

**ICANN  
Transcription  
IRTP Part D Working Group meeting  
Monday 19 May 2014 at 15:00 UTC**

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

Attendees:

Barbara Knight – RySG  
James Bladel - RrSG  
Bob Mountain – RrSG  
Volker Greimann – RrSG  
Kevin Erdman – IPC  
Kristine Dorrian – National Arbitration Forum  
Chris Chaplow – CBUC  
Bartlett Morgan - NCUC

Apologies:

Paul Diaz – RySG  
Holly Raiche – ALAC  
Angie Graves – BC  
Avri Doria – NCSG

ICANN staff:

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

Coordinator: The recordings have started.

Terri Agnew: Thank you, (Carol). Good morning, good afternoon and good evening. This is the IRTP Part D Working Group call on the 19th of May, 2014.

On the call today we have Volker Greimann, James Bladel, Barbara Knight and Kristine Dorrain. We have apologies from Paul Diaz, Angie Graves, Holly Raiche and Avri Doria.

From staff we have Lars Hoffmann, Marika Konings, Amy Bivins, Berry Cobb and Steve Chan 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 and welcome, everyone, to IRTP-D Working Group call for 19th of May. Just a quick note here, first off, do we have anyone with any updates to their statements of interest? If so please get my attention or raise your hand. Okay seeing none, as I was noting before the call started I may have to drop here at 30 past the hour so if necessary we can either end the call a little early or we can turn it over to Lars and Berry. I'm sure that they would be happy to - happy to take the wheel from there on in.

We did, therefore, move the agenda around a little bit from what was sent to the list earlier in that we moved the work plan up and then - to the second item and then everything else dropped below.

So if anyone has any other thoughts on that agenda please let me know. Otherwise we'll just proceed through that and we'll see how far we get. I see that Bob has joined as well. Hi, Bob.

Okay so let's - Lars, let's move into Item Number 2, which is where we wanted to discuss our work plan. Particularly we want to see how close we are up to various deadlines triggered by the London meeting and what sort of number of meetings will remain open to us, number of calls, and what we have left to do.

And I think that the group then needs to decide whether we want to continue to push to release a final report in London. We could certainly, you know, if we miss London we could certainly put out our final report somewhere in the vicinity so that folks have it and it's open for comment when they get back from London. You know, certainly all of those items - all those options are on the table.

But let's take a look right now, today, we have the 19th of May. Next Monday is a bank holiday in the UK and public holiday in the US so I think we should probably determine now whether we want to continue to have a call next week. Just scanning the list here I can see that we will probably lose everyone but one or two of the folks that are currently attending and I would consider this to be the core list of participants.

So, you know, it feels like we'll probably not going to be able to have a call next week but I would certainly - I can be persuaded on that point. That leaves us then the 2nd of June, the 19th of June - or sorry the 9th of June and then 15th of June which is a Sunday. This would be the deadline to present the - a motion for the GNSO Council meeting.

I don't think, you know, even, you know, even in our most optimistic schedules I don't think we were ready to bring this to the GNSO Council but we could certainly use that as a, you know, putting a stake in the ground as something that we should be shooting for.

And then, Lars, I presume then that 16th of June is the last date before - and I can tell this group that I will already be in transit to Europe. I have a meeting before the London conference so I will not be available for the 16th of June. So it seems like we have today and two more calls. So, you know, I will just kind of open it for discussion here.

It feels like we're probably not going to be able to publish a final report in advance of the London meeting however, I think that we can still track

towards a final report in the vicinity of the London meeting either at the meeting or shortly thereafter with the idea that it would be open for comment for most of the month of July and then this working group would then be on hiatus for at least a couple weeks during July.

So that's my thinking at this point. Certainly open to suggestions - I'm sorry the other alternative would be that if the group feels very strongly that we should be targeting publication of the final report before London then the option would be to take those next to calls, the June call - 2nd, and June 9th call, and to turn those into perhaps 90-minute or two-hour sessions.

I don't know how folks would feel about that. You know, I think that nobody likes the prospect of hanging out on an ICANN PDP call for a couple hours. But on the other hand, you know, if it doesn't drag things out, you know, we actually can use those two hours to finish up and that's certainly something that we can consider.

So does anyone have any thoughts which way - one way or the other how they'd like to see this play out? I do feel that we're very close. I feel that we have a little more work to do than we had in previous groups and that's a good thing because I think that we received, both in terms of quantity and quality, we received a higher level of public feedback from our initial report than we saw for IRTP-B and IRTP-C.

I think that's what's driving some of the schedule slip is that, you know, that we really have to digest those comments that we received. So anyone else have any thoughts on this? Any preference towards really kind of putting our foot to the gas and trying to extend those last two calls or should we just kind of make our peace with the idea right now that we will not be presenting a final report in London but perhaps shortly thereafter.

