

**Inter-Registrar Transfer Policy Part B PDP  
Transcription  
Tuesday 04 January 2011 at 15:00 UTC**

Note: The following is the output of transcribing from an audio recording of the Inter-Registrar Transfer Policy Part B PDP call on Tuesday 04 January 2011 at 1500 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-b-20110104-en.mp3>

On page:  <http://gnso.icann.org/calendar/#jan>  
(transcripts and recordings are found on the calendar page)

**Participants on the Call:**

Michele Neylon – RrSG Chair  
Paul Diaz - Registrar SG  
Robert Mountain - Registrar SG  
Simonetta Batteiger - Registrar SG  
Mikey O'Connor – CBUC  
James Bladel - Registrar SG  
Berry Cobb – CBUC  
Chris Chaplow – CBUC  
Kevin Erdman – IPC  
Barbara Steele – Registries SG  
Oliver Hope - Registrar SG  
Baudoin Schombe - At-Large

**Staff:**

Marika Konings  
Glen de Saint Géry

**Apologies:**

Matt Serlin - Registrar SG  
Ted Suzuki  
Anil George – IPC  
Michael Collins – Individual  
Eric Brown – RY (all Tuesday calls)

Coordinator: Please go ahead the call is now being recorded.

Glen de Saint Géry: Thank you, (Tim). Good morning, good afternoon everyone. This is the IRTP call on the 4th of January. And on the call we have Mikey O'Connor, Michele Neylon, Barbara Steele, Simonetta Batteiger, Oliver Hope, Paul Diaz, James Bladel, Berry Cobb, Kevin Erdman, Chris Chaplow, Bob Mountain.

And for staff we have Marika Konings and Glen de Saint Géry, myself. Thank you, Michele, over to you and happy New Year to everyone.

Michele Neylon: Thanks Glen. Good afternoon everybody. I will be logging onto the Adobe Connect momentarily; my computer just is misbehaving. Okay then as - for those - before Christmas Marika followed up with several people just to find out a bit more about why they had replied the way that they had to a questionnaire.

And I believe Simonetta, you sent through some suggested wording for something. Could you walk us through that because I don't think your email made the list or may have done...

Simonetta Batteiger: I was trying to send it but it didn't receive it yet so I'm not sure if everyone got the email.

Michele Neylon: Oh okay.

Simonetta Batteiger: You want to start with that or did you want to go through the roll call first?

Michele Neylon: We did the roll call already.

Simonetta Batteiger: Oh okay. Oh I mean the updates to the SOIs...

((Crosstalk))

Michele Neylon: Oh sorry, okay well...

((Crosstalk))

Michele Neylon: Oh okay sorry, sorry, yes, Simonetta, you're correct, I meant to do an update. Does anybody have any updates to their SOIs or DOIs? No, okay fine. Go ahead Simonetta.

Simonetta Batteiger: Okay so my update was on Charter Question B. And there was a foreign tax in the final report draft that really - the workgroup notes that IRTP is rightly used to the fact a change of control over a given registration as opposed to simply moving the registration to a new sponsoring registrar with all contacts unchanged.

While the IRTP lists both the registrant and the admin contact as authorized transfer contacts to change registrars the change of control function is not defined. Therefore the workgroup recommends that only the registrant can affect the change of control while the registrant and admin contact remain eligible to authorize the transfer that does not modify any contact information.

This could be achieved by either restricting the admin's contact ability to modify any contact information associated with a domain name or by ensuring that any transfer reversal or change control features are explicitly limited for use by the registrant only. Do you agree with this recommendation that any - that a new change of control process is needed to (transact) registrations between registrars?

And I had responded that I agree that something is needed and the...

Michele Neylon: Hello? Hello?

Mikey O'Connor: Hello. She seems to have dropped off the call.

Michele Neylon: Did she just drop off?

Barbara Steele: I think she must have.

Marika Konings: This is Marika. She still looks connected on...

((Crosstalk))

Marika Konings: And now she has disconnected. In the meantime I have actually posted the language that Simonetta proposed in Adobe Connect and I've also forwarded to the mailing list. I think Simonetta did as well but there seemed to be some issues with the mailing list. So maybe people can just have a read until she gets back into the call.

Michele Neylon: Yeah, I mean, okay you should all have got that email from Marika there. Simonetta has vanished. Marika, could you let me into the Adobe room please? Thank you.

Marika Konings: Yes.

Michele Neylon: Oh somebody did; somebody let me in whether it was you or somebody else.

Glen de Saint Géry: Simonetta is back.

Simonetta Batteiger: Yeah, sorry about that.

((Crosstalk))

Michele Neylon: That was dramatic.

((Crosstalk))

Michele Neylon: Yes we did, thank you.

Simonetta Batteiger: Great.

Michele Neylon: Just an FYI for everybody seemingly there are some issues with the mailing list which is why Simonetta's mail to us hasn't arrived yet but Marika's did for some bizarre reason. It's not a Dutch German thing or anything like that it's just the mailing list being odd.

I believe IT is working on that, correct Marika?

Marika Konings: That's correct. And that's also the reason why some of the reminders for this call actually didn't get to people's inboxes until I think earlier today so apologies for that.

Michele Neylon: That's okay it's computers, they break. Anyway Marika has also put up the proposed language up on the Adobe chat and now on the Adobe chat. Does anybody have any queries or any questions or any issues with what Simonetta is proposing? Mikey?

Mikey O'Connor: Thanks Michele, this is Mikey. I guess I'm concerned about this. This basically seems to be a proposal to back away from a recommendation at this time and kick the decision down the line. And I'm - I guess I'm thinking that who would we kick this to that knows more than those of us that have been sitting in this working group for a year and a half? So I'm not real excited about this proposal.

Michele Neylon: Simonetta do you want to say anything on that?

