue? Mikey bail me out here.

Mikey O'Connor: This is Mikey. I'm going to hit a couple of things. I think one of - going back to the registry layer for just a second. I'm comfortable with the idea of eliminating the registry layer in the process if we can hit the bases that Kevin and Avri have raised.

But I do want to raise one more question about that which is today the registry layer of the process is free and we're eliminating that layer.

And I just want to make it clear to everybody that at least as a registrant my expectation is that the fees for the TDRP through a provider are paid by somebody other than registrants.

So as long as that's not a surprise for anybody that's fine. If on the other hand we're eliminating the free layer and thinking about dropping these costs on registrants then I get more excited.

Oh Barbara's saying it's not free. It's just less.

James Bladel: Yes that's good - that's an important point Mikey. And I guess I would - I'm also not clear on - I didn't think that the status quo was free, just that it was...

Mikey O'Connor: Yes. So loser pays at the first level, et cetera, et cetera. So if we don't, you know, as long as we protect the Registrant from paying fees I'm fine. I think if we're sneaking a fee into the Registrant's lap then I get more excited about that.

James Bladel: Well I'm - put myself at the bottom of the queue to address that point. I don't know that that's a...

Mikey O'Connor: If - I'm also presuming that we have eliminated the change of Registrant pile from all of this, that we are narrowing the TDRP back to its original scope when I say all that.

Clearly if we've got change of Registrant in that pile then the whole fees thing rears its ugly head again. But I think that one of the issues behind all this is the Registrar who blocks the TDRP for whatever reason - but one of those reasons might be not to have to pay the fee, in which case the Registrar is stuck just like Avri's saying.

And I think we need to noodle our way through that. So maybe I'll just stop there and, you know, we can tackle that. I sort of want to stick with the change of the - eliminate the Registry layer because that will help the Drafting Team a great deal this Thursday, whereas some of these other issues I think we're going to have to hash out as a group a bit. So I'll just stop there.

James Bladel: Okay thanks Mikey. Yes and I think we have a lot of work ahead of us when we start discussing where the fees live, where the costs live. That's a whole other can of worms.

We got a queue building up here. We'll go with Bob Mountain next. Bob? Bob you may be on mute. Bob? Okay, well maybe can circle back to Bob and go with Holly.

Holly Raiche: Thank you. It's Holly Raiche for the transcript records. I - as I remember the discussion in Buenos Aires, and this is picking up Mikey's point, one of the reasons for going back on the idea or getting away from the idea of Registrant taking an action and putting the onus on the Registrar was that the Registrar if they're required to take the action actually then bears the cost, bears the onus.

But the Registrant is protected because the action has been required to be taken, and if they don't take the action then that becomes a compliance issue. So by sort of heading down the path that we took in Buenos Aires, I think we were avoiding the possibility of fees landing on Registrants as well as anything else. Thanks.

James Bladel: Okay thank you Holly. And let's see if Bob has - is microphone live now or - Bob? No. Sorry, still no dice. Nathalie maybe we can just have Bob dial in while, you know, Mikey is your hand - do you want to speak again or...?

Mikey O'Connor: Sorry. No that's old.

James Bladel: Okay. So I just had my hand up just to kind of weigh in on this as a Registrar. I want to make sure that we're careful not to build in any sort of - well first of all a couple of just, you know, reflective thoughts I think from myself and most Registrars is any time ICANN gets into a role where it's establishing pricing or price controls I get very nervous because, you know, one of the kind of, you

know, sacred principles of our industry is that Registrars have always been free and Registries now in the new environment are free to compete.

Some of them have good value and some of them have less value, and that gives us an opportunity as businesses to go out and win customers based on the price and based on the service and the products.

And so - but when we get into these types of policies and things, I see the value of having a - I won't say universal but let's say some sort of a standard fee that someone wouldn't get a greater or more favorable outcome of a dispute resolution by paying a higher rate or something like that.

I mean, I understand that we don't want to establish that. But I do want to make sure that we are considering the idea that these are not free to the service providers.

They're not free to the Registries/Registrars who have to maintain the records and respond to these requests and provide the documentation. So I think what's more important - and I'll just kind of leave it at this and take the Registrar hat back off.

I think it's more important to make sure that we're maintaining the equity and the value of the dispute resolution process so that someone feels that they are not shut out of the process because of the fees involved, that they are not forced to choose between a \$100 domain name and a \$500 process to recover a stolen \$100 domain name or something along those lines.

So I think we need to be very careful here. I think we're wading into some dangerous waters and we certainly don't want to just assume that Registries and Registrars should hold the bag on this because my, you know, my thinking is that if there's no skin in the game on the side of the Registrants then that can open the process up to being abused or gamed as well.

So, you know, all of those things I think have to be part of our considerations when we discuss this language. So I'll drop my hand. We'll see if we can get Bob back in the queue. Bob?