We have a couple folks in the queue so first off we will go to Bob. Bob.

Bob Mountain: Yeah, I'm torn. I mean, it's nice to have a deadline to finish staff but I think leading up to London we all have so much going on (unintelligible) the week before London. I might be in favor of sort of raising the white flag a little bit and just setting a realistic deadline after ICANN and just keep their current meeting cadence. That's my two cents.

James Bladel: Thanks, Bob. I think that's certainly a valid perspective. Volker?

Volker Greimann: Yes, I'm working with Glen I'm preparing the meeting plan and schedules for the London meeting for the GNSO Council as well. It would be helpful and worthwhile to just estimate if we will have something in the - have that information as soon as possible so that we can either work for a final report or work with assumption that we have more time available and then maybe use less of the Council time for presentation if we don't have something final to present already.

So anything that you can give us in advance of June 15 which would be very last minute would be helpful for us planning the schedule.

James Bladel: Thanks, Volker. And noted that we are well underway in terms of planning the agenda both for the Saturday session and the general meeting. I put myself in the queue mostly to agree with Bob and to throw another thing out on the table for consideration is that we are still working, some of us, working with ICANN staff to implement IRTP-C.

So if we were to, let's say, push hard for a publication of the final report we should do so knowing that it would probably not accelerate the implementation of any recommendations that come out of this working group or that are adopted by the Council and the Board.

In fact, they would - and apologies to, you know, to some of the folks from staff but I think they recognize just to the challenges that we are facing is that

it would essentially go into a pipeline of yet to be deployed PDP changes relative to IRTP.

So I don't know that there's any external pressure to drive this. In fact I think that one of our recommendations will be to circle back to IRTP-C implementation and take a look at dispute mechanisms attached to change of registrant.

So I think, you know, where I'm going with this, I don't really think that it's in our best interest necessarily to rush this for the finish line. In fact I think that that may end up with us putting a, let's say, less than thorough, you know, I think the quality would suffer if we targeted London, is probably the simplest way to say it.

So I'll drop my hand here. I think - does anyone disagree with that just essentially treating these next two meetings as typical one-hour meetings perhaps having a working session in London and driving towards the publication of our final report into early July timeframe with the understanding that they would be open for comment.

As Berry has noted that there is a Council meeting July 24 and that there is no Council meeting in August so probably September would be the next GNSO Council meeting that something like this could be voted on. So I saw a hand go up and I saw a hand go down, is that you, Lars? You want to weigh in on this or...

Lars Hoffmann: Yeah, just (unintelligible) just very quickly, yeah, so the next meeting after London is July, as Berry said. So if we want to aim for that that would give us - if we don't have a meeting on the 16th of June, because some of you are in transit, the week after is the ICANN week obviously and the Monday after people are going to be in transit.

So the first meeting would then be by the 7th of July with the 14th already being the deadline the week after. So essentially that would just give us one extra session plus the meeting in London itself. So then we'd be looking indeed at September, the motion deadline for that as being the 15th.

James Bladel: Yeah, and personally I don't think that would be enough time to allow for a comment period and the potential that we would again receive some substantial comments. You know, so, I mean, it's possible but I think that we are now looking at final report with comments and, you know, polishes, let's say, submitted to Council with a motion for their September meeting.

Oh there is no need for a comment period. I keep forgetting that. I always think there has to be a comment period on the final. Sorry. So Lars has corrected me on that.

Okay. Well let's target this. Perhaps we could, again, use, if we do have a slot on the agenda we can use that for a working session in London if we can obtain or secure a 60-minute or even a 90-minute session we can probably finish up the last bits of the drafting and go from there.

I'm trying to keep up - keep one eyeball on the chat here and staff is putting some very important notes here - notes that if only the recommendations would change then another public comment period might be desirable.

So, Lars notes that we have requested a 90-minute slot and let the group know as soon as we pin down a time and day. So, you know, I propose let's do that; let's tackle today and the next two meetings. Let's tackle 90-minutes in London and hopefully that will give us enough time to incorporate the feedback that we have received and finish up some of these loose ends.

Okay, all right so next on the agenda we had a review of FOA related transfer numbers. Now those of you remember that Rob Golding was essentially I think, agreeing with the one of the comments Arthur - that the FOA was more,

you know, was a source of numerous transfer problems or issues and did not necessarily, you know, offered the expected offsetting benefits, you know, to transfers and to untangling transfer disputes.

I don't have - so let's go through his numbers here and I think other registrars have, you know, as takeaways to try and gather similar numbers. So by (round) here we have approximately 4000 transfers requested, approximately 2700 transfers completed and we had about 30 - 29 transfers that actually canceled.

We had about 1130 transfers failed at least once due to FOA issues. It looks like just under 1000 did not receive, did not understand or did not realize their FOA was part of the - was part of the process.