Simonetta Batteiger: Yeah, I agree with you that it's not ideal. The reason why I don't feel comfortable with just making this recommendation as is is that I don't - and I apologize, maybe this conversation has happened before I joined the group - but I don't really think we spend enough time fleshing out the details of how this stuff should be done in the case of a change of control.

And I think this is something that really needs some thorough discussion and really making sure that everyone's interests are taken into account so that this process is simple for the registrars to manage and also something that doesn't hinder the majority of domain transfers that are happening around sales of domain names.

I'm not saying it does but I think we didn't spend enough time thinking this through and really taking everything into account that should be taken into account because this proposal doesn't really (about) how this should be done it just says something needs to be done.

And I'm just concerned that if this is taken up by whoever gets this report and then just implements something that could be really disturbing to the majority of transfers that are really unproblematic where you don't necessarily have the CEO of an organization approve things like that who may happen to be the registrant on record.

Michele Neylon: Okay thanks Simonetta. James do you want to jump in there?

James Bladel: I lowered my hand. I think Mikey covered my thoughts on that, Michele. Thanks.

Michele Neylon: Okay. So any other thoughts from other people? No? Paul?

Paul Diaz: Thanks Michele. Yeah, I see both sides of this one. My question is do we anticipate the way the proposed change is worded that a - if I can call it an interim working group would be spun up. Would this work be assigned to one of the future IRTP - the plan one, C through E?

And if the latter is there a process for that because so the issues that are to be addressed, the charters for those groups have somewhat been already set, correct?

Michele Neylon: Marika, go ahead.

Marika Konings: Yeah, this is Marika. And indeed the issues for Working Group C to E had already been set. But having said that I don't think that prevented the Council from adding any other items especially if that is recommended by one of the IRTP working groups.

I think there's a call in the IRTP Part A Working Group we actually recommend as well a certain item to be further explored I think in this working group or taken into account. So my feeling is that there is a recommendation for a certain issue that fits well with some of the items that are coming up in C and E.

And I personally would be very surprised if the Council would say no we were just going to ignore that and not do anything with it.

Michele Neylon: Does that answer your query, Paul?

Paul Diaz: I guess so but, I mean, the first part of my question still stands; are we envisioning - I guess, Simonetta, this is to you - are you envisioning a sub working group that would deal with this quickly or are we going to wait until C, D or E, you know, where it seems most appropriate to stick this in - and in particular if it's D or E you could be talking a couple years before this would ever get addressed.

Michele Neylon: Simonetta?

Simonetta Batteiger: Very good question and I don't really have a response to that. I mean, this was something that we know from - I think we don't know - maybe we notice that everyone who's ever done a domain transfer that it was actually meant to change control at the same time as a registrar transfer is happening that this process is broken.

But this process is broken if - this broken process is somewhat working; we've found workarounds around it. But one of these workarounds is in a lot of cases that the admin (T) contact is used for domain transfers. And I would really like to take this back, for example, to our transfer team and ask them exactly how they do these things and also ask a few portfolio holders what

they think about this before recommending that we restrict things that might really disrupt the secondary market.

And that was my concern and I don't really think we - or at least as long as I was on the group we didn't really address this properly in my opinion to come up with a recommendation that basically says we're going to restrict this period.

Michele Neylon: Paul, Mikey, well and Marika; let's let Marika go first and then Paul and then Mikey.

Marika Konings: This is Marika. I'm sorry, my hand was still up from before.

Michele Neylon: Okay, Paul, Mikey then Bob.

Paul Diaz: Okay basic questions, Michele and Marika. What is our target timeline for the working group? And then the follow-on is if we have time, Simonetta, can you go back to your team, get the information you need and then get back to the group as quickly as possible because I would prefer seeing this proposed change have a finer point on it.

In other words if the group believes that we really have an issue here and it needs to be dealt with promptly to foreshadow how quickly we expect that to be done; in other words work into the proposed change, an interim working group or work team, drafting team, whatever term of art we use deals with this or explicitly say, you know, we've looked this, we feel it's important and let's address it in PDP whatever it's going to be C, D or E.

I would rather not leave it so open ended; I find it troubling that we would have a call for some action but not giving any sense of when we expect that to happen.

Marika Konings: Okay.

Michele Neylon: Just to answer your query, Paul, with respect to timelines if we want to get a final report for this - for IRTP-B out for San Francisco, so that we can then move onto our IRTP-C I assume, the publication deadline is around the 21st of February give or take according to what I'm being told here.

With respect to making any kind of changes or (unintelligible) that's up to you guys as a group. But the publication deadlines if we want to stick to our original idea of finishing this group by San Francisco that's the timeline we're looking at. Who else did I have? Mikey and then Bob.

Mikey O'Connor: Thanks Michele. It's Mikey. I think that what we need to do is keep this in this working group because the more I listen and the more I think about it - Simonetta I think the reason that you didn't hear any of this is because this all occurred, you know, we had a long discussion that came up with the initial report.

I think you and Bob joined the working group after we published that. So the reason that you've not heard any of the conversation is because it occurred before you joined the group.

I don't think that that's sufficient reason to discard this recommendation. I'm quite keen on Paul's idea that, you know, we revisit this and sharpen it up. But it'd make me really cranky if we just punted this down the line.

Michele Neylon: Okay Bob.

Bob Mountain: Thanks Michele. This is Bob. I would just essentially echo what Mikey said and agree that we should tackle this now. You know, further I'm happy to get our domain services team involved as well on the, you know, on the aftermarket piece in terms of how we handle transfers and pitch into a sub-team if that's what the group agrees is the best way to approach this.

Michele Neylon: Okay. Anybody else have any other thoughts on this? Ollie, I'm going to pick on you - I meant James - okay James. I meant James. Go ahead Ollie.

