

**ICANN
Transcription
IRTP Part D Working Group meeting
Monday 14 October 2013 at 15:00 UTC**

Note: The following is the output of transcribing from an audio recording of IRTP Part D Working Group call on the Monday 14 October 2013 at 15:00 UTC. Although the transcription is largely accurate, in some cases it is incomplete or inaccurate due to inaudible passages or transcription errors. It is posted as an aid to understanding the proceedings at the meeting, but should not be treated as an authoritative record. The audio is also available at:

<http://audio.icann.org/gnso/gnso-irtp-d-20131014-en.mp3>

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

Attendees:

James Bladel - RrSG
Avri Doria – NCSG
Kristine Dorrain – NAF
Kevin Erdman - IPC
Rob Golding - RrSG
Barbara Knight – RySG
Bob Mountain - RrSG
Mikey O'Connor – ISPCP
Holly Raiche – ALAC

Apologies:

Paul Diaz – RySG
Chris Chaplow – CBUC

ICANN staff:

Lars Hoffmann
Julia Charvolen

Coordinator: I'd like to remind all participants this conference is being recorded. If you have any objections, you may disconnect at this time. You may begin.

Julia Charvolen: Thank you (Kelly). Good morning, good afternoon, good evening everyone, and welcome to the IRTP Part D Working Group Meeting on Monday, 14th of October 2013 at 15 UTC.

On the call today we have James Bladel, Avri Doria, Kevin Erdman, Rob Golding, Barbara Knight, Bob Mountain, Mikey O'Connor, and Holly Raiche. We have apologies from Paul Diaz. And from Staff we have Lars Hoffman and myself Julia Charvolen.

May I please remind all participants to please state their names before speaking for transcription purposes? Thank you very much and over to you.

James Bladel: Thank you and welcome everyone to IRTP-D, and as per our normal rules of procedure, does anyone have any updates to their Statements of Interest? Just please raise your hand in the Chat.

No updates there so we'll then draw your attention to the Draft Agenda which was circulated on the mailing list and it appears at the right hand column of the Adobe chat room. Does anyone have any comments or edits to our draft agenda? It's fairly barebones.

Okay, seeing none we'll just proceed with that. We'll send the bulk of our call on Agenda Item Number 2 which is to bring back to the main group some of the efforts and work products coming out of the subgroup drafting team which is working to review, revise and revisit the TDRP and make some recommendations on how that process and policy could be restructured.

Mikey has a mine map - and I think first off, you know, on behalf of myself and Mikey and Kristine who were participating last week, we should probably just note to the group that we didn't think to record these sessions. So in the interest of transparency, we have collected our notes, and thanks to Mikey and Kristine for collecting them as early as possible, and then we're presenting those to the group along with a walk through. And then going forward, we will also record those subgroup meetings and then make sure that those are available with the other main group recordings and transcripts. So apologies for that and we will remedy that going forward.

So with that, we'll take a look here at the mine map that Mikey is sharing currently. And Mikey, I may actually turn over to you because we have - maybe if you could just tee us up here on where we are with the revision of the TDRP, what sort of inflection point we had discovered or questions that we need to bring back to the group for a larger discussion, and where we are going from here as a drafting team, and when we can maybe anticipate when we'll bring this in for a landing and incorporate that into our draft initial report.

So Mikey, would you want to maybe kick us off in that regard?

Mikey O'Connor: Sure things James, this is Mikey. So what you see on the screen is pretty much the same document that we went through on the last call. And I don't think I'll repeat all that, but we did record that call both in audio and in video. And so if you want to get a really detailed jaunt through our thinking, you can certainly do that. But let me just open up one layer.

Essentially what we concluded as a drafting team is that the TDRP as it stands today is very difficult to follow, it's a complex document that appears to either have been drafted in hast or badly revised several times along the way. And so we've put a fair amount of energy into just reorganizing it, and you can see from those headings, that is sort of where we stand in terms of the policy part.