Now I'm a little confused by this next statement here, they did not realize they needed to follow the FOA from the losing registrar. The losing registrar sending out the FOA, to my understanding, is optimal and there is really no action required on the part of the registrant.

My understanding, the transfer cannot be held up due to the fact that the FOA from the losing registrar was not completed. I think that that is more the courtesy notification than an actual - than something it's on the critical path of the transfer.

So, he goes on to say that at least 108 transfers needed the FOA sent at least 5 times to get past spam filters, lights lists, etcetera. So there was certainly some problems in delivering the FOA once it was requested.

Every one of these transfers had ordered and paid where necessary at the terms and conditions applied the EPP auth info code. All the things on the inbound FOA as you cannot start a transfer without the EPP code and the FOA predates them by about 10 years. In my opinion it's become the de facto replacement for standardized email for the gaining registrar.

And I think that - so, you know, looking at Rob's numbers here, I visited with our team to gather some similar statistics from our team. I was not able to do so in time for this call.

But I will tell you that the reaction from the team, particularly the team that handles transfer problems, was that the FOAs were - well I'll just say that they agreed much more along the lines of the comment that we saw from ICANN Compliance rather than what we're getting from Rob and from Arthur which is that FOAs are essential in those cases when something goes wrong with the transfer process and that without them there would be nothing in order to - that they would be flying blind in their efforts to untangle or resolve disputed or erroneous transfers.

So that's - that feedback from us. I don't know if any other registrars had a chance - the only other registrar on the call, I believe today is Volker. Volker, I don't mean to put you on the spot at have you had a chance to gather some - I know you have a slightly different model as a reseller based registrar but go ahead, let us know what you've got.

Volker Greimann: Yes, I also didn't get any numbers so far. I've asked our tech team to let those numbers run but they are currently busy implementing new gTLDs so they have other things to worry about then getting statistics out for me. Sorry for that.

And an additional issue is that as we are working as a reseller registrar for a large majority of our business it's also sometimes not clear if a transfer was requested by a reseller or by a registrant themselves or a third-party that had access to the auth code when we send out the FOA.

So we really rely on the FOA as a verification. And in some cases that we do see that FOAs are not (unintelligible) for a good reason. So when we have the statistics looking from - that Rob gave us here I would put the, in our

case, the transfers requested by registrants, I would put the requested by registrants in brackets because we can only in good faith assume that they were requested by the registrars but we really don't know because we don't have the direct contact with the entity that requested the transfer.

James Bladel: Okay thank you, Volker. So, yeah, and I get that response quite a bit as well whenever I ask our internal teams for statistics or anything else, you know, we're 100% consumed on, you know, market-based activities like new gTLDs.

So my question then is, to the group and to Volker, where do we want to go with this here? I think we have one participant of the working group and one of the public commenters essentially disagreeing with one of our findings and one of our recommendations that the FOAs are still necessary and cannot be replaced by the auth info code.

On the other side of the coin we have I think a fairly compelling case made by ICANN Compliance and some, you know, some of the other registrars on the working group. So, you know, I don't mean to test for consensus at this point but I think that we need to determine where the folks on the working group who have not yet weighed in, what their opinions are and whether or not they believe that this is, you know, that our original recommendation should stand.

So I'll go to - I think we've got Kristine and Bob. So, Kristine, you're first.

Kristine Dorrain: Hi, thanks. This is Kristine from National Arbitration Forum. And my question is - I'm going to answer your - I guess not answer your question but respond to your question with another question.

From the provider standpoint as we are doing just domain name disputes or the transfer disputes, the panelists have to be provided with a certain amount of information to determine if the transfer was a fraudulent or not or, you

know, was authorized by the underlying people that were supposed to authorize it.

In the absence of the FOA, because I know analysts rely on it as ICANN Compliance pointed out. In the absence of the FOA what does this group imagine the analyst who is not a registrar and oftentimes is not even a domain name registrant but as a lawyer or a judge or someone who is used to taking factual information and making a decision based on that factual information, what does this group think that the panel would rely on if there was no FOA to rely on?

So, I - because I hesitate to say that, fine, do away with the FOA, if there's nothing else - no evidence for the panel to rely on in making these determinations.

James Bladel: Thanks, Kristine. That's an excellent point. I will attempt to respond. I think that both commenters are suggesting that the auth info code would be sufficient to successfully authorized a transfer and possession of the auth info code would be clear indication that one was authorized to proceed with the transfer.

And I guess that the - and I think this came up in one of our previous calls was that the registrar would be required, and this would be an interesting question for enforcement and implementation, but the registrar would be required to track who requested the auth info code and to whom it was delivered and when and where and what IP address they logged into, etcetera.