Oliver Hope: Well I think from everything that's said I think really, yeah, I agree with Paul. I think, you know, let's get this all specific and go back and let's get it done.

Michele Neylon: Okay, James.

James Bladel: Yeah I think I'm coming down in the Oliver/Paul/Mikey camp on this. One thing that I did want to put out there and borrowing a little bit from the RAP efforts was that we made some recommendations and then a couple of them required a - kind of a rapid follow up - and Mikey can maybe help me here - that we had a separate team that was an implementation team.

And it was compromised primarily of the people who were involved in the original working group effort. And maybe something if we felt that giving this particular issue its proper treatment was endangering our goal of publication by San Francisco then maybe we could recommend that that would happen separately from IRTP-C but still happen with the bulk of the membership of this group so it would be kind of a separate task that would be constituted in between IRTP-D and C and overlapping both.

So that was just an idea of how we could do this and still make the San Francisco schedule.

Michele Neylon: Okay thank you. Marika.

Marika Konings: Yeah, this is Marika. I think that's what something I've suggested as well for some of the other items for example looking at the ETRP where for some elements if you indeed go into, you know, how is this going to work in practice where you need probably a lot of like technical information or support, legal support. That's where indeed an implementation drafting team might be

appropriate as a next step instead of trying to work it out indeed here in a sub-team.

I mean, I think some basic, you know, further discussions and further guidance, you know, would definitely be helpful. But indeed if we want to meet a deadline and if the group recognizes that some of these items just need further expertise and further detail to working out in that case an implementation drafting team would be very appropriate.

And again I think there if the working group wants to give specific guidance to the Council on how such an implementation drafting team would look normally all those drafting teams are open for anyone, you know, who wants to join and it's the same for the registration of these policies implementation drafting team.

But there again many members that were involved in the working group also joined the drafting team. So that is definitely an avenue the working group can explore as a - indeed in between way of saying we'll need to start a whole new PDP or a whole new working group to explore this issue. And on the other hand, you know, dragging down this working group trying to really, you know, fit in all the different details or explore all the different scenarios that might need to be taken into account in drafting this particular issue.

Michele Neylon: James is that hand from before?

James Bladel: No it's a new hand, Michele. And I just wanted to add to what Marika said. The key to making that work is to making the task or the work plan or the charter or whatever you want to call it of that drafting team as narrow as possible.

So say here's the question you're going to solve. Don't go back and revisit all these other issues; the working group has covered these. You know, and just

kind of have a very action-oriented mission specific charter associated with that implementation team.

Michele Neylon: Marika I'll let you go in just one second. I have one very simple question which, Marika you - Marika or James or Mikey or somebody might be able to answer. In order to do this do we have to run via Council first or how does that work?

James Bladel: I think it was in part of recommendations but go ahead; I'll let the other two.

Marika Konings: Yeah, this is Marika. The way it works for the Registration Abuse Policy and Implementation Drafting Team and I think other implementation drafting teams as well is that a working group first comes back with the report and either the working group already recommends that an implementation drafting team is needed or the Council recognizes itself that such a drafting team is needed and they then charter that.

But again nothing prevents this working group - and I think it would even be welcomed by the Council if the working group did provide a charter or a skeleton for a charter that such a drafting team should follow because I think again there they recognize that, you know, the working group - they are the experts there; they're making the recommendation.

So the more details they can provide for any follow up work the better it will be. Of course it's then, you know, the Council's privilege to make any changes or add any further restrictions or guidance that they deem appropriate.

But I think it would be really helpful indeed as James and others have said to provide as much detail as possible to make sure that such an implementation drafting team, you know, doesn't reinvent the wheel again and start all the discussions that we already had here that really focuses on the key questions with the guidance that this group gives in its recommendations.

Michele Neylon: Okay, Marika, just the really short version then is we would put in our report this is a recommendation and then it's the Council would decide is that right?

Marika Konings: Correct that's my - correct, that's my understanding.

Michele Neylon: So basically...

Marika Konings: I mean, if this working group would want to do something it would need to do it within its mandate so, you know, creating a sub-team. Or an alternative approach would be if you want to add something to your charter it's to go back to the Council - probably to the council liaison and say look we think we should do this additional task as part of our work. It wasn't a principal included as, you know, one of the charter questions but we would like to add this specific piece of work to our charter and have the Council approve that.

But, you know, in either way it would need to go back to the Council for approval.

Michele Neylon: Okay so we can include some kind of recommendation about a separate drafting team or we can expand our scope is that it? So I'm just - my brain is being really slow today and I do apologize. Mikey has a hand up.

Mikey O'Connor: Thanks Michele. This is Mikey. Well in this case this particular issue is in our scope.

Michele Neylon: Yeah that's what I thought...

((Crosstalk))

Mikey O'Connor: Yeah.

Michele Neylon: ...that's what's confusing me a small bit.

Mikey O'Connor: So I think that what we're talking about is as far as coming up with a policy recommendation I think it's up to us to do that. Now we have a deadline to meet and so one way to meet that deadline is to answer that policy question quickly and then leave the details of the implementation of that policy to another group.

And, you know, that's essentially what happened with the RAP was, you know, we had this giant pile of recommendations and we just didn't have time to figure out the sequence of implementing them and so on. And so we telegraphed to the Council that we needed another group to tidy up that one little piece of work. And that little drafting team had an extremely narrow charter that just went through and basically did an almost mechanical exercise.

But the charter slash scope question of this particular issue it's already in our charter. And I am very uncomfortable with the idea of kicking it out of our charter to somebody else...

Michele Neylon: I wasn't suggesting that at all, Mikey, I was just trying to understand what the best way of dealing with it was.

Mikey O'Connor: Yeah. Well and I think one way to do it is to think of it as, you know, let's do the rough cut policy decision in this group. And that means Bob and Simonetta, I think you need to get back to your folks quickly and find out, you know, what issues there might be in the rough cut recommendation that we've already got.

