

**ICANN
Transcription
IRTP Part D Working Group meeting
Monday 15 September 2014 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 15 September 2014 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-20140915-en.mp3>
On page: <http://gnso.icann.org/calendar/#sep>

Attendees:

Barbara Knight – RySG
Graeme Bunton – RrSG
Arthur Zonnenberg – RrSG
Avri Doria – NCSG
James Bladel – RrSG
Angie Graves- BC
Bob Mountain - RrSG
Kristine Dorrian – National Arbitration Forum
Kevin Erdman – IPC

Apologies:

Paul Diaz – RySG
Holly Raiche – ALAC
Bartlett Morgan-NCUC
Alan Greenberg – ALAC

ICANN staff:

Amy Bivins
Marika Konings
Lars Hoffmann
Steve Chan
Berry Cobb
Terri Agnew

Coordinator: Recordings have now started. Please proceed.

Terri Agnew: Thank you. Good morning, good afternoon and good evening. This is the IRTP Part D Working Group call on 15 September 2014. On the call today we have Angie Graves, Barbara Knight, James Bladel, Graeme Bunton, Bob Mountain and Arthur Zonnenberg.

We have apologies from Paul Diaz, Holly Raiche, Alan Greenberg and Bartlett Morgan.

From staff we have Lars Hoffman, Amy Bivins, Marika Konings, Steve Chan, Berry Cobb and myself, Terri Agnew. I would like to remind all participants to please state your name before speaking for transcription purposes. Thank you very much and back over to you, James.

James Bladel: Thank you, Terri and everyone. Welcome to the second to the last of the conference for IRTP Part D. We are very near the end. And as we indicated we are now putting the final touches on our final report.

So first up does anyone having the changes to their SOI please indicate so by raising their hand. Okay seeing none I'll entertain now any adjustments to the agenda.

I actually have one, if we could please between item number one and number two indicate that we have to discuss two items, one is some proposed edits that were sent earlier today by Arthur, and then a note that I had from last week that we have an outstanding item to accomplish which is resolve the paradox that we have here regarding disputes and IRTP-C implementation. So maybe if we could just make a couple of quick adjustments there that would be great.

And I see that Kristine has joined, fantastic.

So let's dive right in. First off I would ask that if you're not speaking please mute your line, there was some background noise there just a bit earlier when we were reading the roll.

So let's take a look quickly at Arthur's edits because I think they were good ones and I don't really see any problems with them. So, Lars, if you could scroll less to the first one which I believe is towards the end of the report - not the annexes but the - let's see, it looks like I'm on Page - oh okay. And we have a couple - I'm sorry we have a couple by Barbara as well.

So, Lars, go ahead.

Lars Hoffman: Yeah thanks James. Yeah, there is a couple from Barbara before hand and the first one being on Page 14. If you want I can go through them once we (unintelligible) them but I think Arthur's is on Page 27, 29 and Barbara's are all, in fact, ahead of those two.

James Bladel: Fantastic. Let's just take them in sequence then and start with Barbara's first edit which I believe is on Page - as you indicated is on Page 40 - 14, sorry. And it looks like she has suggested that we change the word "panel" to "provider" I believe that is probably a more correct description, dispute resolution provider. Kristine.

Kristine Dorrain: Hi, Kristine from NAF. I just wanted to point out that the provider for UDRP anyway, this language came right out of the UDRP. The provider itself does not determine whether or not the decision should be taken down. In fact it's one of the kind of protection mechanisms that we have.

We leave it up to the - the panel has decided in their original decision and what that does is it keeps parties from coming back to us six months or a

year later saying well you need to have that decision taken down because I want you to.

And it's nice for us to be able to say I'm sorry, the rule says that that's up to the panel and, you know, the panel decision is over. Now granted I could grow a pair and just say, sorry, you know, I'm not going to take it down. But really it is the panel's decision as to whether or not the decision should be public. It's not really up to me as to whether the decision should be public.

So I actually prefer, and normally I agree with Barbara on almost everything, but I would actually prefer if we leave that "panel" and leave that up to the panel to decide whether or not the decision should be public.

James Bladel: Okay thank you, Kristine. Barbara

Barbara Knight: Hi, this is Barbara for the record. Sorry, it took me a minute to get off of mute there. The only reason I changed it to "provider" from "panel" is because anywhere else in the IRTP dispute policy it basically always refers to provider and it's the, well I guess it actually - if we do end up even eliminating the first line of defense, if you will, the registry operator, I think that is actually (unintelligible) definition than the relevant dispute provider.