Then we've broken out a lot of the more technical stuff, you know, who - what do you have to do to file various things, what are the administrative procedures. And we've pulled them into a separate section. And then we've left a third section that is presumably is taken care of by the TDRP providers.

So that's an incredibly fast summary of what took the better part of the call last week. And I'm happy to go back into any of that.

James Bladel: So Mikey?

Mikey O'Connor: Yes sir.

James Bladel: Just for clarification, the first three items here are simply summaries and reorganization of existing policy, no recommended changes or alterations at this point. Is that correct or?

Mikey O'Connor: I wouldn't go quite that far. You know, we've got a lot of notes in there about things like - one of the questions that's in our charter questions is the question of whether or not to remove the registry layer from this process.

And so where we've encountered some things where we are thinking that the group is tending in a direction, we've generally annotated that at least in here and said, you know, in regards to something like the registries for example. We've annotated it and said, "This section would drop out." And for the most part, those annotations and changes are indicated in the draft so that it is fairly easy to pick them out.

And I think the thinking at this stage is once we get a couple of these last few questions for the group ironed out, we'll drive those all into a more traditional Word document draft and push that out to the list and then walk through it again fairly carefully so that we highlight those parts that reflect some, I guess what I would call, good guesses on our part as to where we think the consensus of the group is.

So I wouldn't say it's entirely the same, but it certainly comprised, I guess, you know, 85-95% is the same. It's just reorganized a bit.

James Bladel: Good, thanks for clarifying.

Mikey O'Connor: Sure thing.

So the thing that I thought would be really helpful to focus on today are three points. One of the points that came out when we were drafting was that in the case or registrar initiated disputes, and because there are really two things going on. Registrars are initiating them and there is the registry layer that precedes the dispute resolution provider layer in the rules today.

And so when I was copying and pasting language into the process for the registrant, the question came up - right now there's a part of the process that allows registrars to dispute the findings of a registry, the first layer. And that dispute goes to a resolution provider.

In the case of the registrant, first of all, because there is no, you know, presuming that we eliminate the registry layer which I always have to put that caveat in, the only appeal that a registrant would be able to make - and in fact it may be that the appeal process drops out all together. Because in the current policy it says that, "Decisions of a Dispute Resolution Provider cannot be appealed." That if you want to appeal that decision, and this is at this point talking to registrars only, "If you want to appeal a decision by a Dispute Resolution Provider, you have to take it to court."

What I did in drafting was start to build an appeal process for the registrant where the registrant could appeal a Dispute Resolution Provider decision, and we backed that out, because what we said was, "Look, if it's gone to a Dispute Resolution Provider once, no matter who initiates it, that opinion cannot be appealed in this process. It has to go outside the process."

Now that's a decision that we just didn't want to make on our own; we wanted to highlight that and give the rest of you a chance to think about it, etcetera, etcetera. And so that's the first of the three questions that we've got for you today.

James, you're in the queue. Take it away.

James Bladel: Yes thanks Mikey, just a couple of questions about this. To summarize, because the process is now beginning at the DRP level, that would have been under the status quo, that would have been where the appeal would have gone if they had all ready exhausted the registry level. So in a sense, they are starting the dispute at the appeal level. Right?

Mikey O'Connor: Yes that's right. And that's why I sort of backtrack in the middle of...

James Bladel: Okay, then I generally support this idea but I question, however, is just to sanity question our work here if it - where do we have parallels that we can point to in other policies like UDRP or some of the new dispute resolution policies that are coming up that we can say that, you know, "Look, once something has gone to an independent panel, essentially the decision spans unless you want to go outside of the ICANN process and into, you know, a court proceeding."

Because, you know, we have to have like, you know, there has to be a stop point to this process, right. You can't build appeals and then appeals to the appeals, so on and so forth.

I get where you're going with this. I'm just wondering if there's an analog we can point to in other policies.

Mikey O'Connor: There's certainly one in this policy which is that's the policy today. You know, Barbara you may want to comment on that.

But in the policy today is that stopping point that says once it's been to a dispute resolution panel it can't be appealed. And with that I'll head over to Barbara and then we'll note that we should take a look at analogs and other policies.

