

**Uniform Domain-Name Dispute-Resolution Drafting Team (UDRP-DT) Drafting
Team
TRANSCRIPT**

Tuesday 26 April 2011 at 1500 UTC

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<http://audio.icann.org/gnso/gnso-udrp-20110426-en.mp3>

On page

<http://gnso.icann.org/calendar/#apr>

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Carlos Aguirre - NCA
Philip Sheppard – CBUC
John Berard - CBUC
David Taylor - IPC
Kristina Rosette – IPC

Staff:

Margie Milam
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Apologies:

Mary Wong – NCSG - GNSO Council vice chair - observer as GNSO Council vice chair
Jeff Neuman – RySG
Wendy Seltzer - NCSG

Glen DeSaintgery: Thank you very much. Good morning, good afternoon everyone.

This is the UDRP call the 26th of April. And on the line we have Carlos Aguirre, David Taylor, Kristina Rosette, Philip Sheppard; for staff we have Margie Milam, Khalil Rasheed and myself, Glen DeSaintgery. We have apologies from Wendy Seltzer and are there any other apologies perhaps?

Margie Milam: I think Mary Wong indicated she had a class.

Glen DeSaintgery: And Mary Wong. Thank you very much. Over to you Margie or...

Margie Milam: Yes, I'll take it. Thank you, Glen. So good morning everybody. I thought we could get started by just giving you an update of where we are on the Webinar and the questionnaire. If you are in Adobe Connect I have some information posted in Adobe Connect.

Last week thanks to all of you we finalized the questionnaire and it was sent out to the providers Thursday around noon. I also prior to that sent a heads up to each of the providers to let them know about the questionnaire and the Webinar and to invite them to suggest someone within their organization to participate. And I also asked for recommended speakers.

The good news is that they all responded favorably; all of the providers will participate in the Webinar and they are all eager to provide information. They indicated that they would participate in the questionnaire as well.

And last week I also sent an announcement that's been published on the ICANN Website so if you're in Adobe Connect you can see the links to the announcement for the Webinar. So we've got it set for May 10. And as I indicated we will have someone from each of the providers presenting.

And then my email also suggests - asked that they provide recommendations for speakers and several of them indicated that due

to the Easter holidays that they would not be likely to provide information by today's call. But I do expect some more information from them as the days, you know, sometime this week they are all familiar with the timeframe that we're looking for.

And so if you look at the Adobe Connect room there are some speakers that have been suggested and I'll just walk through them and you guys can see what you think. Dennis Chi of the Hong Kong Arbitration Center suggested for UDRP panelists two gentlemen; one named Christopher To - T-O and the other one Anthony Wu. And then for attorneys he suggested Miss Gabriela Kennedy who represents complainants. And those were his suggestions.

And then Kristine Dorrian from the National Arbitration Forum suggested Paul McGrady - I think many of you know Paul McGrady - (Andy Kun) and (David Seal). And then for someone that represents complainants she suggested (Renee Reuter) and also suggested John Berryhill.

And then Mary in an email to us on the drafting team suggested two academic speakers, (Michael Frumkin) and (Michael) - he's in Miami - and then another guy named (Michael Gist) from Ottawa.

So that's the - that's where we are at this point. Would you - anyone like to comment on any of the speakers or any of the information so far?

Kristina Rosette: This is Kristina. I would actually suggest that with regard to speakers we wait until - in terms of the - identifying the folks who've represented complainants and respondents that we wait until we hear from WIPO

and CAC because it may be that once we get that information the decision will be made for us simply because if three of the four providers have identified the same person then it would seem to make sense that that would be somebody that we would pick.

Margie Milam: Any other comments?

Philip Sheppard: I mean, that sounds very sensible. My only question is the two academic speakers suggested comment today not both have the same viewpoint historically?

Margie Milam: Honestly I don't know these gentlemen. Do any of you on the call know (Michael Frumkin) or (Michael Gist) from Ottawa?

Khalil Rasheed: No I don't know them. This is Khalil.

David Taylor: Yes, this is David, yes, I do know them. I'd say they're probably similar viewpoint so then maybe we could get something of it - somebody else. I don't know how many people study that UDRP and, you know, and look at it as a sort of - well there's been a study - Kristina there's been some studies in the last few years wasn't there, I mean, which the name of it the Max Planck study and things like that. So maybe we can probably get some other people...