So, I mean, I'm flexible; I was just thinking that for consistency there's nowhere in the TDRP that actually references a panel. So.

James Bladel: Thank you, Barbara, that's helpful. So what I think I'm hearing from Kristine is that this particular inconsistency on Page 14, item number - Recommendation 2 - it's intentional and it's picking up on a nuance here where we say the provider is, you know, the service like any but the panel, in this case, actually will instruct the provider whether or not something is to be redacted.

And then the provider is the one that has the duty to report which is in the first sentence. So that's, I mean, that's my understanding. And so I guess after, you know, kind of thinking this through a little bit based on both contributions I think we should probably revert back to "panel."

I was agreeing with you at first, Barbara, because I thought it was not a material change but I guess that just belays a little bit of ignorance on my part that it does appear like it was a material change. Green checkmark from Kristine.

Does anyone else want to weigh in on this particular issue or - it sounds important enough that we should probably go back - and Barber indicated that she was flexible so, Lars, if we could please - oh, I'm sorry, Barbara, go ahead.

Barbara Knight: Thank you, James. This is Barbara. So I guess my only question is do we need to have any sort of reference to a panel in the TDRP or are we okay that once it goes to a provider that it's, you know, it's understood that a panel will actually be evaluating these and rendering a decision?

If that's the case, if that's understood, then I'm fine with it going back to "panel" as well.

James Bladel: Yeah, I think, you know, if we wanted to be brutally clear we could say, "Except when a panel convened by a dispute resolution provider," - I don't know, Kristine, if you're okay with that if that provide sufficient cover for the provider itself; a decision is made by the panel itself. Thoughts on that, Kristine or, for that serve your purposes?

Kristine Dorrain: Yeah, I guess I would only say, instead of, "Except when a panel is convened," I would say, "The panel," only because we are not going to convene and other panel two years later.

James Bladel: Oh, okay.

((Crosstalk))

Kristine Dorrain: ...should be taken down. So it's got...

((Crosstalk))

James Bladel: Okay so, "Except when the panel, convened by the dispute resolution provider," does that work? Green checkmark. Okay, Lars, can I get a green from Lars? I got greens from the ladies who are helping us out here. Thank you Kristine and thank you Barbara. I think that was a good exchange and, you know, we're only 10 minutes into our call and I've already learned something new.

Okay so then, Lars, if you could take us to the next change here. I believe Barbara deleted - I'm trying to see what was deleted here. Oh that was maybe just an artifact from editing.

The next change it looks like the purple is the addition of the word "too" which looks like a fix out a typo or an editing artifact, is that correct Lars?

Lars Hoffman: Thanks James. This is Lars. Yes that's correct, it was just a typo. And then the next one would be on Page 17 - I keep the document (thing) to take it on there and that's on Recommendation 6 and 7 Barber suggests should be maybe combined. And the comment about 5 also refers to those two recommendations.

James Bladel: Okay. So looking at - let's take a look here. Barbara, maybe you can walk us through your proposed merger of Recommendation 6 and Recommendation 7 if you don't mind? Please go ahead.

Barbara Knight: Sorry, this is Barbara. I'm having a problem with mute, I'm on my cell phone here so I apologize in advance if it will be delayed. I just read these two to be very very similar so I don't know if it makes sense to go ahead and try to put them together.

When I read through it in the second one where it talks about the TDRP should be amended to include the need to lock - for a lock on the transfers once a TDRP is initiated, it seems like you could almost add that to Item 6.

So, I mean, because Number 6 is basically recommending that once an, you know, (unintelligible) for enforcement is initiated under the TDRP the domain name should be locked against further transfers. I just added while such enforcement (unintelligible) pending. And it just seems like it's so closely related that it's basically the same recommendation to me.

James Bladel: Thank you, Barbara. On the surface I agree. I'm going to maybe ask Lars do we recall specifically why this concept was broken into two separate recommendations, Lars? Go ahead.

Lars Hoffman: This is Lars for the record. Yes, I think it was just two recommendations because there was two steps and so the group had it as two separate steps and consequential logic. Having read through this I would agree with Barbara that it could be merged.

And in fact I believe if we add after the text in 3, closed bracket full stop, delete the full stop and do semicolon or something just say, you know, the TDRP should be amended accordingly, I think that would probably even capture that and keep the non-bold under the Recommendation 7 as part of the recommendation - the new Recommendation 6.