So, you know, I believe it would all fall been on the auth info code. And is our dearly departed co-chair, Mikey, were on the call he would note that that he has frequently called the auth info code overloaded because it's doing too many things and this would be, whether you agree with that statement or not, this is certainly adding any new dimension to the uses of the auth info code.

Kristine Dorrain: Yeah, so I don't want to - I don't want to preempt Bob's question but can I ask a follow-up? So what - as I understand it though the FOA was sort of making sure that the person who requested the auth info code was really who they said they were. Am I wrong in understanding that that's what the FOA is?

James Bladel: Well the FOA is directed to either the registrant or the transfer - the admin contact. The auth info code could be granted both to a, you know, both - to both those parties perhaps, to anyone that had access to the registrar account and possibly even unknown parties like a reseller.

So I think that's the concern, you know, that's the concern that other folks - I'll just say myself and other folks had raised is that the auth info code is, you know, is important to execute the transfer but the FOA is sort of this out of band green light that, you know, is explicitly authorized by a known party. So I hope that helps.

I'm going to jump to Lars first and then we'll go back to the queue with Bob and Volker. Lars.

Kristine Dorrain: Thank you.

Lars Hoffmann: (Unintelligible).

James Bladel: I'm sorry, Lars, can you hold for just a moment please? Can you go back on mute for a second? Lars, just when you were speaking there I don't know if was just me but there's an incredible buzzing noise and it's at a point where it just drowned out everything you were trying to say.

Okay, it looks like it wasn't just me. Can you try again and then otherwise we may force you to type it in.

Lars Hoffmann: Is this better?

James Bladel: Much. Thank you.

Lars Hoffmann: Okay (unintelligible). Yeah, I just pulled up the graphic that Steve Chan drew up during the last week which might be helpful to the discussion which shows in which positions exactly - I think you can move the cursor left and right - I send this on the mailing list to - (unintelligible) where the FOA comes in and so it might be helpful, A, to understand exactly what the use is and also might be helpful to add to the group's argument one way or the other why it should be kept or why it shouldn't be kept.

((Crosstalk))

James Bladel: Thank you, Lars.

Lars Hoffmann: ...he can also talk you through I'm sure.

James Bladel: Thank you, Lars. And thank you, Steve. I think we'll leave this up here so that folks can review it while they're speaking but I think we want to definitely go to the next person in the queue and maybe we'll put a placeholder and go through this chart here in just a moment. But Bob, you're up next.

Bob Mountain: Yeah, this is Bob. Yeah, I guess I'm surprised that we're getting this kind of data this late in the game. We're at the, you know, 11th hour 59th minute and we're getting data that is concerning, right? I mean, if we're seeing anywhere near this kind of volume of transfers being thwarted because of, you know, of an FOA, then yeah, I think that merits further investigation on our part.

Not to delay; I think we're making great progress and we were just about their. So I guess I'm - it's disappointing that we're finding this, you know, getting this data this late and potentially having to, you know, reassess where we were because I think that's where we're at, this data is concerning. I think the FOA is, for all the reasons we've talked about, is very important,

complements the auth code. They're both important, they're both necessary. But, yeah, I think this number of failures I think merits just some further analysis, is my opinion.

James Bladel: Thanks Bob. I think that's a good point because it indicates, you know, one or multiple possible conclusions. One is that we were too hasty in the first place; two, that, you know, that there's some confusion that may be specific to some registrars or some, you know, some markets or there may be some communications breakdowns or, you know, or, you know, or that it's just not necessary. So I think yes, definitely needs a little bit more discussion.

But I want to make sure that we're--and I think Berry has a good point here, and other folks agreeing, that if we want to give it serious consideration to the idea of eliminating the FOA then this goes back to Kristine's point, what takes its place? Is it a registrar internal log file that establishes the audit trail? Is it that, you know, that the panelists can use? Is there some other mechanism? Does the auth info code become a two-factor key or something? You know, what takes its place?

I think the answer certainly, hopefully everyone agrees on is that the answer cannot be nothing. So, you know, that we would leave a vacuum there. So the next up would be Volker. Go ahead.

Volker Greimann: Yes, I just wanted to go to two points here. First what Bob mentioned, I agree, the numbers that Rob presented are concerning and I hope that this is just something that only Bob's registrar or a few registrar space and not - and is not a problem for all registrars.

I would think that if this was a big problem we would really need to see more data points from other registrars, small, big registrars, and analyze why these failures occur and have a study on that.

Currently we only have one data point. I think it's too early to say that we can extrapolate the - this being a problem from that one data point. It is concerning but we would need more analysis for that.

The other point is that currently the way that most registrars are set up the FOA is the only evidenced contact with the domain holder or as admin contact in case of a transfer. The auth code as it stands right now can be retrieved by any member of the chain.

So if you have five resellers the auth code will be able to be seen by all five resellers and their employees. And this gives some potential for abuse for unauthorized access to the auth code. Somebody hacking the account data would also be able to - of the registrant would also be able to gain access to the auth code.