((Crosstalk))

Margie Milam: Right, I mean...

((Crosstalk))

Margie Milam: ...I'm familiar with the names and they do have the same perspective. My only question and I, you know, I don't know if this is something Mary can provide, I mean, I remember reading their early studies when the UDRP first came out. I was not aware that they were still active in this area.

I think we probably need to make sure that, you know, regardless of the viewpoint and if there are going to be folks with a viewpoint from an academic perspective and we do need to make sure that multiple viewpoints are adequately represented.

But I also think it's really important that we have somebody who's been, you know, studying this recently.

((Crosstalk))

Philip Sheppard: Sorry - in that regard hasn't WIPO, I mean, the WIPO report and things they've done haven't they engaged academics in the past as well to do their reports?

Margie Milam: I don't know.

Philip Sheppard: Okay well let's see - certainly there haven't many - certainly come up with. I think you're right I think somebody who's recently studies this is going to be useful and I think we may get some people like that suggested by (WIPO).

Margie Milam: I have John in the queue as well. John, do you want to comment?

John Berard: Sure. Kristina's point about (Frumkin) and (Gist) is a good one from two perspectives; one it's going to be - the timing is going to be short enough that we don't need to have two people saying the same thing. The other - the corollary to that is are any of the people, I mean, I know of all the people listed here I know John Berryhill best. I've seen him perform many times and I'm sure his participation will be entertaining.

But do others on this list that you've put together come with preloaded points of view which would make their participation more advocacy than insight? And if we're going to go with academics then perhaps that study that certainly have been on the outside looking in maybe we should think about the possibility of a registry and a registrar offering their point of view as to how UDRP plays out.

Margie Milam: David...

Khalil Rasheed: This is Khalil jumping in. Margie, were you going to say something?

Margie Milam: I'm sorry, I have David in the queue and then I'll put you, Khalil, after David.

David Taylor: If you're responding to John go ahead Khalil, no problem. I've got another point.

Khalil Rasheed: No so I kind of had a response to that. Since going to some of the UDRP class work I've not met any of the complainants, counsel or panelists named who we are considering that did not have a particular viewpoint that they all advocate. So I think that's kind of - need to be expected maybe with the exception of the academics.

So - and I also think that to Kristina's point you mentioned that something that - to the affect of WIPO and NAF we should see who they name because we may end up with the same people. Could you explain that a little bit more? I don't think I kind of got that.

Kristina Rosette: Well sure. My point is is that it's my experience at least that the pool of folks who represent complainants and respondents is certainly smaller than - it's a relatively small number and when I say that I mean like maybe 1500-2000 people; maybe a little higher.

Khalil Rasheed: Okay sure.

Kristina Rosette: And I would suspect that in some cases you will see that the frequent filers with NAF may in fact be the frequent filers with WIPO and conversely that the folks who most frequently represent respondents in front of WIPO also most frequently represent respondents before NAF or CAC.

And so in that case, you know, if it turns out that WIPO, NAF, CAC or, you know, some variation of the four providers that there are one or two folks whose names are put forward multiple times then that I think makes our decision a little easier.

You know, for example if WIPO says well John Berryhill most frequently represents respondents and I don't - you know, I'm not picking on John I just think that that may in fact be the case - and CAC says the same well to me then it's kind of a no-brainer; then John Berryhill is the person that we invite to speak from that perspective because if three of the four providers have named him there's really no value I think in our trying to make an independent decision.

Khalil Rasheed: One challenge there I see is that sometimes providers may not be particularly keen on a person who represents respondents and may not name that person for that reason.

Kristina Rosette: But we're not asking them to recommend somebody we're - didn't we ask them to identify who most frequently represents respondents?

Margie Milam: I don't know if I was that clear. Let me - if you want to see the email I'll pull it up. I think I just asked for recommendations.

Kristina Rosette: Oh well in that case I think we need to make clear that we're talking about from a quantitative perspective because I would not, you know, I would not want the point - or the concern that Khalil is raising to interfere with this, in other words I don't think it's appropriate for the providers to making value judgments about how we want. I think we were all clear that we wanted to know who represents them most frequently, yes.