James Bladel: Okay. Thanks Lars. I see green checkmarks from Barbara and Kristine. I think that makes sense. I wondering if we broke this up because we were

modifying two separate policies; we're modifying the TDRP and then we're modifying the IRTP, is that possibly why we split up this recommendation?

Well, you know, regardless of how we got here it seems like there's general thoughts that these should be merged. So perhaps we go ahead - and you're saying, Lars, you have an idea of how you can make those fit together a little more seamlessly?

Lars Hoffman: This is Lars. Yes, James, I'll post - I'll do a quick edit and post it into the chat. Just give me one second.

James Bladel: Okay thank you. Yeah, I think it's important that we review this because this is not language in the body of the report, this is actual language of our recommendation that will be part of the implementation, so I think it's important that we all get to synchronized on this in real time. So thank you for that, Lars. And it also changes the number of our recommendations I believe, will reduce by one which I think will make some folks happy.

Okay, so reading the new recommendation, "The working group recommends that if a request for enforcement is initiated under the TDRP the relevant domain should be locked against further transfers while such a request for enforcement is pending. Accordingly, TDRP action and URS action are to be added to the second bullet point of the list of denial reasons in IRTP Section 3. The TDRP and IRTP should be amended accordingly."

That part seems repetitive. Oh I see, you moved it from the top to the bottom. Okay that's fine.

"The TDRP, as well as guidelines to registrars, registries and third-party dispute providers, should be modified accordingly. The working group notes that the locking should be executed in a way that the UDRP prescribes once the UDRP locking process is implemented."

I'm fine with that. I would just make that - just say, "In the same way," or, "In the same manner that the UDRP provides," rather than just "way." I think that makes it a little more explicit.

And then do we want to say, "Is implemented," or, "Has been implemented," I don't know if it's - I guess it's - either one is fine. Probably just want to be consistent with the rest of the document so whichever one you prefer.

Okay so we'll take a cue on this language here. Again, I just want to make sure that we get it absolutely correct because we are changing the language of a recommendation and want to make sure we don't accidentally knock over a can of worms. Kristine.

Kristine Dorrain: Yeah, I just wanted to agree. I guess I mean to just do a green checkmark. I agree.

James Bladel: Okay. Thank you for your verbal checkmark. Anyone else have any - Avri has also indicated her agreement. Barbara, does this capture the spirit of your contribution here - your edit?

Barbara Knight: Yes James it does. Thank you.

James Bladel: Fantastic. Okay, so I think that's Lars, if we can make that change to the document, I think, a good catch Barbara, and thank you for helping to I believe simplify our recommendations and make them more accessible to non-IRTP experts like everyone on this call.

Okay so then I believe the next edit is in 4.2.2.4 at the bottom of the same page also coming from Barbara. It's a comment here noting that the locking recommendation will only deter domain name hopping while a dispute pending. If no dispute is filed the domain name can still be transferred up to five times in a 12 month period. So this is our impact statement where we are

saying that essentially it'll be a deterrent to mitigate the practice of domain name hopping.

So, Barbara, if I'm understanding you're saying that it will - well, we are kind of being a little bit perhaps presumptive by saying this will be a deterrent because we don't know that it will actually be a deterrent.

But we can say is that we will reduce the effectiveness of the domain name hopping as an evasive maneuver but I think I understand where you're going. So let's go with Lars first and then Barbara; go ahead, Lars.

Lars Hoffman: This is Lars for the record. Thank you James. Again I was wondering whether it might be a fairly easy remedy if we added, at the end of the sentence, and I will post it in the part just one second, "At least while the TDRP is pending," to qualify this in the way that Barbara has pointed out. I'll add that to the parts and back to you, James.

James Bladel: Okay thanks, Barbara. We will wait for that to show up here and I'm wondering, Barbara, if you can wade in on whether or not you believe this captures the tone and substance of your comment. Go ahead.

Barbara Knight: Thank you James, this is Barbara. So I think it definitely helps to clarify it. I think it's a little bit misleading to indicate that this recommendation and the locking of a domain name during a TDRP is going to, in any way, and mitigate, I guess domain hopping outside of that.

So, you know, for instance if a domain name is fraudulently transferred that no TDRP is filed then there is really no way that the recommendation or the extension of the - sorry, I'm trying to read through this again. It just isn't going to mitigate it if, except during the time period that a TDRP case is pending.