Barbara?

Barbara Knight: Thank you Mikey, this is Barbara. So I mean I think just for clarification, I mean both the registry operator today and the ICANN designated UDRP or ICANN approved, I should say, UDRP providers are considered UDRP providers. And basically it's just that the registry operators at this point are considered a Level 1 dispute provider while the UDRP like the map and all of those are considered a Level 2.

There's nothing to preclude someone today from bypassing Level 1 and going directly to Level 2 under the current policy the way it's written. They have the option to do that. But if they go to Level 2, and they don't like the answer there, then they can't come back to Level 1. So there really would be no difference if we were to eliminate Level 1 all together and just have, you know, the Level 2 providers such as, you know, NAF be, you know, the sole provider if you will.

And I'm curious, and I'm not familiar enough with UDRP to see exactly what it says because, you know, if we were to eliminate the first level, the registry level, and just have the Level 2 providers available as the recourse for transfers, activity that's been in violation of the policy, I would think that it would follow more closely to what's happening under UDRP.

Do we have anybody - is Kristine on the call today?

Mikey O'Connor: I haven't seen her yet unfortunately because she is pretty smart about the UDRP.

Barbara Knight: Yes, I'm thinking she would be able to tell us, you know, if what happens in the event that somebody doesn't like a UDRP decision and do they then have to go to the courts which is basically what the transfer dispute policy envisions in the case that the second level decision does not agree. You know, somebody has an issue with it I should say.

Mikey O'Connor: Yes, and I think that's - you know, one way to view this is to say, "Well, the way we're describing it is the way the TDRP is today and so we're not changing it." But it would be I think a good thing to check out the appeal provisions in a UDRP and just see if we can normalize these gracefully, that would be good I think. If it turns out they're wildly different and there are policies that arise, that would also be a good discussion for this group to have. So I'm certainly open to the idea of comparing it to the UDRP.

Let's wave our hands at the problem for a minute and just make sure - because I think that basically what happens is rather than the question of should we provide an appeal mechanism within this policy to the registrants, in a way the question is, have we just eliminated the need for an appeal mechanism for the registrars if we eliminate the Level 1 layer. And I think that's true because I think the appeals are all aimed at appealing registry decisions, they're not available to appeal TDRP provider decisions.

So I just want to take a sanity check on this and tentatively mark it down as that's the way we'll go. We'll certainly bring it back once we get to final form, you know, but this is the time for sort of howl and outrage.

Barbara, go ahead.

Barbara Knight: Thank you Mikey, this is Barbara for the record.

I just did a really, really quick scan of UDRP policy in the rules for the word appeal, and it's not coming up anywhere so I don't know if there is any mechanism for appeal under the UDRP. It may just be that, you know, if you don't like it then the next step would be to go to the courts in that case as well.

Mikey O'Connor: That doesn't surprise...

James Bladel: Barbara, this is James and I think that is also my understanding, but you know, just looking to confirm that.

Barbara Knight: Yes, sounds good.

Mikey O'Connor: And I'm not surprised because there isn't a first layer at the registry. You know, I think that's what the word appeal in this document is aimed at. So I think we're all kind of landing on the same place.

And so we'll take that onboard in the drafting team and work that in. We'll highlight all this stuff so that it's not invisible by any means.

Okay, let's move on to the next one. The next one is - oops, sorry about that. One of the things that we've been saying in the conversation about a registrant initiating one of these is that they have to clear a number of hurdles before they can do this. And so we put some numbered stubs in the draft. But we would be really interested in sort of a brainstorming session with you all as to what those hurdles might look like.

I hesitate to - tell you what. I'm going to stop sharing my screen for just a second so that I don't just totally take your eyes out of their sockets while I drive quickly around the draft and find the - I came up with the first try of these and I don't want to drive you crazy while I find it. And so while I'm stumbling around, please do think about sort of what sorts of things people would need to do if they were registrants and they were filing one of these complaints. And I wonder if I took it out - finding it. I could have sworn that I - that it's in here.