So the FOA is currently the only point of contact where the registrar - wants to initiate a transfer - has to reach out to the registrant who is in the Whois or his admin C and get his approval. That's I think the value that the FOA currently holds and that also would need to be replaced besides the audit trail, that direct contact with the registrant and proven contact with the registrant.

James Bladel: Thank you, Volker, an important point to consider. Lars, you're up next. Lars?

Lars Hoffmann: Sorry, it was the wrong button. Here I am. This is Lars for the record. James, I was just wondering whether I should reach out to Arthur and ask him because, I mean, he (unintelligible) for a registrar in Holland too. And after what Volker said should try to get more data sets whether I should ask him whether he has any hard data to provide rather than anecdotal that was part of his comment.

James Bladel: Yeah, I think that would be worthwhile. I actually put myself in the queue for something like that to just kind of put a button on this conversation. Kristine,

for you in the queue as well or was that just a green checkmark agreeing with the previous comments?

Kristine Dorrain: I'm sorry that was just a green checkmark agreeing with the previous comment. I'm sorry.

James Bladel: Okay.

Kristine Dorrain: I'm going to try to get rid of my hand here.

James Bladel: So I think that Volker and Lars, you summarized where I was going with this which is that - putting myself in the queue as a registrar I think that, you know, all of the internal issues that I have heard, you know, is that FOAs are invaluable and that they were not necessarily seeing this level of transfer failures. But I want to get some actual statistics and I will attempt to do so this week. And I would encourage other registrars on the working group to do the same.

Volcker is correct that the FOA is a way of getting to - immediately to the end of the channel into the supply chain. So if there is one or more resellers involved the FOA is a direct contact between the registrar that's responsible for sponsoring a name and the registrant who is legally authorized to transfer the name.

So I think that that is also important. It short-circuits all the intermediary parties. In most cases there are none but in some cases there can be several. I would point out that I think it was Berry in the chat that noted that the FOA currently serves as a two factor authentication method. You have the auth info code and you have the FOA. And I think that that's in addition to having the audit trail - that is an important value or important principle.

And I think that then Lars summed up what I was going to ask next which was good we go back to Rob and to Arthur and ask for statistics similar to what

we saw from Rob but also recommendations on if the FOA were to be eliminated what do they envision replacing those features that we outlined which is a externally visible, so not an internal log file, but externally visible chain of authority for the transfer that eliminates the need to communicate through intermediary parties. And I think that's the question that we should probably put them.

And even if we, you know, circle back and land on our original recommendation, which is that FOAs are essential and we need to maintain them, then, you know, at least we will have I think done our due diligence by having these conversations.

So, Lars, you're up.

Lars Hoffmann: Thank you, James. This is Lars. Yeah, I was just wondering whether we should move seeing that - the group seems to be settling on needing more data and getting more information from various registrars and from Arthur as well, whether we should - saying it's the last charter questions - to move this actually to July, this issue...

James Bladel: Lars, did we lose you?

Volker Greimann: Interesting music.

James Bladel: Yes, I think we've lost - Lars has been replaced by some hold music here.

Volker Greimann: He moved to Hawaii.

James Bladel: He moved to Hawaii. I think he was saying something about moving to July. You know, I think that's possible but I think that we certainly have enough in front of us in terms of action items or takeaways that we can work on immediately and I think we should do so because if we can, you know, get this button that in the next two meetings I think we should.

So, you know, but I think - just echoing something Bob said earlier this is - it seems to be something fairly critical that is being, you know, introduced at a fairly late stage of the game so we should understand is it, you know, is it a cul-de-sac here in our discussions or is it something that we really should give possible, you know, consideration to the idea that it would cause an alteration to our recommendation?

Okay. I'm sorry, Barbara put something in the chat here I think that we should probably capture as well. So we want to look at the failures based on FOA to be a positive. If it was just pointed out the only interaction with the registered name holder, perhaps they failed because they did not authorize the transfer.

I was thinking about that as well, Barbara, that, you know, that mixed in with that number of failures there could be some percentage of attempted hijackings or unauthorized transfers that were thwarted.

I think that the position that Rob was maintaining was that some of those folks then reached out and contacted his support team so at least those who did then reach out and communicate would certainly - you would presume that a hijacker wouldn't ask for support or wouldn't call for help. But it would be interesting to note that as well.

And so perhaps something that other registrars like myself and Volker should endeavor to gather those and break those out of our statistics if that's even possible. So I think, you know, the point is maybe those were FOA successes.

Okay well I see Lars still has his hand up. Lars, have you addressed your audio problem or do you want to play us more hula music?

Lars Hoffmann: Well last time you said you liked the music, James, so I really don't know what to do.

James Bladel: No, Volker said he like the music.