So I think just by adding, "While a TDRP is pending," helps but I'd still think there's going to be plenty of opportunity by extending the period from six months to 12 months for a domain name to be transferred multiple times.

James Bladel: Okay thank you, Barbara. I went ahead and put myself at the bottom of the queue but before I weigh in just wanted to see if anyone else had any thoughts or comments on this change?

Okay, so what I'm suggesting here is - I agree with Barbara and I think that the bit, the "at" that was just added by Lars is important that I think it needs to be more explicit and perhaps moved to the front of the sentence here.

So something along the lines of, "The working group expects that the - that while a TDRP is pending this recommendation will mitigate," I don't know if mitigate is the right word but perhaps, "reduce the effectiveness of the practice of domain name hopping as a component in the conduct of fraudulent transfers."

To what I did was I moved that TDRP to the front and I moved "deterrent" because that's presumptive and I meant that we would be reducing the effectiveness of the practice. So let's see here, Lars has an update.

"The working group expects that, while a TDRP is pending, this recommendation," singular, "will reduce the effectiveness of the practice of domain name hopping as a component," you could just say, "As a component of fraudulent transfers," I think that would be fine.

And then I believe we need a comma around, "That while the TDRP is pending," so that that phrase is separated from the rest of the sentence. I think that's pretty close to what I was seeing. I'll put my hand down and see if anyone else wants to poke that sentence with sharp sticks.

Okay the queue is clear. Does anyone else have any thoughts on that?

Barbara, go ahead.

Barbara Knight: Sorry, I just wanted to add that I put in a little note into the chat. To the extent that the domain name locking mechanism does include a zero transfer prohibited status to be added to the domain name, it definitely will stop domain name hopping during that until the period of time that the lock is in place.

James Bladel: Okay, so do we want to add that as specific - a specific implementation recommendation, something like that, you know, that this - the lock should include - the locking mechanism should include a server transfer prohibited status on the domain name, something like that. I mean, we could be specific and say that.

Barbara Knight: This is Barbara. Your mind if I jump in here? I think...

((Crosstalk))

James Bladel: Yeah, absolutely.

Barbara Knight: ...to add that. And, you know, and to the extent that obviously the status that you would add it at the registry level and it's, I believe, a client transfer prohibited status that could be added at the registrar level if...

((Crosstalk))

Barbara Knight: ...then it's just going to depend on where it would be enacted. So if it's at the registrar level it would be client transfer prohibited, if it's at the registry level it would be server transfer prohibited.

James Bladel: Okay so, Lars, if you have your pen ready I think what we would want to add here is another sentence something along the lines of, "The locking

mechanism should include a server transfer prohibited status added by the registry and/or a client transfer prohibited status added by the registrar and this will," - or, "to stop subsequent transfers." I know if you got that.

Lars Hoffman: Hi, James. This is Lars. Just one second, I've got it, I'm just...

((Crosstalk))

Lars Hoffman: ...clean it up and pasting it in.

James Bladel: No problem. No problem. And while you're doing that I'll just mention Avri pointed out the use of the word "expectation" is, in our expected impact. I think - and then a hope or aspiration, I think that we struggled with this a little bit during our last call and I think even staff pushed back on some of the expectations or the way we were phrasing it were almost crossing over into implementation advise.

But I think that, you know, we're following the title of the section, the expected impacts, so I think we were seeing ourselves as constrained by that word being in the title of the section. So I agree though, it doesn't always fit.

So, Lars has added the second sentence, "Locking mechanisms should include a server prohibited status added by the registry and/or client prohibited status added by the registrar to stop the subsequent transfers." I think that's fine. Yeah.

And Avri was just responding to the - to produce conversation. So I think we are good there, Lars. Barbara, presuming that you are satisfied with this. And we are green. Okay so if we could go to the next edit?

I think these are - okay...

Lars Hoffman: These are just minor edits on Page 21.

James Bladel: Yes, I see...

Lars Hoffman: And then the...

James Bladel: Yes, everything looks fine here.

Lars Hoffman: The next one would be on Page 22.

James Bladel: Okay. So Barbara has highlighted here, "The TDRP should become more readily understood," and, oops, I just lost the - I think this is more applicable to the recommendation relating to ICANN providing more information on their Website relating to the duty noncompliant to the registrar transfers.