James Bladel: So Mikey, this is James.

Mikey O'Connor: Go ahead James.

James Bladel: Don't we first need to - and maybe this is - and maybe I'm jumping the gun a little bit on your notes here. But don't we first need to establish whether the difference between how one - let's see - how one graduates from being, you know, Joe-blow off the street to a registrant claimant, you know, in the process? How they establish that they have some claim to previous registrant status for the domain name?

Mikey O'Connor: I think that's precisely the kind of stuff that needs to go in here. You know, I think this is the screen - oh, here we go. Here are my - I'm going to copy over the three guesses that I had in my first try at the draft and then I'll put this back on the screen for you.

And I apologize for dropping my screen off, but believe me, you didn't want to watch what I was doing, so there it is.

So these are the three that I sort of remembered from prior discussion that registrant claimant would have to document their attempt to settle through registrar, that they would have to then provide presumably some more documentation to backup to TDRP, and perhaps documentation that a registrar was not initiating a TDRP for them. Because remember that the normal process here would be that if the registrars couldn't resolve it, registrar to registrar, they would initiate the TDRP; that's the initial trigger for this.

And what we're doing is essentially opening this process up in the case that a registrar does not presumably, because they don't think it's justified or something like that, and so the registrant or the registrant complaint would need to document why the registrar didn't do that for them.

So these were sort of very first rough guesses. And James, back to you.

James Bladel: So from a registrar perspective, if I refuse to provide this documentation, I can essentially stop the TDRP from proceeding?

Mikey O'Connor: Well, that would be a bad outcome wouldn't it. You know, and so this is precisely the reason that this conversation needs to take place.

James Bladel: Okay. And so we're going this route - I'm sorry, I'm not sure if I'm wearing a registrar hat anymore. I'm just kind of helping brainstorm through this.

So we're going through this process because we believe that there are two scenarios under which a registrar would decline to initiate a TDRP. One is that the registrar does not believe that the claimant will prevail. Their status as a previous registrant is questionable or they look at the transfer and, you know, everything looks legitimate and they don't see any particular failings of the policy level so they just want to leave it alone.

The other one would be that the registrar simply refuses because, you know, it looks like a lot of work and paperwork and expense and they don't have to do it so why should they. And I mean what am I trying to say here - obstinate, just the registrar just doesn't want to go along. I don't really know if they have anything to lose necessarily. So...

Mikey O'Connor: Yes and I think that's right. And I think...

James Bladel: So what skin do they have in the game, I guess at this point?

Mikey O'Connor: Right and I think that that's sort of the thought that went into that last bullet was to say, "Okay, this is available to a registrar - or a registrant, sorry." But they have to tell the story of how they got there.

And I suppose that one version of the story would be, you know, if we follow your scenarios, one version of the story is, "Well, the registrar wrote me back and said we've failed to resolve your dispute between the registrars, and we your registrar, don't believe that you're going to prevail. That's not to say that

you can't undertake this on your own, but we aren't going to support you in that effort."

And the other is essentially - and that to me is something that comes to the registrant in email or somehow and they attach it to their request for this proceeding.

And the other is the obstinate registrar who simply just doesn't go along with it. And that's harder to document because it's harder to document a non-action. But...

James Bladel: Which is the whole point of us opening this up to registrants correctly, right?

Mikey O'Connor: Right.

James Bladel: Not the registrars who've looked, "I've looked at your stuff here, I've looked over your materials, I've looked over the transfer and I don't think you have a case so I'm not proceeding." Those weren't the folks that we were going after. It was the folks who were not communicating, not responding, or just said, "You know, this looks like a lot of paperwork and a lot of ICANN BS and I don't really want to get involved."

Mikey O'Connor: Right.

James Bladel: And so I guess I'm a little hesitant to require that the registrant obtain some sort of blessing even if it's documentation that they talked to that registrant because it gives them a veto over this. I think maybe we might have to take a look at that because it seems like a very - the people we're trying to help here are still on the critical path.