Margie Milam: Okay I can clarify that if you guys think it's important to clarify it while we're waiting for their responses. Let me just pull up what I did say so you know what I said. In the meantime, David, you had a comment?

David Taylor: Yes, I don't know what it was now, forgotten. It was just on the NAF response - I think it was the NAF - no the Hong Kong - who did - it's gone now so I can't remember - they hadn't...

Margie Milam: Oh I'll pull it back up, sorry. I'll go back.

David Taylor: Yes, the one mentioned - I don't know, let's look at the email then go on that's fine.

Margie Milam: Okay. So what did I say? I mean, you guys can scan through you don't have to - I won't read the whole thing. But I did say the remainder of the Webinar would be focused on soliciting observations from other stakeholders with expertise in the UDRP. In this regard we'd like to solicit recommendations from you for additional speakers for the Webinar.

Specifically we are seeking recommendations for one or two individuals from the following categories. And so that's all I said. Then I said the UDRP panelists (unintelligible) probably one that represents complainants, one that regularly represents respondents; complainants and respondents. So I didn't put a quantitative requirement on it.

So I guess my question to the group is would you like me to clarify that as I go back to them since I haven't received complete responses from everybody?

Kristina Rosette: I mean, I would - this is Kristina. I would think so simply because it eliminates any subjectivity or concerns that the providers have been manipulating who speaks.

Margie Milam: Okay.

Kristina Rosette: And does anybody disagree? I mean, I'm, you know, obviously not - what I say goes. I wish it was but it's not.

Khalil Rasheed: This is Khalil. I think you have a pretty balanced viewpoint with McGrady and Berryhill myself. But I don't think it could, you know, so I think from this current group you have it looks pretty even to me. But I think it's kind of up to you; I wouldn't want to complicate your work particularly if it's already - seems to be somewhat well represented.

Philip Sheppard: You know, Philip here. I mean, (unintelligible) at the moment - guess we haven't got any from WIPO where we're missing any European nominations which will help I think just in terms of balance. I think as you said earlier we need to see who they'll be nominating to see if we have - a more geographical balance as clearly it's no surprise that we've got mostly Asian and North American-based names at the moment.

Margie Milam: John, you're in the queue?

John Berard: Yes, I guess I feel as if I'm getting caught in some undertow that I don't speak. What is - why is it - why does it seem that it's generally accepted that the providers would have a bias for or against a respondent counsel? I mean, why do they care who the counsel is?

Kristina Rosette: I don't - John, this is Kristina. I don't know that they do but given that Khalil raised it is a possible issue I'd like to make sure that we do everything we can to make sure it isn't one.

John Berard: No I agree. It makes me think that maybe we should be stage managing this Webinar a little bit more - on a more granular level than we are. Certainly we should collect names as they surface but I think we probably should be more respectful of the public persona that each of the prospective panelists would represent.

Khalil Rasheed: Well - was something else in the queue, Margie? This is Khalil.

Margie Milam: No, no one else; you can go ahead.

Khalil Rasheed: Okay. Well what I think one reason that providers may not appear so keen on certain respondent's counsel is that respondents appear before UDRP providers not at their own choosing. And to that affect sometimes respondent's counsel may not cooperate with the UDRP providers in a way that they feel they should.

And sometimes they have reasons for not doing so which do not necessarily violate the UDRP even though they may make the panelist and provider's job somewhat harder. And that has tended to maybe not engender the best relationship sometimes between respondent's counsel and providers. So that providers may be more keen to highlight those who they feel are more in line with the way they see things as opposed to the way things are or those who are most representative of respondents.

John Berard: That sounds like a problem we could solve by trickling the number of organizations that handle UDRP; make it a bit more competitive so it doesn't seem to be quite the annuity that it's become. A conversation for another day.

Kristina Rosette: But getting back to Margie's question does anybody have any objection to her following up with the providers to just clarify that when we are asking for recommendations of attorneys who have represented complainants and those who have represented respondents that it is our expectation that the names that they put forward are those who

appear before them most frequent - who file or represent before them or most frequently.