Okay I don't think we have Bob. I'll - we'll go ahead and read his comment that he posted in the chat here. He was just going to say, "Directionally I think we need to simplify it from the Buenos Aires meeting.

I think we're getting bogged and if we can in general I'd support removing complexity. Stating the obvious but removing a Registry layer I think moves us in the right direction."

Okay so I think that Bob is lending his support to the previous point that we were discussing about the role of the Registry and where this process is initiated.

Thanks for that Bob and sorry for the audio difficulties. Kevin you're up next.

Kevin Erdman: Yes this is Kevin Erdman. I just had a question. On the topic of who bears the economic responsibility for resolving these disputes is that I don't know if there's a common practice amongst the Registrars of allocating costs for dispute procedures, particularly the TDRP.

I think I've seen a couple of Registrar Agreements that address the UDRP, but I can't recall ever seeing any that discuss the TDRP and if there's any other contractual relationships amongst various folks in the infrastructure that do allocate those burdens because to me, you know, now that we're discussing well who might have to bear the burden if we, you know, A, allow Registrants to unilaterally raise these things; or two, if we take various procedures to get let's say Registries out of the procedural picture, what bearing that is going to have on the other members' financial responsibility for that?

So I'd be interested from both the Registrar and the Registry level if there are any existing agreements amongst the various players about how those costs might be borne, other than everybody has to fare for themselves. Thanks.

James Bladel: Thanks Kevin. That's a good point and perhaps something that we can bring back to the group as far as checking existing practices. It sounds like UDRP might be the model that we may want to look at being as how the, you know, if the process is - or sorry, the process is initiated with a third party provider, then it seems that that starts to track more closely how UDRP works but that's just a thought here. We'll go to Volker next. Sir?

Volker Greimann: Yes thank you James. I also agree that the UDRP is a good model, because I think when asking the question of who should be bearing the costs of such a procedure I think we should look at who is most interested in having this issue resolved.

And this in most cases is either the previous Registrant in obtaining the domain name or the current Registrant in maintaining the registration in his name.

So I think the allocation of costs as it is in the UDRP is the most logical here. Also while most Registrars or some Registrars have some language that's passed along costs to their customers in cases there is legal complications.

It has been proven very difficult practically to execute these against the customers, and I would be very cautious with the scenario that would leave the Registrants holding the bag so to speak.

James Bladel: Thank you Volker. Those concerns I think or those good points - and they are noted. And I think that that's the balance we're trying to strike here is to make sure that we don't open up the floodgates to a - or the fire hose to a free process that creates burdens for commercial service providers.

But I think we also don't want to prevent anyone from having access to this process by leaving it pricing free for also - yes I think we don't the fees to become a barrier. So Mikey you're up next.

Mikey O'Connor: Thanks James. It's Mikey. This is the reason I brought that up is that essentially one way to view this discussion is that up until now the dispute resolution process of the IRTP has been carried out without cost to Registrants.

And what we're proposing now is to shift the cost to Registrants and that's a pretty big deal from the Registrant perspective. So if indeed the thought is that Registrants have to pay then I think we probably need to discuss that more on this call before we go to the Drafting Team.

If on the other hand this is the same old TDRP that we know and love, forget all the change of Registrant stuff that we uncovered in IRTP C, leave that out, keep the scope narrow and we are now essentially just eliminating one layer, a lower cost layer but not transferring the costs from Contracted Parties to Non-Contracted Parties. I think that's a relatively straightforward conversation.

James Bladel: Yes thanks Mikey. I think that's the nut of it is I think that we're - at least my understanding is not that we're talking about a transfer of existing costs. We're talking about making sure that we preserve the chain of benefit and accountability, which is a really vague way to say that we don't want to invent any new economic dilemmas here but just kind of keep the ones that we already have.

And I think it's a, you know, I know that we're getting - we're just over the halfway point of this call and I see that we want to, you know, we want to figure out how we want to go forward here.

I want to make sure that we are - what am I trying to say Mikey? Just we want to make sure that we're not - everybody wants to throw the costs to somebody else, right.

That's I think what we're trying to all say here is that there are costs to executing this process. Certainly, you know, Kristine's organizations and other providers like it or not staffed by volunteers so where does that go?

Where does - where do those costs attach? And I think from a Contracted Party perspective and only from a Contracted Party perspective I think that as long as the process works, you know, they would certainly be willing to incur some of those costs to help their customers and to preserve the integrity of our industry.

But I think it's the edge cases which may not be an edge case if this is thrown - if the floodgates are thrown open but the concern being that the volume would scale up dramatically and that this - that the function or the calculus would change on that. So Mikey go ahead.

Mikey O'Connor: Yes and this is Mikey again. Thanks James. I think there are a couple of places that we've got some leverage. I think one is if we follow the track that says the TDRP is essentially unchanged.