I don't disagree with the comments but I don't see if this phrase actually does any harm. Do you believe that it's in the wrong place or repetitive, Barbara?

Barbara Knight: Hi, this is Barbara. So I think this was actually under the expectations, right, this is (unintelligible) I see that section now on the (unintelligible) drag it over. Sorry, hold on just a second, I'm trying to - yeah, I was just making a point that it probably is really more under the recommendation. But I'm fine with where it is, it just was a comment that read a little funny to me.

James Bladel: Okay. Okay thank you, Barbara. Lars, you had your hand up?

Lars Hoffman: Yeah, thanks James. This is Lars. Yeah, just to add I think the sentence is here because we talked about - the group talked about how reducing the number of - with the increase of the number of registries so therefore removing the registry layer and therefore reducing the people that have to know about the policies to apply it becomes then more readily understood by those people actually deal with the policy. I think that was the letter of the sentence.

James Bladel: Okay thank you, Lars. I think that's a good clarification. Okay so let's leave that phrase intact acknowledging that it maybe is just hitting the same nail over again. And if we can move then to the next edit.

Okay, so Barbara is just making a suggested change here to this recommendation about normalizing sanctions. I think governed by applicable provisions within the RAA. I am fine with that. I wonder if it makes sense to also reference any other agreements, for example, the Registry Agreement or other contracts that may arise in the future?

So could we say something like, "As governed by provisions within applicable agreements," or is that too vague? Any thoughts, anyone? And a note that means that everybody hates it or - so, Lars, and we take Barbara's comment or proposed modification and then just tweak it at the end there and just say, "Governed by provisions within applicable agreements - within the applicable agreement." And that should cover the RAA as well as future agreements there. Okay green, great.

Barber recommends where possible. But will strike that. I have no problem with that. That is probably just more, what do we want to call it, more direct and crisper way of saying what we're trying to get across here in the impact statement. So I have no problem with striking that phrase, if anyone has any objections? None. Okay.

Okay can we go to the next...

Lars Hoffman: James, this is Lars. Yes...

James Bladel: Yes.

Lars Hoffman: ...the next one is on Page 27 I believe and that's Arthur. I think we come to the end of Barbara's comments.

James Bladel: Okay. All right, just before we move on, thank you very much Barbara, I thought those were good catches there and I think our report is definitely improved as a result so appreciate your work on that.

Then moving on - it's Page 27 I think that if you are following page numbers on the - for me it's Page 28 is where I see Arthur's first contribution so Page 28.

A comment where I believe he said something like, "Necessary to insert prevent - to prevent delay in measuring these important metrics," which is he - I believe wants to add that urgency to this recommendation, this note here in order to be able to conduct a future review if necessary to start gathering related metrics as soon as possible.

Quote we could do, Arthur, if you are satisfied with this is to say, "In order to prevent delays for a future review," comma, "it is necessary to gather related metrics as soon as possible which are clarified in 4.2.7.1."

So I'm merging your comment with the existing text if that's satisfactory to you, Arthur? Green checkmark. Does anyone have any opposition to that? Okay. Then can we move to I'd believe it is the bottom of the subsequent page.

It is - Arthur has noted a question or a comment. Attached are two separate bullet points but it's the same general point which is that the number of times a registrar worked informally with other registrars to request or affect the transfer reversal, do we want to count the number of emails or phone calls exchanged or just one point per incident?

I think this is a question of - or at least I understood this to be a question of weighting - weighting with an E I, not an A - given some weight to these types of statistics to make sure that we are capturing the significance of the impact some of these changes.

And then the next similar comment would go in the next bullet point or the number of times registrars experience a registrar who is claiming their domain name has been hijacked not related to an account compromise.

I, you know, I personally believe we're getting into a bit where we are prescribing to the implementation team how to conduct the survey. So one possibility is to say something along the lines of a number of - instead of saying "times" we would say, "the number of incidents or communications where registrars," and then the rest of the sentence can stay intact. And then we would do the same thing in the next one instead of saying "times" we would say, "the number of incidents or communications."

And I think that provides enough flexibility for the implementation team to decide which one makes the most sense in that context. And I see a green checkmark from Arthur. I'm asking if anyone else has any concerns or objections to that approach?

No, okay. So then can we move to Arthur's next contribution? Actually, is that it, Lars, because I'm into the appendices now. Lars.

Lars Hoffman: Thanks James. This is Lars. Yes, all the other edits in this document are rollovers from last week.