Khalil Rasheed: I do not object.

John Berard: Fine with me.

Philip Sheppard: I'm not objecting to that.

David Taylor: Sounds good.

Margie Milam: Okay I - it sounds like there's no objection there. I will send a follow up note to all of them clarifying that. Now the only other things that aren't included in this list to get back to John Berard's point is having someone represent registrars. And I just didn't ask the UDRP providers for, you know, registrar contacts figuring we have contacts, you know, that may not be, you know, they don't need to help us with that.

But my question I guess to the group is how do you all suggest we invite or decide which registrar to invite as a speaker because we did talk last time about including a registrar. David, do you a comment?

David Taylor: It wasn't about that but I was going to - I suppose to be strictly fair we should send an email to every registrar then shouldn't we? Sorry, I'm joking a little bit on that one.

Kristina Rosette: Or to send it to the leadership of the registrar stakeholder group.

David Taylor: Yes...

John Berard: That's probably the most - the easiest way to do it just send a note to Mason.

Margie Milam: Okay.

David Taylor: Yes, I think...

Philip Sheppard: What's the proposed running time for the seminar - the Webinar?

Margie Milam: It's a two-hour Webinar and so we have a lot of speakers, I mean, in my email I noted that they would be speaking - and - this is the UDRP providers about five minutes; it's very short amount of time because of the number of speakers that we have.

Kristina Rosette: And how much time - how many registrars to do we want and how much time are we going to give them and do we want to - and I guess then the third question I would have - and I apologize because I don't have Adobe so I should just be quiet but Margie put me in the queue.

Margie Milam: No it's fine, go ahead Kristina.

Kristina Rosette: Well, I mean, and I guess the other thing is is are there any criteria to our request? You know, for example I'm sure everybody on this call is aware of the breach notice that went to the Euro DNS recently regarding UDRP compliance. And you're probably also equally aware of how Euro DNS has responded to that.

I'm not sure it, you know, while interesting I'm not sure it would be particularly productive, for example, if the registrar stakeholder group came back and said we want Euro DNS to be our registrar participant.

Margie Milam: Any comments to Kristina's comment - or David I think - are you still in the queue?

David Taylor: Yes I'm still in the queue but anyone could comment on Kristina.

((Crosstalk))

John Berard: This is John. I'm not aware of the specifics so it's - I'll - I mean is Euro DNS throwing a fit?

Kristina Rosette: I think it'd probably be most accurate to characterize that they're objecting to the breach notice. So obviously Khalil can respond to that if he wants.

Khalil Rasheed: Yes, I think at this time it's probably better that I don't. But our breach letter is posted on our Website and their response is...

Kristina Rosette: Right.

Khalil Rasheed: ...available all over the Internet. And essentially they're saying that they cannot implement the decision as a party unrelated to the UPRP administrative proceeding objected to it in a Luxembourg court and they received a summons to that affect they are unable to implement the decision. So that is under review here. And...

((Crosstalk))

Kristina Rosette: But my bigger point is I don't know that it makes, for example, I think we need to make sure that like I said although I think it would be

interesting and lively I don't know that having a situation in which the registrar stakeholder group puts forward Euro DNS as their registrar participant would...

Khalil Rasheed: Yes, I actually - I actually think it would be completely unproductive myself...

Kristina Rosette: Right, right, I mean I think...

Khalil Rasheed: ...but I don't want to...

Kristina Rosette: ...you know, I don't think that that facilitates what we're looking for. I mean, maybe what we want to do is say, you know, we want to know - we are looking for a registrar to participate in this Webinar because of the implementation obligation that registrars have.

And do we want to, you know, please recommend two or three, you know, we're looking for the registrars that have most frequently been the registrars of record for disputed domain names. I mean, if we say that it's basically going to be GoDaddy maybe. I don't know.

Margie Milam: I've got Philip in the queue and David in the queue.

Philip Sheppard: Thanks. I just wonder if we're losing sight a little bit of the objective of the Webinar, I mean, I would - if we're only batting at an hour, five minute per speaker sounds like 12 speakers with no opportunity for dialogue.