((Crosstalk))

Lars Hoffmann: No, I'm sorry about that. There was a call on the other line and I pressed the wrong button. I meant to decline but accepted so there's the whole situation. No, I was going to just suggest that we leave the FOA discussion, but you brought this up, until really July when we have some data seeing as it's the last of the charter questions and we can go through the other remaining issues and then returned to this maybe post-London when we have some different people and also have maybe spoken to people in person otherwise just to see what they're feeling and sentiment is on this. And I will make sure to chase that people on hard data as well. That's all.

James Bladel: Okay. Thanks and glad we could, you know, get your thoughts into the record here. I think that we should probably proceed with gathering data and going back to Arthur and to Rob with some of the questions that we outlined. But, you know, I think we should leave open that opportunity that the other stuff is going to go so smoothly that we will maybe even have an opportunity to tackle this before July potentially. And you know me, always the optimist.

Okay so I think that we've come in for a landing here on this topic. I think it is an important one and I think we need to fully explore it if nothing else just in a - just to make sure that we are giving it - giving these perspectives on the FOA their day in - their time at the microphone so that they can be understood and examined.

Okay the next item on our agenda - and I note we have 20 minutes to the top of the hour. I'm probably going to have to drop your fairly shortly. So let's go to Item Number 4 which is reviewing a list of definitions. If possible if I could ask Lars to put the list of definitions into the Adobe screen. Or maybe - yeah, there is. Okay.

So I don't know if we want to read through these on the call. It looks like there are two pages of definitions. So we could read through them individually. Whatever the group thinks is the most efficient way to go through them.

I think that the key here - two parts, one, read through these to understand that you agree with that definitions that are being proposed or provided with each of these terms. And, two, making sure that we've caught all the terms; that there isn't something that's been orphaned out there or something that we've been using in our vernacular and our discussions and deliberations that isn't captured in this chart.

So we have 19 minutes. I think we can get through these so let's just dive right in here. And then if I have to drop then I'll just wave in Lars and we'll just - we'll go from there. So, these don't appear to be in - maybe they are in alphabetical order. I don't know. We'll just dive in.

Complainant: a party bringing a complaint under the policy. A complainant may be a losing registrar in the case of an alleged fraudulent transfer, or a gaining registrar in the case of an improper (nack), or the registrar of record.

So my question on this one is whether there's any material difference between losing registrar and registrar of record. My understanding is that the losing registrar is kind of a bit of a industry jargon that we use in these working groups but really if you look at the contract and the policy it refers to it as the registrar of record.

Could somebody help me understand the difference? Lars.

Volker Greimann: I could try.

((Crosstalk))

Lars Hoffmann: Volker, you want to go ahead?

Volker Greimann: Yes just to - I think what we're trying to get at here is not a redefinition of the losing registrar. I think we're trying to get at the registrar that currently holds the domain name which may be yet another registrar from beginning registrar. So if hops have occurred then the registrar of record maybe neither of the losing registrar, and the gaining registrar. I think that's what we're trying to get at.

The registrar of record is, in my definition, always the registrar where the domain name is currently sponsored.

James Bladel: Correct. Okay so we are introducing that change or the hopping scenario here with gaining, losing and registrar of record. But the registrar of record, in my understanding, maybe Kristine can help me out here. The registrar of record in any multi-hop situation would not be a party to the complaint in my understanding; would not be raising the complaint in the multi-hop scenario.

Or maybe they could. I don't know. Kristine, can you go ahead?

Kristine Dorrain: Yeah, to answer your question that's probably true. So here's the deal, the registrar of record, the gaining registrar and the registrant were already predefined terms in the original TDRP. The new term here is complainant.

And the reason we added that is because the TDRP is really cumbersome and it's very complicated as you're reading it to try to figure out who the complainant is and whether or not they are the losing registrar or the gaining registrar or the registrar of record and in which situation which party is going to be the complainant.

It's much easier for the panels and the people doing the dispute resolution to simply refer to the person bringing the complaint as the complainant. In their complaint they can identify we're the losing registrar, we're the gaining

registrar whoever we are. But the point was there was no definition of or use of the word complainant which is really what the parties - which is really what the panel is looking for.

So the point of these first two definitions is to add the terms complainant and complaint and respondent, so those three, and then to tie them back to these existing definitions of the gaining registrar, registrar of record and registrant.

So I just wanted to like put that background piece of information in there because that was the whole point of this particular definition. So I agree with you that we're not trying to redefine losing registrar, all we're trying to do is define complainant as any one of these parties depending on the situation as outlined in the complaint.

James Bladel: Okay. Thank you, Kristine. That does provide some context on what we're attempting to do here. Then my recommendation would be that we may be take a look at the language here in terms of where we have a losing registrar, a gaining registrar or a registrar of record. I would suggest we put another or in front of a gaining registrar so that it's clear that we're talking about ors all along through this chain. If that made sense, Lars, and maybe some folks who, you know, went to law school instead of playing around with math, could tell me why that works or why that doesn't work.