James Bladel: Okay fantastic. Thank you. And thank you for that contribution as well, Arthur, I think that those will improve the data gathering efforts as well as light a fire under the data gathering in the section above. So appreciate your contributions there.

I think that what we get back to the comments from the GDD team, again we uncovered last week - and it looks like we've got about maybe 25 minutes left in today's call so we're going to have to take a look at this and hopefully get this wrapped up today or on the list.

The GDD team pointed out that this group is referring to IRTP-C implementation for a dispute between - for an inter-registrar to dispute and that the IRTP-C implementation team believe that they've not been given the mandate or the instructions from IRTP-C, a closed PDP, to actually address this issue.

One of my questions - and I'm posing this to the group - I'm trying to find our actual appendices where we have those use cases. Did I lose that? Yeah, go ahead, Lars.

Lars Hoffman: Yes, due to the - this is Lars, I'm sorry, for the record. Due to the PDF creation and the Adobe Connect room I can't have that in one document but I'll pull it up right now and then I put the use case...

James Bladel: Okay. Okay thank you, if you could just while I'm introducing this. I think one thing that we could talk about here briefly is a way to untangle this issue because I think that we certainly have identified that disputes between registrants can arise and that the TDRP may or may not be an effective mechanism to resolve something, particularly if it's a time sensitive issue like that domain name hijacking.

And so I was looking for those references. And I see it in Use Case Number 9 and Use Case Number 12. And, let me see if I see any other ones here, scrolling down. So far I just see those two, Use Case Number 9 and Use Case Number 12. Does anybody see any other? Okay.

So here's my thinking on this is that if we don't have a mechanism in IRTP-C and we don't have a mechanism coming out of this than those use cases would shift from that orange or peach colored to a green color which is existing IRTP TDRP or they would shift to the red which is the ICANN policy does not apply.

I think that when we say, you know, for example in Use Case Number 9, two registrant claimants dispute who is the registered name holder of a domain name without an inter registrar transfer having taken place, there can be - there can be reasons -okay, so we need - a typo there - for such a situation to occur including, but not limited to, a contract in registering a domain name for a client, two business partners splitting, admin contact leaving a business, etcetera but remains listed in Whois.

I think that this use case then becomes a red use case, current ICANN policy does not apply because that is effectively a dispute over the identity of the party that's listed in Whois. It's a business dispute at that point.

Similarly for item number 12, transfers when a privacy proxy service are used, the - I believe it's the use, if we can fix that, of a privacy service means the privacy service is the transfer contact which can be (unintelligible) if the registrant wants to transfer the domain without removing privacy. Privacy might have to be removed before privacy services enact the transfer request which is also problematic.

I believe this also becomes a red square, ICANN policy does not apply. But I would say in parenthesis here would be that, "However, the interaction of the IRTP may be discussed as part of the ongoing PPSAI Working Group," so sort of a merger of shifting got to red with a tacking on of the - of that note that this is - and I know that Graeme is on that working group and some other folks that overlap from this working group.

I know that that has been discussed. I don't know that it's a formal part of our charter but we have clearly raised the issue of what happens to transfers when the domain name is protected by a proxy service. We certainly understand what happens today, I think that the group is trying to determine what we want to happen in the future and whether or not we want to standardize that across all accredited services.

So that's my proposal to address this chart. I don't know if anyone has any objections to that because then I think we've got to go back and take a look inside of our report itself. And I see that Graeme and Lars have also picked up on a typo and that will be fixed.

So I see that - that may be an older checkmark but I see that we have agreement from Arthur that those two changes would have to be in effect. I'm proposing one other change to the actual body of the report so maybe we can give Lars a moment to switch back to that other document.

Okay Berry just pointed out something here. Is it too late to - okay. So if we go to - Lars, you mentioned that there is IRTP-C is mentioned on Page 18, and this is the green one we share. And it says something here where it says, "The working group anticipates the implementation of the relevant IRTP-C recommendations (unintelligible) but not all of these cases identified as Annex C."

This is no longer correct, because as we were informed this is not part of the IRTP-C implementation and we just modified our use cases in Annex C but there's no longer a reference to IRTP-C.

So, you know, I think that - I think that really the meat and potatoes of our work comes in the next paragraph which is something like, "Having evaluated relevant data gathered from ICANN Compliance are registrars following the implementation of the change in registrant policy in IRTP-C. The GNSO," and I would say, comma, "The GNSO Council may determine that not all the use cases in Annex C have been addressed and that alternative dispute resolution options should be explored."