I just wonder if we're trying to kind of pack too much into what is supposed to be a slightly less ambitious project in which we had

originally identified those people who are the ones who dialogue during a UDRP. I just wonder if we're not better leaving it to that and getting these other perspectives in due course but not at this Webinar itself.

David Taylor: Yes, David here. I'd probably agree with that because I think one of the reasons we went after the providers was they'd have the statistics of, you know, the registrar compliance and those issues and the number of times they come across issues. So hopefully that would be part of their presentations to an extent, you know, highlighting the issues which they have seen across many registrars. So that might be a way of covering that same point rather than having one specific registrar speaking on behalf of the 900 registrars which would be quite difficult.

Margie Milam: So it sounds like I should - where we're headed is contacting the leadership of the registrar stakeholder group and asking for several names; ones that frequently, you know, appear or are involved in domain name disputes under the UDRP. And then we will come back and decide of those names which ones to include. Is that correct or it looks like, Philip, you disagree with that?

Philip Sheppard: Yes, I think you're contradicting directly what I said. Perhaps I wasn't clear enough. I'm saying that in an hour's Webinar I think we should concentrate on getting a good breadth of speakers from the categories we've identified and specifically do not invite anybody else including registrars.

Margie Milam: Oh and, Philip, I'm sorry if I wasn't clear; it's two hours. And I believe on the last call the group felt it was important to have registrar participation. So that's why I - I guess I'm contradicting it. Has the viewpoint of the group changed that there shouldn't be registrars?

David Taylor: I'd just question it based on what I said before. I mean, I don't - if everyone thinks it's okay and we can find somebody who's representative then, you know, why not but I'm just concerned as to how we can find a representative registrar.

Margie Milam: Yes I believe it was Jeff Neuman on the last call that thought that it was important to have the perspective of a registrar on the panel. And I - from a staff perspective I would agree with that just because it looks like we're, you know, excluding an important viewpoint in the group even though, you know, you will get some data from the UDRP providers.

David Taylor: Okay well then I'm okay for it then especially if we have got two hours then, you know, having one person from a registrar coming up. And hopefully if we've got the information prior to the registrar they may be able to address some of the concerns which providers put forward as being issues where they're assumingly not the registrar talking which covers Kristina's point perhaps.

I've got a couple of queries which is why I'd raised my hand. You want me to fire them out now or do you want to finish this...

Margie Milam: No go right ahead - go right ahead.

David Taylor: Yes. That first question was just on the Hong Kong Arbitration Forum that only put forward one attorney so they haven't put forward somebody (for) a respondent. Do we need to go back to them on that or is it just - did they just not reply at all on that bit?

Margie Milam: You know, I did it more as, you know, if they want to provide a recommendation they can.

David Taylor: Okay.

Margie Milam: I didn't require them to do it so I guess they felt that, you know, they didn't feel like answering that question or didn't have enough...

David Taylor: Okay that's fine.

((Crosstalk))

David Taylor: And then I've just got - on that point which sort of talking about even panelists coming from, you know, WIPO that we might have more Europeans we may or may not but there's obviously a lot of US panelists within WIPO and I was just looking at their, you know, the most frequently appointed panelists and three out of the top four are all American.

So we may not get the diversity which we want because we haven't specified to WIPO to provide European or Asian or anything like that panelists. So we'll see maybe who they come up with. But I was just agreeing certainly to wait for WIPO and CAC to come through with that.

And one very minor point is you spelled (Eric Wilber)'s name wrong so it's with a K and you've got ERS at the end.

Margie Milam: Thank you.

((Crosstalk))

Margie Milam: I got it right in the email.

David Taylor: No problem.

Margie Milam: Okay so I guess I'm hearing that we're going to wait until we receive more information. I will send a follow up note to the providers asking for individuals that appear most frequently in these categories. And I will reach out to the registrar stakeholder group for suggestions...

((Crosstalk))

Margie Milam: Does that sound correct?

Kristina Rosette: Margie, it's Kristina.

Margie Milam: Yes go ahead.

Kristina Rosette: I agree with you. I think maybe what we need to make clear when we reach out to the registrar stakeholder group is that what we're looking for is a registrar that can speak on a representative capacity. In other words not necessarily - not to pick on them but GoDaddy speaking as GoDaddy this is our experience.