Mikey O'Connor: Well we could put this in as optional documentation for now tentatively. Because I think you and I are headed in the same direction there James. We

don't want to give the obstinate registrar a veto over the ability to proceed for sure. Let's put maybe a goal in there too.

James Bladel: But that opens up the flipside as well which is that we need the, I want to say, original losing registrar to be able to vouch for the identity of the person making the claim, that they had some involvement with that domain name in the past. And who else could possibly make that claim or - I'm sorry, who else could substantiate that claim.

Mikey O'Connor: Couldn't registry and the WHOIS database do that?

James Bladel: (Crisis) registries.

Mikey O'Connor: Oh yes. Gosh I wish we had crisis registries. Yes, all right.

Well - wait a minute. Let me type for a minute.

You know that sort of dovetails into the conversation we had on the drafting team last week about the fees and the fact that the fees are little bit overloaded right now.

And that one of the components of the fees is to compel participation by the registrar. I don't know...

Woman: Yes.

Mikey O'Connor: ...if those go together or not? I'm seeing a pretty empty queue. This is an interesting puzzler.

So I think what we may do is leave this for now I like the scenarios and the goals that we've come up with thanks for those James and we'll put this on the needs more puzzling pile at the moment but don't feel like we're done folks because I'm not seeing anybody jumping into the queue.

(Barbara) do you got any ideas about this in terms of what you see? You're sort of our resident expert on how these kinds of things unfold. Any thoughts come to mind?

Barbara Knight: I'm going to apologize. This is (Barbara) somebody just walked into my office and disrupted or distracted me I should say. Can you...

Mikey O'Connor: I'm sorry.

Barbara Knight: ...give me a quick rundown? I'm so sorry.

Mikey O'Connor: No worries. I didn't need to really put you on the spot like that. And I noticed your offer to join us on the drafting teams and I'm going to accept that offer with great joy.

But the - this one is still in the undecided puzzler stage for sure. And Avri in the chat is pointing out that registrants are going to have to have some sort of evidence to present.

And I suppose James that one way to do this is to say that the dispute resolution provider is - it's sort of in their lap to verify the identity of the registrant or the veracity of their claim.

And since the claims that they're the registrant is sort of the core of the whole dispute anyway maybe we leave that in the lap of the dispute resolution provider and we don't force the registrant or the registrar to necessarily be required to do that. That would be another way through (Barbara) over to you.

Barbara Knight: Thank you Mikey. This is (Barbara). So I mean today the way it works is, you know, we obviously get all of the information from the registrars.

And, you know, we have to rely on, you know, the fact that the registrars are validating either, you know, who the registrant is and if there's, you know, claims of hijacking and all of that that, you know, the person who has brought that to their attention, you know, is legitimate so all of that happens today before the registries ever get to it.

And, you know, unfortunately I can say from VeriSign's standpoint, you know, we are a thin registry.

So we don't have any information in our database that should be able to be - to do any sort of validation of the registrant.

So again that's, you know, we rely very heavily on the registrar to do that. But I guess my question is is and when we're talking about this are we talking about the fact that, you know, if a registrant is wanting to bring this because they're claiming that the registrar is not willing to bring the claim on their behalf I mean doesn't that then become more of a compliance issue with the registrar not really being in compliance with consensus policy and raising those disputes if they're not able to resolve them and would we not been pursue it from that perspective?

If we get a complaint in basically, you know, pursuing it through the registrar to say, you know, this is what I'm viewing would happen if someone were to come to VeriSign, you know, a registrant today claiming that their registrar would not, you know, raise the dispute for them is, you know, our position would be to go back to the registrar and basically ask them why they were not willing to raise that dispute or open the case on behalf of the registrant if in fact, you know, the TRP under the IRTP is a consensus policy and they're expected to do that on behalf of the registrant.

Mikey O'Connor: Yes. And I would think oh (Christine)'s on the call cool. I would think that the dispute resolution provider would probably do the same thing go to the registrar and ask for the documentation.