"In such circumstances the working group recommends that the GNSO Council requests an issues report to consider the development of the dispute resolution mechanism to address inter-registrar transfer disputes."

So that's really what I'm talking about here is striking the second - sorry the last sentence of the first green paragraph and then adding - or the balance of the remainder of the second green paragraph and then just merging those into a single paragraph.

I think that's essentially saying that, you know, if we don't feel that, you know, the implementation of IRTP-C plus the implementation of this will result in any positive changes and the Council, you know, may determine that further alternative dispute resolution options should be explored.

I do have one change here where we say something like alternative dispute - to me that sounds confusingly similar to arbitration. I think sometimes people use alternative dispute resolution as code for arbitration so I would say instead of using the word alternative we could just say other dispute resolution options or new dispute resolution options. I think the word "alternative" implies something else.

So we have 15 minutes left in our call, I know that's a lot to take in. Can we talk about that change folks? I don't know, Lars, if you caught all of that or?

Lars Hoffman: Hi, James. This is Lars. I caught most of it but I'll go through the transcript later tonight and I'll send the update out tomorrow if there's no further changes on the call obviously.

James Bladel: Okay thank you. Does anyone else--I see that the queue is clear so now is your opportunity to add to or speak against this change. Okay, what I would ask, Lars, is that you do - oh I'm sorry, Arthur, go ahead.

Arthur Zonnenberg: Hi, James. Thanks. This is Arthur Zonnenberg here. About the inter registrant transfer dispute resolution. From experience with similar cases in ccTLDs we actually find that this - that these disputes are more common are similarly common - that these disputes are similarly common to transfer

disputes and that a dispute resolution policy is at the very least advisable to create by somebody, not necessarily the IRTP-D group. That's it for now.

James Bladel: Thanks, Arthur. I think that's kind of where we were heading here with this but I think we can probably make that case a little more - a little more explicit. Lars, if you could maybe - we'll await some further language from Lars because I did want to add one other part here which was our recommendation.

And forgive me for not having this on tap here. We had another recommendation which was our last recommendation, which is 4.2.7.2 where we say that, "The working group recommends that once all IRTP recommendations are implemented, including IRTP-D, remaining elements from IRTP-C that the GNSO Council, together with ICANN staff, should determine - should determine to convene a panel to collect, discuss and analyze relevant data to determine whether these enhancements have improved the IRTP process, and to identify possible persisting shortcomings."

So I think that in addition to using the word "determine" twice in the same sentence we can probably just strike - and just go, "Should convene," that's more of a typo.

Then I think that's what we could do is look for an opportunity here to put, you know, something like - to make reference to disputes so something like, "To determine whether these enhancements have improved the IRTP process and dispute mechanisms," comma, "and identify possible remaining shortcomings."

I think that by inserting that I think that gives us the hook that we're looking for in our previous language, and as pointed out by Arthur, it gives us the direction in this recommendation to Council that further work on this policy must include revisiting of that inter registrant dispute mechanism.

So does anyone have any thoughts on that or have I just taken a completely, you know, off the road and into the weeds or are we good with this? Arthur, is that a new hand? Okay, it was an old hand.

Arthur Zonnenberg: I'm sorry.

James Bladel: Lars, did you catch that change, Lars - proposed change?

Lars Hoffman: This is Lars. Yes James, I caught it in the document.

James Bladel: Thank you. Okay great. And I believe that will address those changes to the use cases identified on Annex C, the changes to the two paragraphs that were previously revisited including Arthur's contribution and then the changes to the Recommendation Number 18, should address those concerns.

It does not give us an immediate dispute resolution to some - or new dispute resolution mechanism for those inter party disputes but it does tee it up for future work. Arthur.

Arthur Zonnenberg: Hi, James. Yes, Arthur Zonnenberg here. About the observations that we make in 4.2.7.1 and the call to start gathering data as soon as possible would it be wise to add a Recommendation 20 to recommend collecting the data as soon as the report is finished that the metrics team starts, you know, starts designing the metrics that we require based on our observations that they get to work on that more quickly.

Because if we leave it as a part of the report, and as an observation then we do not actually recommend that they start immediately, which is I think something that we can all agree on that we will need for future reviews. However, unless we make a formal recommendation for that there is a risk that those metrics may be delayed or that it's not picked up or anything. You understand my concerns I think on this.