If there are show stoppers in there maybe we can figure out a solution in this group. And then if there are finer grain details that we feel as a group we need to work - somebody needs to work out then I think we could hand a really narrowly defined charter to a drafting team to put that finer point on things.

But...

Michele Neylon: Okay but...

Mikey O'Connor: ...no I think the possibility could exist that we do not have time to answer this one by February 21 in which case we have to say tough luck; I guess we're not going to make San Francisco. I don't think we can let the San Francisco deadline totally determine which policies we make and don't make in this group.

Michele Neylon: Chris.

Chris Chaplow: Thanks Michele. Yeah, Chris speaking. What just concerns me a little bit cutting across all this is whether we're talking about a theoretical authorization. And really I think we also need to answer the question of at the practical level is what's happening is the authorization is by something we've already called before an invisible hand; that is the registrar account holder.

And I think - and Simonetta's people down in the engine room at Sedo are probably very good to be able to answer that. And I think that's where we've really got to do, get right down into the mechanics of how this works and the numerous variations of how it works and then we can decide whether this recommendation is beneficial or non-consequential and a waste of time really. Thank you.

Michele Neylon: Thank you Chris. Marika.

Marika Konings: Yeah, this is Marika. One thing to note about the San Francisco deadline is that that's in principal the deadline for us to publish our draft final report or the draft final recommendation. Because I think that we agreed that it looks like we're going to make quite significant changes to some of the recommendations that we put out in the initial report. It would be appropriate

to put that out for another round of comments before we actually finalize the report.

Hoping that of course at this stage, you know, we won't get as much feedback as we maybe did in the first round because we've listened to the comments and hopefully addressed people's concerns on some of the items.

So there would be a little bit of margin to, you know, for example if Simonetta and Bob come back with a certain proposal that, you know, people have maybe mixed feelings about or want to think longer about or have some feedback from the public about that that can be put up for public comment maybe in comparison with the one that we, you know, currently have or some specific question.

So there would be a little bit of margin in saying, you know, San Francisco is not final, final yet because I think we did agree to have the draft final report out hopefully by that time so it can be discussed in San Francisco; people can provide full input on, you know, some of the items that have changed compared to the initial report and hopefully following San Francisco, you know, we'll only need a couple of meetings to review the comments received and actually wrap it up and send it into the Council for its consideration.

Michele Neylon: Okay thanks Marika. Chris.

Chris Chaplow: Sorry it was up from before; I'll bring it down.

Michele Neylon: Okay. Simonetta - okay, moving forward for the moment then; Simonetta if you could get more information from your end - as an action item for you if you could get more information from your end that would be helpful.

However just to remind everybody that this working group is to deal with the policy that affects all registrations not just one subset of industry so, you know, of course people have to bear that in mind.

Any other issues around this specific point? Silence is golden. Okay then.  
Right, Mikey, go ahead.

Mikey O'Connor: I think we just need to set out some fence posts as to what's going to happen next. Can we say that maybe we're going to try and resolve our path forward at the next call or something like that so that we can nail it down?

Michele Neylon: Well path forward with respect to what exactly?

Mikey O'Connor: Well how we're going to handle the conversation about this and what we're going to do.

Michele Neylon: Well okay the way in my thinking at the moment - and this is just my own personal views on this, Mikey, is that okay we've got a couple of things that are to do with the kind of trying to move things forward which is why we're having the extended meeting today or the second half of the meeting today where people can get into other things that they want.

With respect to kind of where we want to move forward with things I do agree with your point that, you know, if we have to miss deadlines we do have to miss deadlines. But part of the reason why we chose the San Francisco deadline was because we hadn't really set a deadline previously so we were kind of moving around but not actually aiming at anything specific.

Now the - Marika prepared the recommendations document. I think - what is she calling this? So what are you calling that document, Marika?

Marika Konings: This is Marika. Which one are referring to? The one on the latest status of the recommendations? That one?

Michele Neylon: I think it could be that one. Sorry, let me - my email client is kind of showing things in kind of odd ways. You've got two documents; one's a PDF and the other one is a Word document or are they both the same thing?

Marika Konings: Oh right. You mean the one that was attached to the agenda?

Michele Neylon: Yes.

Marika Konings: Right, I can pull it up. The one - the PDF version that's just the survey questions relating to ETRP. And what I did in addition to that - and I'll pull that up now in Adobe Connect.

What I tried to do is take the different recommendations that we polled in the survey I put them all together in a document and basically trying to work towards a, you know, a status where we can actually say okay this recommendation has consensus or strong support and noting in the comments, you know, what is still outstanding.

So as you can see now in the screen - you want me to quickly run through it Michele?

Michele Neylon: Just bear me two seconds before you do that. Mikey, does this - this should hopefully help to address some of your question because it - there are some areas where I think - and we've discussed this to death so I'm not going to get into it again - where we all kind of agree one way or the other about the recommendations.

So there's certain parts of our charter that we can consider to be done. There's a couple where there isn't agreement which is the ones we need to work through. Would you agree with me about that, Mikey?

Mikey O'Connor: Actually, Michele, you're answering a broader question than the one I meant to ask which was - I mostly just wanted to sort of nail down the path forward on Simonetta's proposal.

Michele Neylon: Oh damn so I went off into that entire thing for no reason.

Mikey O'Connor: Well, yeah, I couldn't figure out how to interrupt you gracefully, sorry about that.

Marika Konings: But this is Marika. If I could maybe to add that. I mean, jumping from there would be that I can update this document based on, you know, the discussion we had now noting that, you know, Simonetta and I think Bob indicated as well that he would be checking back with his team that they will provide further input hopefully ahead of the next call on that specific recommendation so it's clear for everyone where we stand and what is to be expected.

Maybe that helps the specific question but also on the broader discussion on how to move forward on the different recommendations.