I think the original thinking behind this step, you know, we've got sort of a tradeoff here. We want to give registrants access to a process but we don't want to flood the process with (experious) requests.

And so the thought was, you know, let's put some hoops in front of it to stop that behavior motivated better behavior on the part of registrants.

And it may be that this is better handled by putting that in the process that the dispute resolution providers do. James go ahead.

James Bladel: Thanks Mikey James speaking. You know, I'm all for punting this issue of verification over to the dispute providers.

But I don't think that anyone including the registries has anything - has any authoritative information except for the registrar.

So I still feel like we can't get around this issue of the registrar being an obstinate register being able to hold up the process.

But something (Barbara) said just a moment ago kind of I think what I want to noodle on it a little bit more is, you know, there are two ways of opening this process up to registrants.

And I think we've been focused maybe out one of those means which is to allow them to immediately initiate the process with the dispute level - the dispute site level of the provider.

But what if we were to take another look at this and say is it possible that we could simply solve our address this issue by requiring registrars to initiate a TDRP when it's brought to them with, you know, some basic provisions to make sure that they, you know, they have some history with this particular the person making the claim.

And of course, you know, you can't force someone to take an action and then also hold them accountable if, you know, financially if that action fails.

So it just it feels like if we can work that out that might be another way to ensure that registrants have access to this policy without kind of creating a whole new separate path through the policy.

And that was just something I need to think about it a little bit more before I actually can kind of throw it out to the, you know, for consideration. But it was just something as long as we're brainstorming I wanted to put on the table.

Mikey O'Connor: I'm going to put that in there as a note. And I'm going to hang your name on it James...

James Bladel: That's fair. I deserve that.

Mikey O'Connor: ...because I, you know, I'm not adverse to that idea. And, you know, I think the goal that I've always been striving for is some way for a registrant to overcome the registrar who elects not to file the TDRP for them...

James Bladel: Great.

Mikey O'Connor: ...for either of those scenarios.

And if we can figure out the mechanics of requiring that and it does sort of head in a way to the fees piece.

And so let me just...

James Bladel: Well and it might be it starts to look like it starts to -- I'm sorry for I jumping the queue here - but it starts to resemble the sort of compliance inquiries that

we already receive which is hey registrars somebody requested a transfer and you nacked it. You declined the transfer.

What under what basis are you declining the transfer? And as a registrar the burden of proof is on us to demonstrate that one of those reasons for denials, you know, was met.

And so I think a similar thing could be hey registrar you - your registrant refused to or you - came to you and asked you to initiate a TDRP and you refused why you know, and which of the four reasons, you know, that are allowable are you claiming here?

And a registrar would be on the hook for saying we believe this is in (Esperia)'s claim. We believe that the transfer policy was followed because of X, Y, and Z or whatever.

I mean I think the burden of proof can be pushed back onto the registrar why they didn't or they could say, you know, upon further review we had decided we will initiate this TDRP.

You know, and I think that then it becomes I think what (Barbara) was aiming at was it becomes a compliance action then for the registrar to cooperate not a, you know, fee for, you know, or a gold star for doing the right thing and a fine for doing the wrong thing you know it becomes more of a built into the compliance framework.

Mikey O'Connor: Yes. The one scenario that we'd have to - let's noodle on that some more. That's a good idea.

James Bladel: Okay.

Mikey O'Connor: Avri is asking in thick Whois are registrars still the only ones with authoritative information? And the answer there is it depends on what you mean by authoritative.

James Bladel: Contact information. I think the answer is yes.

Mikey O'Connor: Yes. And authoritative in the sense that it's the registrar that gathers the information from the registrant however it's carried in the thick Whois registry database.

And essentially the stories that we've heard is that people look both places and use both as their source.

So authoritative is tricky. That's that whole authoritative section that we worked on in thick Whois Avri.

Okay let's take another we've got about ten minutes left. And we had a brainstorming session not unlike the one we just had in the drafting team.

And we came up with some oh it's too big well I'll just have to do this a piece at the time sorry. One of the things that comes up in this process when you give this give access to this to registrars is who pays the fee?