Barbara.

Barbara Knight: Thank you James. This is Barbara for the transcript. I'm wondering if we need registrar of record at all in here. If, you know, truly if we are referring to the registrar of record as in, you know, the multiple hops and who's currently managing the domain name because typically they wouldn't be the ones that would be filing a complaint. Did I misunderstand that somewhere along the line?

James Bladel: No, that's something I've been struggling with as well, Barbara. If they are they gaining - if there's not a multiple hop issue than the registrar of record is the gaining registrar so they would fall under that definition.

If there is a multiple hop scenario and two registrars are disputing a transfer that doesn't involve the registrar of record then the registrar of record would not be the complainant. So I really am struggling with the scenario where the registrar of record would be the complainant in a multi-hop situation. I'm really struggling with that.

Kevin Erdman: Mikey? Mikey? Hello, Mikey?

James Bladel: Hello.

Kevin Erdman: This is Kevin Erdman.

James Bladel: Hi, Kevin. Okay go ahead. The queue is clear. You have the floor.

Kevin Erdman: Yeah, I was just thinking that what may have been intended by the phrase "registrar of record" may have been the original registrar of record any multi-hop scenario where the (unintelligible) registrant who just got hijacked complains to - registrar who then is the one that has to bring the complaint even though they're a few steps removed from the last transfer. So that's my thought.

And I agree with all the comments that, you know, the registrar of record means the current registrar then it seems to be superfluous since they would never bring that complaint. But if we are looking at it as being one of the earliest registrars who was no longer in, you know, the current chain then I think that's ought to be addressed and may be addressed more clearly by saying the original registrar of record or put in some language like that. That's my (unintelligible) of it.

James Bladel: Okay thank you, Kevin. So here is - those are good thoughts and so here's what I'm proposing. I really am struggling with the idea that leaving this in here would create any harms. And it could possibly capture some scenarios that we're not able to come up with here in the next 10 minutes.

So perhaps it, you know, in the interest of covering all contingencies we would just leave it in here. Is anyone opposed to that? I mean, recognizing that it's probably like a, you know, you know, like some sort of thing that we really don't need, it's just an extraneous bit of language but, you know, if it makes us feel more comfortable we can just leave it in here. Any objections?

Volker, you're here to object.

Volker Greimann: Not really to object. I think leaving the registrar of record and as part of the complainants - the definition of complainant - makes no sense after what we've heard.

However I still think that the registrar of record can't be a party, for example, depending on how we define it, for example in a multi-hop scenario when the current registrar of record, i.e. the one that holds the domain name, is not the one that brings the complaint and is also not the one that is being complained against because he did not initiate the original transfer. So that may be something that we should look at as the parties but not as the complainant.

James Bladel: Yeah, I think that's a good point. And I'm stretching with my imagination too, Volker. In fact, I was trying to think of the scenario where the registrar of record is contacted by the registrant to report that one of the earlier transfers should be disputed and they are therefore raising the complaint against two previous registrars. I don't know, I mean, it's starting to give me a little bit of a headache here. But, Barbara, go ahead.

Barbara Knight: Thank you, James. Barbara for the record. So from my view it seems to me that a complaint or a transfer, actually, has two entities that could be party; the gaining registrar and the losing registrar. And it seems to me that only those two parties would be the ones that would file a dispute relative to a transaction, even a three, you know, hop scenario, excuse me.

So from my perspective I do feel rather strongly that we could get rid of the registrar of record and not really lose anything here. In fact I think it probably would be a little bit more accurate to say that the complaint is either going to be the losing registrar or the gaining registrar for a specific transaction that occurred in violation of the policy. My two cents.

James Bladel: Okay thank you, Barbara. And I'm curious as to whether we believe that by leaving the registrar of record here, you know, the language, you know, I mentioned earlier that it doesn't seem to do any harm. Well it could if we are controlling access of who - defining who has access to file a complaint or who has standing.

And I don't know that we are doing that with the definitions but I could be wrong. Volker.

Volker Greimann: Old hand, sorry.

James Bladel: Okay thanks, Volker. Well I don't know that we've really come down on anything here about taking it in and leaving it there or taking it out. You know, in general I agree with Barbara is that in any imaginable situation the registrar of record would fall under one of the other categories, either losing registrar or gaining registrar.

And to be consistent with the language of the IRTP wouldn't be that we would remove registrar of record, we would actually remove losing registrar. I don't - well let me think here. Anyway we're getting close to the top of the hour here. Lars, I think that we definitely want to put in an "or" but I think we're probably

going to have to move this to the list. I don't think that we can solve this here in the next 8 minutes.