Michele Neylon: Okay. So if you could walk us through this I think it would be helpful, Marika.

Marika Konings: Okay so this is Marika again. So it's up on Adobe Connect; it was also attached to the email and I think it's also posted on the working group wiki. So on the Recommendation 1 on the ETRP that's basically the left blank as I think we'll spend the second hour of this call talking about that and the sub team are I know (enough) interest that hopefully we'll come up with a revised recommendation for that specific item.

The Recommendation 2 basically attempts to address the issue where we said it's, you know, we shouldn't only look at reactive measures which would be the ETRP but also highlight some proactive measures. And there we've discussed the SSAC report that came out recently, the SSAC 44.

So I've drafted some language there. And what I noted in the comments is, you know, the working group might want to consider highlighting some specific items in that report that they think are relevant in relation to this specific charter question or propose some, you know, specific measures or suggestions on how, you know, the report and the recommendations can be promoted.

You know, (unintelligible) recommendation could for example be that, you know, SSAC has requested to present this report at the next ICANN meeting or one of the next ICANN meetings something like that so, you know, that's something to discuss. And again, you know, any edits or suggestions for language would be appreciated.

So moving onto Recommendation 3 that is actually one where everyone agreed or didn't have a strong view so for now I've labeled this one as unanimous consensus. And again this is all, you know, in draft version so if people have objections or still concerns or any suggestions for edits, you know, they're free to share that with the mailing list or, you know, raise the hand on the call today.

Michele Neylon: Okay.

Marika Konings: So moving onto Recommendation 4 I think that's the one we've discussed now so I'll update this one to note that Simonetta will check back as well as Bob and provide additional input or comments on this one. I can also add the language that Simonetta circulated to this version so people have that as well in one document. And I guess we'll discuss it further at the next call.

So Recommendation 5 dealing with Charter Question C there seemed to be a lot of support. I think this was one where James actually on the previous call agreed to circulate some alternative language for consideration by the working group. But I think nothing was sent out if I'm not mistaken. James is that right?

James Bladel: Yes that's correct. And I wanted to mention when this came up that I have a meeting with our Domain Services team scheduled for this afternoon. And I apologize that I could not arrange that prior to this call but we are very close to some language for circulation.

Michele Neylon: Thanks James.

Marika Konings: So this is one where I guess on the next call we'll have some language and the group can then discuss if, you know, they had support or whether further discussions need to be had on that one.

Then on Recommendation 6 related to the UDRP recommendation there was one working group member that disagreed with this one. And I reached out to him, it's Mike Rodenbaugh. He indicated that he felt the policy was clear and didn't need clarification. He did say, look if people have further information I'm happy to look at that.

This is also an item where I think James agreed to circulate some - the transcript from a workshop that was held in Sydney. And I think, Michele, you were copied on one of the messages because I think you raised...

Michele Neylon: Yes.

Marika Konings: ...on the call as well some specific concerns. So feel free to respond to that message and indicate, you know, why you feel this recommendation is a good one and I'll check then back with Mike to see if that has changed his opinion or whether he wants to record his minority view on this specific item because I think apart from Mike I think the rest of the working group seems to agree with this recommendation.

So on Recommendation 7 in the summarization and clarification of Whois status messages there was as well one member that (then) disagree with this

one which is Paul. I also reached out to Paul on this one and I see that he already has his hand raised so I'll let him speak to this one.

Michele Neylon: Go ahead Paul.

Paul Diaz: Okay thanks Marika. Look I want to make clear it's not disagreement; that's too strong a term. What my concern is - and now that I can see the actual recommendation text - and forgive me I've been out of the country and it's been crazy; I've not been able to keep up with this stuff for the last three weeks.

My concern here - and I think it's allayed a bit by what I see in the actual text of the recommendation - is I do not want to see anything coming out of this working group which is going to give carte blanche to registry operators to use this as, quote, justification for another price increase.

As I read Recommendation 7 it looks like you're putting - the focus is on coming up with standardized terms that will explain in clear English why a particular locked status has been employed and what that means. As long as this recommendation does not include any sort of backend work that registry operators are going to say, oh that's going to cost us money; we have to go and raise your rates 7%-10%, I'm fine with it.

If on the other hand it does mean that that is envisioned that there's going to be some sort of technical standards changes that needs to be made and what not then my concern would remain. But as I read it I think we're focusing on clarification, plain English, making it easier for people to understand why it's been locked and what it's going to take to get it undone. Is that correct?

Michele Neylon: Yes. I was just going to add maybe we could add something to capture that idea of yours as well in that, you know, that registry operators - registry operators - in the interests of, you know, a properly functioning system for all Internet users or whatever way we want to word it - registry operators'

interest that such messages are clear and such clarification should not be used as an excuse to increase prices or something.

I don't know if we can get away with something like that but I personally would be happy to do so. Marika, can we get away with doing such things like saying that registry operators should not use such a recommendation to hike up prices?

Marika Konings: This is Marika. I don't know; I don't think we can - that would be binding on registry operators. I'm not sure on this one. Maybe we can word it in a different saying that, you know, the working group considers it to be a policy change and not a technical change and therefore, you know, no - I think probably no backend changes or applications would need to be made or something to that end.

But I see Barbara has her hand raised so I'm sure she has a better suggestion.

Michele Neylon: Barbara, go ahead.

Barbara Steele: Hi it's Barbara. You know, I think from the registry perspective to the extent that it's part of a consensus policy registry operators and registrars alike really don't have any choice but to comply with it. And I don't anticipate at least in the past and, you know, I'm speaking on behalf of VeriSign at this point, that we've ever stipulated that any price increases were due to the implementation or modification of a consensus policy. I don't know if that helps.

Michele Neylon: Okay does anybody want to add anything to this? Paul.