And so one of the things that -- and this came up a bit on the call last the main call last week -- and we took the discussion into the drafting team and broke it into smaller and I think more manageable bite size pieces because what we kind of tentatively arrived at is that the fee charged to registrars right now is overloaded especially if we are giving access to this process to registrants.

Partly the fee is to disincen frivolous or fraudulent claims especially in the case of a registrar or a registrant.

But it's also to provide incentives to actively participate. So in that case it's, you know, generally something that we want the registrars not to have to pay because they're just participating.

It's also a form of a sanction. And we get into some interesting territory when we talk about uniform sanctions across all consensus policies and yet here we have a sanction built into the TDRP.

And it's also used to pay for the dispute resolution providers. That's a lot of luggage for a single fee to carry. And I think we had a very useful discussion as we tease those pieces apart.

So then when we looked at the sanction piece you've probably read ahead on the screen but I'll walk through it if anybody's on just on the phone.

We uncovered a couple of problems with the sanction part of the fee. And one problem is that in the case of a multi-hop hijacking case the two registrars that are actually involved in the TDRP process may not be the registrar that actually did the misdeed.

And so if you charge either end of that process you're essentially sanctioning the wrong registrar. So that was one.

And then the second is a point that I made a minute ago which is that we have this emerging consensus but we don't want to build sanctions into policies but rather have them carried at the RAA level.

And then the - from that point it gets a little crazy. Some of this is from our discussion and some of it arguably came from my demented mind.

One of the things that we thought about was the possibility of splitting the fee into different pieces so that we unload it a little bit.

And then one of the pieces of that could be a fee for not - for registrar nonparticipation. And James that's - this is the part that I was thinking about when we were noodling away earlier about getting the registrar to participate is that this is another piece to that puzzle.

Then there's the filing fee where if the registrar or that the registrant loses or is determined to be fraudulent or frivolous then that filing fee is retained by the DRP provider. And that's an incentive to keep people from filing silly longshot cases.

This is the really crazy piece that I still swear James said but James stoutly maintains that I hallucinated this and given my past I'm willing to take that on board.

You know, you can have the two beer discussion about who pays those taxes but a tax is paid on every domain name generic domain name that goes to fund ICANN.

And maybe what we do is we take a portion of that fee and establish a fund that actually pays for the DRP services rather than clumping all these things together in one fee break them apart a bit.

And then a couple of other points that came out is and maybe one of the things that we do is we add language that says that the DRP can identify where the fault and blame was.

This is sort of aimed at that non - that middle registrant in the chain of a multi-hop process. And maybe one way to handle that issue is to aim that back to ICANN compliance.

Then the last idea we had -- and I see James you've got your hand up let me just rip through this and then I'll jump over to you -- is this notion that maybe we allow registrars to pass fees along to their customers.

And again this is kind of in early brainstorming mode. These don't necessarily all fit together very well yet.

And so I'm not presenting this as a single option but rather sort of pieces of a clock that we might be able to assemble into something that would be fair to all and with that James over to you.

James Bladel: Thanks Mikey and I'm trying to remember which - is a good run through. And I'm trying to remember specifically where I wanted to comment here.

But I think when we were talking about the ICANN fee part of our discussion on Friday was an observation the ICANN does or is involved in a number of functions and in some cases is using its general fund if you will to pay for certain dispute resolution processes or to subsidize certain functions that might otherwise be too costly but had been deemed, you know, part of the public interest.

And I just wanted to point out that transfer disputes transfer issues are still far and away the most common issue that ICANN receives complaints about from the general public.

And in fact you could make the argument that if someone has never heard of ICANN before their first introduction to ICANN is most likely going to be through a transfer of a domain name that failed for some reason.

So I think this is -I just want to point out that while this seems like we're kicking the ball over the fence here and saying okay we can't figure out who's going to pay for this ICANN you're on, you know, this is going on your tab.

I think there is a little bit more a case to be made for the idea that this is one area where, you know, the communities served by ICANN and all the

commercial service providers and all the dispute resolution providers is could be, you know, is screaming for assistance here.