I think that, you know, the - let me say that we should probably very clearly articulate the scenario where a registrar that is currently the sponsor of the domain name but is not - was not a party to the fraudulent transfer can raise a complaint about a previous transfer.

And I think that that is not only rare but could, and I think Volker touched on this, could open up the potential for abuse. And I'm looking perhaps to our aftermarket participants as well to think through the ways that that could be gained, you know, in the negative way here where a registrar of record might challenge a previous transfer or previous, you know, sale or transaction of a domain name. I think that that's something that maybe should factor into our consideration.

So I'm going to have to drop here. I think that we have time maybe for one more and I think Lars would be glad to take the wheel for a respondent and go from there, I think that's fairly clear. But, Lars, if you would. And then thanks, everyone, for your time. We'll certainly follow up with some action items on the list and really encourage registrar to get some statistics on the FOA because that was the bulk of our conversation today. So thank you, everyone, and I will turn it over to Lars.

Lars Hoffmann: Thanks, James. This is Lars for the record. So, yeah, as James just said the next item on here is the respondent. As you can see the definition would be: a party against which a complaint is brought.

Looks straightforward for me but I'm opening up obviously to the floor for any comments. Barbara agrees. I've got a checkmark. Kristine, over to you.

Kristine Dorrain: Yeah, this is Kristine from National Arbitration Forum. I don't agree at all. I don't disagree at all. I just wanted to throw out there since we've been fairly

specific with complainant if we want to also make it clear that that is the - that the party against which a complaint is brought could be one of those same registrars, including the registrar of record in this case.

But at a minimum I'm just making the suggestion even if we decide not to elaborate if we want to say a registrar against which a complaint is brought. Because, again, you know, the respondent is not just anybody, it's another registrar. So just a point of clarification probably not a big deal.

And I would certainly not object to leaving it the way it is. I just through I'd throw that out there in the interest of, you know, making things a little more complicated than they need to be.

Lars Hoffmann: Thank you for that. I think that Barbara in the chat pointed out that she's the - this was a good point to I'm very happy to change that for the next draft, to change "party" to "registrar." Anybody on the group who would like to comment on that? No. Yes, Kristine agrees in the chat.

I suppose we have time for one more, maybe two. The next one down the line is complaint. The initial document in the TDRP proceedings that provides the allegations and claims brought by the complainant against the respondent. Time to read that through again. Kristine put a checkmark into the chat. Barbara as well. No hands raised. More checkmarks, Bob and Chris.

Okay I'm moving on to the next one. Dispute resolution panel. The Dispute Resolution Panel shall mean an administrative panel appointed by dispute resolution provider - provider on records - to decide a request for enforcement concerning a dispute and (unintelligible) dispute resolution policy.

Kristine put your hand up. Over to you.

Kristine Dorrain: Yeah, thanks. Kristine for the record from National Arbitration Forum. I think this is actually a vestigial definition and I think it's inaccurate. So there's a couple of problems.

First of all, A, I do not believe we have decided for sure whether or not the registry is going to continue to do request enforcement. Correct me if I'm wrong, I did miss a couple of phone calls. So I want to make it clear that a dispute resolution panel would not include that because I think the registry just uses their own internal people.

Secondly -- which may or may not need to be as part of the definition, that's just sort of my preamble -- so here's my main comment: My main comment is that the provider not only decides requests for enforcement but also decides the appeals.

And so based on however we, you know, whatever the outcome is whether or not we're moving to a just-provider system or we're not moving to a just-provider system we're going to have to figure out this definition because there may be requests for enforcement, there may be appeals.

So ultimately we may not be able to answer this at the end of the day until we know exactly what the format is going to be. But I think we're going to need to do something with this definition to clarify it because it is not clear the way it's currently worded and never has been.

Lars Hoffmann: Thank you for that, Kristine. I agree it would probably make sense and you're right, we have not - so the group has not yet settled definitely on whether or not to - abandon, as it were, the registry as the first level dispute providers. So it might be better to maybe move this to the end of the line and circle back to it once we've settled on that - on the recommendation as well.

Anybody else on this? Barbara has already agreed with Kristine's comments. And there's no other hands that have been raised - I think I'm going to call it to a close with just about under a minute left.

I believe we settled on not meeting next week due to the bank holiday in the UK and the public holiday, Memorial Day, I believe, in the United States. So this would mean we will meet next on the 2nd of July at the same time, 1500 UTC. And I'm looking for discussion on the list. I'll put out some reminders to the registrars for the FOA data and also on the definition of the complainant.

Thank you very much, everybody, and I'll speak to you in two weeks' time, if not before then. Bye-bye.

Kristine Dorrain: Thanks, Lars. Bye-bye.

((Crosstalk))

Volker Greimann: Thank you.

Terri Agnew: Thank you, everyone, for joining today's conference call. You may...

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