Paul Diaz: Hi Michele. I was just trying to bang away perhaps to help Marika. What I put up in the little chat my assumption here is that everybody, all registry operators, are using EPP now. And as such registry operators don't need to

do anything; the standard that everybody's using is still the standard and the various lock statuses are going to continue to remain.

So if we build that into Recommendation 7 I think it addresses my concern that tinkering with the actual EPP status is not what's envisioned here rather it's just explaining what the heck does a transfer prohibit denied or whatever the various terms what does that mean in plain English.

And I think we deal with the - look registries are just going to do what they need to do from a technical perspective. What this group is trying to do is remove some of the confusion that exists because those technical terms are very often clear as mud.

Michele Neylon: Okay thanks Paul. Barbara.

Barbara Steele: Hi, it's Barbara. You know, I think that the - and I don't know that everybody has seen this as yet. But, you know, I think that the document that was sent around for feedback - and I apologize I haven't gotten all of mine back; I do have a couple of comments it relating to the EPP status clarification that's kind of an educational piece that Marika had been circulating for feedback.

Actually it's a very good start at explaining what those various EPP statuses are for the - I'll call it the lock statuses or the server prohibited and client prohibited statuses.

Michele Neylon: Marika.

Marika Konings: And this is Marika. And I think it's something that's worked out in further detail in the actual report because as I recall well the discussion we had with Scott Hollenbeck from VeriSign. I think what he basically said is that indeed this doesn't require any technical changes to the protocol itself. The only thing it would require is indeed that the policy mandates which language or which status message would be associated with, you know, which value.

So that's the same for everyone and it's very clear what needs to be said; it doesn't, you know, require anything else. And I think that's, you know, was his feedback. But again I think as we're, you know, recommending here would be an implementation plan that would basically outline then how this would work.

And again that would be another step as well where people can say oh well but this actually entails much more than we thought so maybe it's not such a good idea or actually it's so easy that, you know, let's go ahead and just implement it as soon as possible.

So I think maybe it's helpful there as well to look at the actual language of the report to see if it explains well enough there what the working group thinks it entails. And then maybe then a sentence to add here would be something like the working group envisions based on the discussions had that this doesn't entail any changes to the protocol but just requires, you know, adding a language or a certain message to a status value which, you know, shouldn't be a very significant change from current practices to add on.

Michele Neylon: Okay thanks Marika. Do you want to just finish off on the - what you were doing - the recommendations thing?

Marika Konings: Yeah, this is Marika. So then the last recommendation is Recommendation 8. And there we had one member initially disagreeing with the recommendation. It was for James. But I think based on the discussion that the working group had around this issue he's changed his view and is now also in support of this recommendation.

So that's another one where I've listed as unanimous consensus. And again if I've mischaracterized it or if anyone still has any objections to this one I think it would be good if people can share that with the mailing list.

So I think overall looking at this list, you know, we're, you know, we seem to be getting close. Of course the big question mark is still the first one, the ETRP, where further work needs to be done. And then I think the one Recommendation 4 where Simonetta and Bob will provide some additional language.

But it seems that on the other ones, you know, we're relatively - getting relatively close to closure on those. So I would just encourage everyone to have a close look at those where we're close to closure so that at some point in time we can indeed list them as closed and we don't need to go back to those. If there are any issues people have it would be good if they can flag those and share them with the mailing list.

Michele Neylon: Okay thanks Marika. Now just looking at our agenda today the review survey results overview prepared by Berry we won't really have time to go into that now. Marika, go ahead.

Marika Konings: Yeah, this is Marika. If I can go one back - a second back to Item 2 which is the comment review tool. I just wanted to highlight to everyone that, you know, based on the discussions we had on the public comments I've updated that document and, you know, noted our conversations and the points on the different items.

As this is going to be linked in the final report I would just like to encourage everyone to have a look at the document which is posted on the wiki to make sure that it reflects the working group discussions and I didn't miss anything. So if you have any, you know, edits or comments or changes please feel free to share those with the mailing list. So that's another item that we then, you know, can hopefully close and include that as an item for the final report.

Michele Neylon: Okay so this is the - oh okay so this is actually a Word document there. Public comment review tool updated 20 December 2010.

Marika Konings: Yes that's correct.

Michele Neylon: Okay what actually what I'm going to do since I'm incredibly lazy is I'm going to download that and I'm going to send it out to the list just because I'm incredibly lazy and I know that if I don't - if it's in people's inboxes people might actually read it. So...

Marika Konings: Michele while you're doing that, and I'm happy to do that as well, maybe another document to send out so people can already start looking at that as well is the draft final report. A lot of that is the same from the initial report but I have added some notes based on discussions we've had, based on the review of the public comments and the additional discussions we've had.

So if people can already start having a look at that document as well because once we get through all these recommendations the idea would be to just slot those in at their respective slots in the document so that can go out. So if people can review as well the draft final report which is also on the wiki. But Michele I'm happy to put those two documents in an email and send that out following this call so people can start looking at both of those.

Michele Neylon: Well I've just sent out the public comments one anyway just now. No time like the present Marika.

Marika Konings: Okay, okay.

Michele Neylon: I'm striking while the iron is hot, etcetera, etcetera. I'm sure I can think of another one. Rather than add - I put it in a separate email because I think - I don't know about the rest of you but I find if you get more than one attachment you end up reading the first attachment and not reading the second or something like that.

Okay then the - now this call - it's now coming up to the top of the hour, it's got a couple of minutes left. This is scheduled for another 60 minutes, is that correct, Marika?

Marika Konings: Yes, that's correct.

Michele Neylon: Or 45? So this is for...

Marika Konings: Could we maybe do a quick check of who can stay on because I saw some people posting in the chat box that they weren't able to stay on so could we maybe just do a quick check...