And I think they, you know, it shouldn't be dismissed that they would have some role to play in offsetting these fees.

Mikey O'Connor: Thanks James a wonderful endorsement of my hallucination. It's getting close to the top of the hour. Does anybody else have any reactions to this?

This one the drafting team doesn't feel like it's baked yet by any stretch of the imagination. But we'd certainly be interested in any of your thoughts about this? This was sort of top of our agenda for our next call. And, you know...

James Bladel: Just a thought Mikey and if I could jump in on that maybe just a note that we will take this up again in our sub team on Friday right?

Mikey O'Connor: Right.

James Bladel: And do we want to maybe re-invite anyone who really wants to weigh in on some of these issues? You know I mean I don't want to give the impression that it's a small and select group of folks that are specific and expert working group or a strategy team or something like that this is, you know, just more of a coalition of the willing right?

Mikey O'Connor: Yes. And I think that's a great idea. I think one of the things we might want to do is hit the list with that. (Lars) I might lean on you to do this.

And essentially re-invite - send out essentially a meeting announcement to the whole list with the invitation that says anybody's interested in joining is certainly more than welcome.

(Barbara) has mentioned in the chat that she'd be willing to join and I'm very enthusiastic about that because, you know, I and I think (Barbara) brings

probably the deepest understanding of this process in the working group to the crew and so yes I think that's a great idea.

I'm seeing a checkmark from (Lars). Thanks (Lars). I think with that James back to you to wrap this up. I'm done here.

James Bladel: Okay thanks Mikey. And I think you did very thorough and comprehensive job in covering everything on our agenda today.

So our next meeting will be next week and same time same channel. It looks like (Lars) you have an announcement?

Lars Hoffman: Yes thanks James. Just very brief (unintelligible). We're changing Europe we're changing to wintertime in the last weekend of October which then means that the timing for the call will be certainly different with regards to the UTC.

I believe that in the state and in Canada the change is -- and I'm not sure about Australia to summertime -- the change is a different week the week one week later for North America.

Well we didn't - in the spring if I remember correctly was to keep the time at the UTC until everybody had changed. And then switch the time back the UTC time back to maybe keep it at the same time that we're meeting right now at the same local time.

But so Europe would actually be for one week if you did it this way there would be no change in - for the US. The UTC time would change. And Europe would have one week of different local time for the meeting one week - one hour later. If you're happy with that I can also explain it more clearly in an email I suppose.

James Bladel: You know (unintelligible) that is fairly understood. And I think that what we're saying is there we would kind of lock this timeslot in with I guess we're saying are we saying North America then because I think (Holly) is saying that Australia is already on daylight savings.

Holly Raiche: Yes.

Lars Hoffman: So yes James we would love to be able to be with the local time in America, adjust the UTC, and we in Europe would have a one week different timing of the call.

James Bladel: Okay. And I think that would probably be the least one meeting would be one hour off for some of the participants that would probably be the least confusing and impactful way to do that.

Of course I say that as someone who would not be affected by that but in general it seems like that would be the simplest way to proceed.

Mikey O'Connor: James...

James Bladel: Mikey.

Mikey O'Connor: Let me just jump in this is Mikey. (Lars) I think it would be good to do the same for all working groups.

Lars Hoffman: Yes Marika and I have discussed this. And that is the way that we were thinking to do it for all the groups. So we thought - we arranged with the individual groups just to see if there's any objection.

Mikey O'Connor: That's great. But my hope would be that we'd do it all the same because otherwise...

Lars Hoffman: Yes I know, I know.

Mikey O'Connor: ...we're going to be - we'll tangle people a pretty badly I think.

Lars Hoffman: Yes. I know that's the call for sure absolutely.

Mikey O'Connor: Cool.

James Bladel: Okay well with that let's say we'll pick up this group then with the sub team this Friday and then this group the same time next week. Great thanks everyone.

Mikey O'Connor: Thanks.

James Bladel: Thanks Mikey.

Woman: Thank you.

END