We eliminate a layer but doesn't seem to be a huge problem. It's essentially unchanged. It's narrowly focused on resolving the inter-Registrar transfer issue.

It's initiated by the Registrar, generally the losing one I would think. And when a Registrant disagrees with their Registrar and says, "Oh I really want you to initiate one of these," and the Registrar says, "No you don't have a case. You're wrong," that next step for the Registrant is a series of documentation steps that we could at least loosely describe in the policy that's taken off to compliance for a review and a ruling.

And if compliance agrees with the losing Registrar then, "Sorry Registrant, off you go to court." If compliance says, "Losing Registrant, you're in error on this one.

You should have taken this one to TDRP," that then the costs are borne by whichever Registrar is appropriate. I think if that is the structure then I'm fine.

If all of a sudden, I mean, what I heard in Volker's comment - and, you know, Volker I may be putting words in your mouth so straighten me out if I didn't understand.

What I heard you say was that fees for the TDRP should be paid by Registrants since they're the parties that are interested. And I don't think that's right so that's where I'm pushing back.

But I think if that little sequence of events I just described is right then, you know, the Drafting Team can put that in language and we can go ahead and take a look at it next week.

James Bladel: Okay Mikey, we'll go to Holly next.

Holly Raiche: Yes I'd like to agree with Mikey. This is sort of where we got up to in Buenos Aires, which was to say yes there may be a possibility of I suppose the floodgates.

But we recognized that and said there had to be some way to test whether or not the Registrant basically has the documentation to establish that they have lost a name that they shouldn't have.

And that where we got up to was to say how do we put some words around that so that the Registrant does not wind up having to pay the costs at least

initially, but there is some filter so that moving forward the case is not a frivolous one, it's not a vexatious one, it's not one that shouldn't be heard?

So I think we - where we got up to was what is the sort of list of documentation to establish that it's a genuine case? And I think that's where we - I think that's what Mikey's getting at.

And it would answer the issue about cost, but at the same time recognize that basically we want to move forward with those complaints that are legitimate. Thank you.

James Bladel: Okay thanks Holly. Okay folks I think that we are sort of coming in for a landing on this or at least to a point where we can put something together for us to concretely examine.

I think Mikey if we can put a flowchart or a language together around the process that you described, that's something that might be something we can push off on.

My concern and just - this is just me reflectively - is just the speed at which all of those steps would happen might not necessarily be attractive to let's say some scenarios like a hijacking, but for other scenarios that might be useful.

But I think that that - we've got something as a Drafting Team I think that we can begin to push off on, so maybe let's take that and run. Mikey your hand again. Go ahead.

Mikey O'Connor: Yes this is a new one. Thanks James. I think hijacking is one of those cases we have to figure out something different on. I think using IRTP and TDRP to address hijacking is, you know, is - given the time needs just isn't practical in most cases.

I think it either gets resolved by Registrars acting between themselves or something else. But, you know, TDRP is just too stately a process for this hijacking scenario.

And I think that's one of the things that we need to dig into when we get to the inter-Registrant dispute part of all this, because I think actually most of those really edgy criminal cases are inter-Registrant disputes and not inter-Registrar disputes.

James Bladel: Okay thanks Mikey. And I tend to agree that the speed of policy just doesn't seem to happen at the speed of a hijacking or the damage that it causes. So, you know, it's two different worlds but maybe, you know, putting things - making sure that things are done correctly on the front end is probably the best, what is it, an ounce of prevention versus pound of cure type of thing.

But yes I think it - I'm starting to come down to that same - or starting to arrive at the same conclusion that you articulated there just a moment ago. Okay so folks it looks like we have about six minutes left in our call.

I think that the Drafting Team has some general executive summary level principles that we need to be aiming for here. Certainly not unanimous on a lot of these issues, but I think that we're coming down to at least a shared understanding of what the outcome should track towards.

And, you know, there's going to be multiple opportunities to weigh in on the specific language as we go forward, but I think this will help us at least get off the ground.

So I propose that we wrap up this call a few minutes early and allow the Drafting Team, which there are several of us on the call and we have - certainly have a burden that we'll need to tackle here on Thursday and we'll see what we can come back with on these questions.

And hopefully I'm looking to Lars if you can - between now and that Drafting Team meeting if you - if we could request a - sort of a checklist of the things that were discussed here that we can make sure that we ticked all the boxes before we dismiss that group, and that way we can be sure that we bring back a complete product next Monday.

So if everyone is okay with that - and I see a green checkmark from Lars, which is good because he has the most work to do so that's encouraging. But if there's - any other closing thoughts or anything else we want to enter into the discussion? Otherwise we can break for today and circle back next week.

Holly Raiche: That's fine. Thank you.

Mikey O'Connor: All good here. Thanks James.

Man: Thanks James.

James Bladel: Thanks everybody. Welcome back.

Man: Thanks James.

Man: Thanks everybody.

Man: Thank you.

END