James Bladel: Yes, thank you Arthur. I do understand. And I think what you're suggesting is rather than creating a Recommendation Number 20 week could look at Recommendation Number 19 and that we would remove the phrase, "as a best practice," and it would say essentially, "The working group recommends that contracted parties and ICANN should start to gather data and other relevant information." It would remove the phrase, "as a best practice."

Arthur Zonnenberg: Yes.

James Bladel: I think that would achieve the same equivalent outcome that you are seeking without creating Recommendation Number 20. Green checkmark, okay. I am fine with that change.

And I think that's when we say "Observations 4.2.7.1 above," I would also perhaps recommend that we add - well I think we party covered the hijacking and inter registrant dispute - let me just see, maybe we can explicitly note that we want to capture the statistics regarding the number of incidents or communications related to disputes between registrants.

And maybe we can add that under the one about the hijacking that is not related to an account compromise. No, strike that, let's move it above that one.

I don't know if you caught that, Lars, but it should be on the transcript. Okay great.

Okay so we have six minutes left to go and six minutes and one call to be blunt. Here's what I'm proposing, I believe, as I indicated in my most recent message, that we, particularly with these changes, that we have achieved consensus on these recommendations and on the language of these recommendations.

I don't know that we have any other major outstanding items. So let's wait for Lars to circulate on the next round of changes. That will be coming - I don't mean to put him on the spot but that will be coming as soon as Lars is able to get that circulated to the list.

I would ask everyone to please read those carefully. Lars, if you could flatten the document so that only the changes between this version that were covered on this call are highlighted, and that we can, you know, disregard previous edits and previous versions. And we'll just go forward from today. Thank you, green checkmark.

Berry also noted something about Appendix C, Item Number 12, Column 5, so we'll have to take a look at that to make sure that that's consistent with the other items in the chart.

And then if you could please, for the level of consensus, indicate, as I noted, that we have achieved full consensus for each of our recommendations. This is important because if there is still someone who just does not believe that they are on board with any of our recommendations you are now obligated to state your objection with a proposed modification.

And if the modification is not acceptable to the group then the - or not taken as a friendly edit or, you know, a nonmaterial - or just a cosmetic change, then we will do one of two things; we will either edit the recommendation so that we do have full consensus or we will lower the level of consensus from full consensus to just plain consensus. Consensus indicating that it's not necessarily unanimous but there is widespread support for the recommendation.

Then, that will give us the opportunity to submit their report by the close of business next Tuesday, or sorry next - know, next Monday, which would be the document cut off for the next GNSO Council meeting. And that would also give us an opportunity to start to wrap up the work of this particular working

group so that we can present this to the community in Los Angeles and it can potentially be voted presumably and approved by the GNSO Council at that meeting if not sooner.

So that's the plan going forward. We're under the gun of course; we're right up against the finish line. And - but I think that it's still very much doable as far as making that deadline.

Lars, go ahead.

Lars Hoffman: Thanks James. Yes, just to add to that what I propose to do as well is to send the flattened redlined version out as soon as possible tomorrow morning my time, and then I will send another version that has just the bits and bobs in it that I'm missing right now such as the executive summary, later to the week because that will take a little bit of time.

But I think it's important to get all the changes out as soon as possible to the group so you can expect to emails from me this week, that the changes will be the same it's just the second version will be the full report with all the bells and whistles. Thanks.

James Bladel: Perfect. Thank you, Lars. And I know that this is creating a, you know, some urgent - significant amount of urgent work for you and we certainly do appreciate your help. And I know that everyone is looking forward to getting IRTP-D off their calendars every Monday. I assume that that is doubly true for you as well. So thank you very much for all of your effort on that.

And then we will drive - we will a way to be updated language, the two versions of the report as you described. And then our next call will be just a polishing of the report, one last set of eyeballs before we submit this to the Council for their consideration.

So thank you very much everyone. Please keep an eye on the mailing list for those two important emails from Lars beginning tomorrow European time. And look forward to finalizing this report and wrapping up this PDP on their next call next Monday. Thank you.

Berry Cobb: Thanks, James.

Barbara Knight: Thank you, James. Thanks, everyone.

Lars Hoffman: Okay thanks, James. Bye bye.

Terri Agnew: (Damon), if you can please stop the recordings. This does conclude today's teleconference. Thank you very much for joining.

END