But if they, you know, if they have somebody from GoDaddy speaking have it be in more of a, you know, these are the issues that registrars face with regards to the UDRP or these are the changes that registrars would like to see.

Because what we're really looking for is what are the issues that registrars are facing, right? So in that case I think it makes more sense to make sure that whoever it is that is speaking from that stakeholder group is speaking so on a representative capacity and not on an individual company capacity.

Margie Milam: Okay so what you're saying though is it would be one person then? I mean, because, I don't know, you know, are they going to pick three people to be representative of the registrar stakeholder group?

Kristina Rosette: Well I think, you know, invite them to put forward as many as three names but that, you know, in all likelihood we're only going to have time for one and that whoever it is that's speaking should be speaking in a representative capacity.

Margie Milam: Okay.

Philip Sheppard: Philip here. And I think that probably means that we're expecting them to do some kind of outreach before they get to the Webinar.

Kristina Rosette: Yes.

Margie Milam: Yes and this is certainly not the last time they'll be consulted...

Philip Sheppard: Sure.

Kristina Rosette: Right.

Margie Milam: ...if we have a session in Singapore - and I'm planning to set up a session in Singapore - we'll have more time for, you know, again some of these viewpoints to share their concerns.

Kristina Rosette: Can you put me in the queue, Margie?

Margie Milam: Yes, go ahead, Kristina.

Kristina Rosette: And Khalil, I don't know if you're still on the line but I...

Khalil Rasheed: I am.

Kristina Rosette: ...would think maybe that compliance has a general notion of, you know, these are the issues that, you know, from our perspective that registrars have had in terms of UDRP implementation. Because wasn't there a UDRP session in - was it in Paris?

Khalil Rasheed: There was a - yes there was.

Kristina Rosette: For the registrars? So, you know, maybe Margie to note that if the registrar stakeholder group would prefer that, you know, we could have somebody from compliance speak just picking up on some of the issues that have been identified in that workshop. I don't, you know, not to volunteer more work for Khalil but they may prefer that.

Khalil Rasheed: No so - no I'm happy to help wherever I can. But let me understand clearly what is it that you think that the registrars might prefer compliance...

Kristina Rosette: Well the registrars might say, you know, we're not going to get into this having GoDaddy speak on behalf of all registrars or, you know, Tucows speak on behalf of all registrars or Mark Monitor speak on behalf of all registrars.

It's just going to be easier for us, you know, compliance is aware that, you know, when there are issues that become compliance issues compliance knows what they are so we think it makes more sense for them to talk about it.

Khalil Rasheed: So my sort of response to that is I'm happy to highlight what some of the issues that we've noticed are but I have never known registrars not to take an opportunity to sort of advocate their perspectives. So I'm pretty...

Kristina Rosette: Who'd that might be?

Khalil Rasheed: So I'm pretty sure they would probably rather speak about registrar UDRP issues than have compliance - the compliance department at ICANN speak about it particularly in light of Euro DNS things and...

Kristina Rosette: Right.

Khalil Rasheed: ...(dual) storage. So - but if you believe that we have some value we could add we'd be more than happy to help.

Kristina Rosette: Well what does everybody think about that? I mean, does it make sense if we're going to have the registrars do it - speak to have somebody from compliance speak?

David Taylor: I would have thought both, no?

Philip Sheppard: Yes agree. Philip here.

David Taylor: I'm sorry, that was David.

Margie Milam: My only concern - and I know Khalil has a tremendous amount of information. It is we've got a two-hour Webinar, you know, and yes we can add another, you know, five minutes, you know, should we consider having it be longer? Is, you know, is five minutes enough to cover, you know, the kinds of things that we need for this initial purpose?

Khalil Rasheed: Well, Margie, yes, I understand and, you know, as you try and nail these things down, you know, it keeps one more thing, one more thing until it's a week out and you're still trying to fit things in. If it's helpful what I can do is, you know, comprise or put together a list of common issues and give that to you or make myself available there.

If timing or that sort of thing - or scheduling is an issue or, you know, maybe it's not best put because people will sort of be off-put if compliance is involved directly with the policy aspect then I'm happy to go about it some other way even if it's just giving you a list of the common issues and then you can read them off as common issues.