((Crosstalk))

Michele Neylon: Yeah, I was just going to check. I think I'll just do - just go down through the list, okay. Well actually or everybody's on Adobe.

So I'll just go down through. Barbara is not staying on. Baudouin doesn't look like he's staying on. Berry says he is staying on. Bob isn't. Chris hasn't said anything.

Man: Yes.

Michele Neylon: Isn't. Glen isn't. James is. Kevin is. I can't. Mikey is. (Oli) is. Paul is. And Simonetta is.

Oh and so is Barbara. Did I say Barbara already? Maybe I'm counting you twice Barbara but you don't mind.

Barbara Steele: You counted me as not but I actually can stay on.

Michele Neylon: You can or you can't.

Barbara Steele: I can.

Michele Neylon: Okay. Right, because I'm going - unfortunately I have to drop off because I've got staff to yell at, sorry, staff to direct by positively reinforcing things. Yes.

Chris, do you have a hand up?

Chris Chaplow: No. I was transferred across and it didn't seem to be working for me. Thanks.

Michele Neylon: Oh okay, no problem, right then. Now with respect to meetings and everything else at the moment most people seem to have gone for the option of having for the kind of the more contentious issues around the ETRP stuff to extend into a second hour. So depending on how this pans out for you today if you could just let the rest of the group know if you want to continue doing that or if we want to find another time on schedules.

Marika, then Bob.

Marika Konings: Yeah, this is Marika. I believe staff might have a conflict next week because I think we have a (consult) preparation just following this one. But I can confirm that.

But, you know, if the group wants to get together we can definitely, you know, provide a conference bridge and, you know, our people can just continue on this call if needed. It might just be that Baudouin and my self won't be able to stay on.

Michele Neylon: Okay, perfect. Bob.

Bob Mountain: Yeah this is Bob. Apologies that I can't join, just something came up and unavoidable. I can't get out of it.

The question though is will the MP3 file be available for the entire session including the second hour?

Michele Neylon: Yeah. I presume the answer is yes.

Marika.

Marika Konings: And yes, it will be.

Michele Neylon: Okay, thank you.

Bob Mountain: Okay, thank you.

Michele Neylon: Okay then it's the top of the hour. I'm going to wish you all a very pleasant afternoon.

And I - well I'll drop off (with just saying), good luck with the next hour.

Who's on the call? Paul, Kevin, Berry, James; James you're going to be on for the next hour?

James Bladel: I am. But I think I know what's coming. And I would respectfully - put out to the rest of the group that would be staying, if there's anyone else that would like to lead the session that would be...?

Michele Neylon: And that's okay. I was giving you first option.

James Bladel: Okay.

Michele Neylon: Would somebody like to step up to the bridge to help lead the group for the next hour or do we have to start picking on people?

I know Paul can't because he's got some issues this afternoon.

Simonetta?

Simonetta Batteiger: Oh I'm sick. I would otherwise step up. But I'm on my couch trying to get through this call so I really don't feel like leading the call today.

Michele Neylon: Okay. Berry, how about you?

Berry Cobb: Yeah.

Michele Neylon: Berry?

Berry Cobb: Yeah, I can do it for today.

Michele Neylon: Okay, perfect. I mean just basically, you know, just stop them from bickering too much with each other, you know, the usual. They're all very good anyway.

Okay, I'll leave you all to it. Good-bye. Have a nice afternoon. I'm dropping off. Thanks.

Berry Cobb: Michele, have a good day.

Man: See you Michele.

Berry Cobb: Okay, thanks Michele. This is Berry. So we're on the ETRP Breakout Session now.

I didn't really plan an agenda of course. But I guess, you know, we can just start off with a general discussion of where we want to go with this sub-team.

And I think in general the reason why, you know, or in terms of getting this started I'll kick it off with stating that the reason why this sub-team was

created is more or less and we're still in response to the disagreements we had with the original or initial ETRP recommendation.

And specifically, you know, there was enough in the community that said that there were holes in the process. So we're kind of back at the table again to develop a new solution or revamp the current solution.

Then what is the kink in all of this is that at least in terms of polling amongst the working group members we're all relatively or most of us are relatively satisfied with the current form of ETRP so there seems to be some sort of disconnect.

And everything that I just mentioned was a lot to do with what I built the survey results tool around was to try to weed through what we agreed on certain components of the ETRP and which ones we didn't.

And kind of shockingly enough the areas of the components of ETRP that we didn't agree on there's a very narrow gap of what we didn't agree on.

So I guess in terms of going forward what I would propose in terms of a process to weed through this is maybe actually use the survey results and kind of find out where we land or see which areas that we do agree on. And then we can just kind of play it by ear as to what our next steps will be with respect to the process.

Anybody have any else - other suggestions about how we move forward?

Okay. So I think what we'll do is why don't we jump over to the spreadsheet that was provided a few calls back. Basically this is a compilation of the survey data.

And given the size of the spreadsheet this is nothing that we can share within Adobe so I would recommend that you pull it up on your own workstation.

And specifically we'll be starting around - we'll start with the first Charter Question. It's a red tab called A-1.

And I'll give people a minute to pull that up. Anybody not have this spreadsheet?

Mikey O'Connor: Hey Berry, this is Mikey. Can you remind me what dates that mail got sent?

Berry Cobb: December and...

Man: (25).

Berry Cobb: Perfect.

Mikey O'Connor: From Marika?

Berry Cobb: Yes.

Mikey O'Connor: Not from you.

Berry Cobb: (Yeah).

Marika Konings: Berry didn't you send an updated version that came from you?

Berry Cobb: Yeah, that's right. Yeah, okay.

Man: That's Version 2 Berry.

Marika Konings: (Yeah).

Mikey O'Connor: Yeah, so I've got that one too. I just - I saw both of them. And I wasn't sure which one so that's perfect.