Margie Milam: Khalil, it's Margie. No, I don't have that concern. I think it's useful to have the policy perspective - the compliance perspective in the policy world. I'm just wondering, you know, I guess we have to look to the - if we have sufficient amount of time, you know, and you feel that you could cover it in five minutes because it seems like your topics, you

know, is - could easily be 20 minutes, half hour but that defeats the whole, you know...

Khalil Rasheed: Right. It does open another can of worms. I mean, my experience in the past was - I'm happy to speak and appear before whomever but is that - once that - you go down that path with compliance you get all sorts of issues and hands go up in the room and what about this, what not about that, that kind of thing. You know, so I am sensitive to that as well.

If you limit the compliance perspective to five minutes sometimes you're even accused of maybe not being fair or not giving the full opportunity to examine the facts, that kind of thing. So I'm open, you know, to whichever way you want to do it. But that is a consideration to take into account.

Margie Milam: What do you guys think about the timing issue with compliance as being one of the speakers? Kristina or David or Philip, anyone?

David Taylor: It's a - David here. It's a hard one. I mean, I don't have an issue with it going over a little bit and running a little bit longer. But, you know, once we get to two hours it does end up sort of pretty much at the limit. But that's a difficult one.

Kristina Rosette: Right. And this is Kristina. I mean, I certainly agree and I don't want to create more work for anyone. But, you know, and this I guess coming back to the point that John made that has just kind of been bothering me is that call me naïve but I'm not - I really was not - it was not my expectation that this would just turn into one big two hours worth of advocacy with everybody advocating past each other.

John Berard: Okay, Kristina, you're naïve.

Khalil Rasheed: So you believe maybe the scope is going beyond what was initially intended?

Kristina Rosette: No, no, no, I mean, I guess what I'm concerned about is that - and I think it's within our control in terms of communicating to whoever it is that speaks that, you know, we're not looking for - this is not supposed to be an advocacy presentation; that we are looking for kind of factual experiential information.

Khalil Rasheed: Right.

Philip Sheppard: Philip here. Yes, and I agree I think exactly with that. On timing I would certainly not go beyond two hours; that would mean 1900 hours finishing at in Central European time and I think you will lose audience if you extend it which would be a shame.

And I agree, we're attempting to be analytical and to air issues of experience and learning and we're not looking for advocacy; we're not looking for opinion we're looking for expertise and fact. And I think that should be part of - perhaps it'll - a little briefing statement that we give to all our chosen speakers when we actually start (a lot of that).

Margie Milam: Philip it's Margie. Yes, we can certainly provide information to the speakers. And just to - remember this is meant to help identify issues for the issue's report that I'm drafting.

Philip Sheppard: Absolutely.

Margie Milam: And I had already contacted Khalil to get, you know, some content from him to include in the issue report. I mean, so, you know, this is an exercise for, you know, to help write the report. And if we do something in Singapore, you know, maybe that's, you know, where a compliance piece might be useful.

But that's, you know, I was viewing it more as informational from people that I don't have easy access to so that was kind of my thinking in not including compliance although obviously his perspective and the perspective of the department is, you know, critical to the issue.

Khalil Rasheed: If I could jump in here, Margie. I think if that is the point then particularly for the Webinar then maybe it's best not include compliance and have everyone else speak because you can always - as well as the rest of this group - have our perspective readily available then maybe in a more public forum or open forum such as Singapore we could speak to the issue if people feel it's necessary then.

Philip Sheppard: That would probably be fine too. Philip here again. And, I mean, I'm just thinking it through about potential names that are in front of us. I mean, if we are looking for analysis and fact of experience we might do better with somebody from compliance than the two names we currently have as academic speakers who will be bursting full of opinion if I know them from - at all. So we might just need to think through that or see if we have some alternative academic speakers that come out from the other providers.

Margie Milam: Any other comments on the compliance involvement?

Kristina Rosette: This is Kristina. I have a slight preference for it simply, I mean, if we're going for balance in terms of complainants and respondents and, you know, academics from both perspectives and registrars then the counterweight it would seem to be the, you know, the balance in that would be compliance.

Having said that I'll defer to the opinion of the group. And I actually, with apologies, have to jump off because I have another call.

Margie Milam: Okay. Okay thanks Kristina.

David Taylor: And, David here. I'd certainly agree. I mean, if we can have somebody from compliance that's good to do a short factual presentation and it would just be factual which is what we're searching for.

Khalil Rasheed: And factual with respect to the issues that we've noticed that sort of surface repeatedly in terms of UDRP compliance.

David Taylor: Yes, exactly which, you know, it's a viewpoint from an ICANN as well as a viewpoint from the providers because I'm assuming that the providers may not necessarily be in agreement with everything on the compliance side maybe they are, I don't know.

Khalil Rasheed: Okay.

Margie Milam: Okay well since I know, David, you have to leave early as well what I'll do is I'll put down tentative compliance perspective. I will - how about I send an email to the list just informing them of the fact that we're still waiting for input and that - and we'll identify speakers after we receive

the recommendations from the other providers and then just see what kind of feedback is on that.

But obviously to Khalil's perspective it would - or the compliance part perspective would be helpful. So I think that that's not a bad approach. And then I guess - should we talk about before everyone leaves call next week? It sounds like a call - well that's part of the problem is is we're getting close to the 10th now.

I'd like to have at least from the group agreement on who we should invite by end of this week so that I could send out invitations next week. What do you guys think? You think it's possible to get this done by email?

Khalil Rasheed: Should be.

John Berard: Yes, it looks like the GNSO Council meeting should be over by about 5:30 in the morning so I'll have plenty of time.

David Taylor: I mean, I think we should be - David here. So we've got to get the WIPO and CAC comments in as soon as possible and also see what other academics there to see if we can get more of a balanced academic view.

I don't know how long that'll take but clearly we're under the time gun to get these emails out to everybody because, you know, a lot of these people may not actually be able to talk at that Webinar on that time and that date because we'll be sending something...

Margie Milam: Right.

David Taylor: ...a week before won't we?

Margie Milam: Right. And that's why I'm afraid waiting - that I don't think it makes sense to wait until next week. I think this is something we need to resolve this week.

Khalil Rasheed: Yes.

Philip Sheppard: I agree, I mean, WIPO is the biggest (unintelligible) I thought their response so if Margie who concentrates on getting a response from them and then let us know what that is by email I think we can probably give you some suggestions as to what the panelists look like.

Margie Milam: Should I set up a survey that you guys respond to? And I'm trying to think of, you know, compiling email responses from six or eight people that may disagree; it makes it a little difficult to put some, you know, value to the different responses. But if I set up a survey I might be able to at least go with whoever, you know, gets the highest viewpoints from those who participate. Does that seem like a fair approach?

John Berard: I think so.

David Taylor: Yes. I mean, if you need another call I don't know what everyone has got but I could do Friday of this week if we wanted to do a roundup call or a finish up call on this at all. It's William and Kate's wedding though so that's a bit problematic. But seeing as I didn't get invited...

Philip Sheppard: It'll be done by - yes, same time of day it'll be done by then.

Margie Milam: Yes, a call - for me a call is better and Friday works fine. How about the rest of you? Does Friday seem like a reasonable time - if we do it around this time?

John Berard: Same time on Friday works for me. This is John.

Philip Sheppard: Philip - that's okay.

((Crosstalk))

Margie Milam: Okay, okay. So I'll do that, I'll send a summary - kind of update of what happened on the call today and then I'll set up a call for Friday at this time and then pretty much Friday we'll decide who's going to be invited and I'll send invitations out on Friday after our call. All right?

Khalil Rasheed: Okay sounds good.

Philip Sheppard: Thanks so much.

David Taylor: Great, thanks.

Margie Milam: Thanks everyone. We'll talk on Friday. Thank you so much.

Khalil Rasheed: Okay thanks.

((Crosstalk))

Khalil Rasheed: Bye-bye.

Margie Milam: Bye everybody.

Glen DeSaintgery: Thanks so much, (James).

Coordinator: Not a problem, Glen, have a good afternoon. Speak soon.

Glen DeSaintgery: Thank you. Same to you. Bye.

Coordinator: Bye-bye.

END