Berry Cobb: Yeah. So I lied, the one that I sent out on - right before Christmas is the latest version.

Marika Konings: I'll forward it again now to the mailing list as well so everyone has it.

Berry Cobb: And so specifically we'll start on this second tab. It's colored red for those that are in Excel. And it's labeled Charter Question A-1.

Okay. So the idea from the survey results obviously was to gain, you know, kind of gauge where the members stood with the different components of ETRP.

And it was designed in a way to kind of start off in general and then drill down into the components.

So looking at the results survey questions 3 and 4 were basically compared with each other and the idea is just to group the results in a way that is trying to, you know, I hate to use this word but single out those individuals that had issues with it.

So basically question 3 was do you believe that there exists a need for an urgent return or undue process to augment the existing ETRP?

And question 4 basically specifically keys off of what recommendation one is from the working group which is that we recognize the need for a process for an urgent return or resolution of the domain name registration and recommend the creation of an ETRP.

So there were a total of 14 survey respondents. Eight of the group said they agreed that the ETRP in its current form or with the current recommendation is good. There were four persons that said that they could agree but there should be some slight changes made. And then there were two people that

agree that there is a need for an urgent return process but they don't agree that recommendation one is the right recommendation.

And I'll start off by singling myself out. While I agree that there is the need for an urgent return and/or an undue process to augment to ETRP I also chose that I didn't have a strong view either way on the recommendation one for ETRP.

And the only reason that I chose that is specifically from the attention that we got out of Brussels.

So, you know, specifically my position is that, you know, I don't want to throw ETRP away. It sounds like that this is needed especially with regards to the SSAC Report that launched the reasoning for this Charter Question.

However based on the results from the aftermarket community which while is not a view of the entire community it's certainly that group of people that seem to more or less have more valuable domain names that seem to be the most affected by hijacking.

So personally I'm very confused as to or I'm starting to have concern whether ETRP is even required because while SSAC says that we should go move forward with it those in the aftermarket community state that while if there is ever a hijacking case that gets it they're more or less comfortable with the processes that exist today to recover it.

And so as an example that's where I stand, any questions or comments up to this point?

Go ahead Bob.

Bob Mountain: No. Did someone else want to go first?

Berry Cobb: You're the only one with - Bob and then James.

Bob Mountain: Oh okay.

James Bladel: I'll go after Bob.

Bob Mountain: Yeah, I just - I guess I just want to reinforce what you said Berry. Certainly the feedback we got was that if in the case there was a hijacking the methods that exist today do work very well and that, you know, nobody really had experienced a situation that they couldn't resolve using the current methods.

So yeah, so I just more than anything just want to reinforce, you know, the agreement and, you know, based on the findings that we had, you know, support what Berry said.

Berry Cobb: And James.

James Bladel: Just to kind of take a slightly different position. I mean I believe that something is needed. I'm not convinced that ETRP is the remedy as it currently is written. But I think that's, you know, is a broader perspective beyond just the aftermarket perspective.

Berry Cobb: Okay, thank you James.

So, you know, I guess I'm not really sure about how to address this conundrum. I mean if we went to press today, there's definitely - it's not perfect or unanimous consent for this recommendation. But it's not - there is overwhelming support for this.

So I mean it could move through as it exists today with maybe some slight modifications and I guess I'll just leave it at that.

So there are four comments that they could agree if the following would be changed. And I'll highlight those real quick just for terms of the call.

Michele said that it needs to work better for all types of registrants.

James mentioned that there's a couple of changes that should be required to make ETRP accessible which is what we're working on.

Simonetta mentioned that there should be a shorter timeline for filing the complaint. Option for the other side to state their case and independent third party to administer the process and that it can't be the previous registrar as the party is not impartial.

And then lastly Barbara had mentioned in reference to a change is the role of registries in the process should be minimal, i.e. only updating the registrar of record to the PTR. The PTR should be required to initiate investigation into the events that led up to the need of the urgent return of the domain. The impact of registrars should be required to cooperate in resolving the issue within a specific period of time.

Okay, any comments before we move onto the next tab?

Okay and I'll just close this tab with one comment. You know I guess being one of those in the camp that is concerned about whether we need this or not, you know, I certainly do trust all the other stakeholders on this call that do agree that we need this.

I guess I have a question for the group of those that agree that we need this. If for instance we can remove or isolate out the aftermarket community that basically says that we don't need this or that they're happy with the existing protocols that exist today, you know, what are the - what's the use case out there for somebody that's not dealing in the aftermarket world where they would really need to invoke ETRP? Or I guess to ask this a separate way, we

- the SSAC did definitively state that there was a need for an urgent return for less valuable domains. Is that a fair statement?

Go off with Bob. Sorry. I'm having to toggle back between the spreadsheet and the raising hands thing.

Bob Mountain: Yeah, no worries. Berry I guess the question was so, you know, the comments that you had raised before, you know, particularly like, you know, the ability for the - to dispute that the ETRP, those were fairly significant. Do we table those? Are those going to be - you know how do those come into play here I guess is the question?

Berry Cobb: This is Berry. I'm not sure that I have an answer just yet. But I don't think we'll swipe them off the table though either.

Bob Mountain: Okay.

Berry Cobb: Go ahead Barbara.

Barbara Steele: Hi, it's Barbara. I guess just a follow-on from the last call. If we are to tighten down who can change the registrant details or and the registrar or I'm sorry, the administrative details and any contact details on the domain name, does that further I guess make it more difficult for a hijacking to occur? Because I mean obviously change of registrant information often does measure into these.

So I guess my question is, you know, if there's already some question as to whether or not we need it because, you know, (there are) folks feel that the existing processes are sufficient, if we were to take care of the changing of the contact details on a - details on a domain name would that not further I guess negate the need to even have this policy?

Berry Cobb: Anybody is welcome to answer that question.

Mikey O'Connor: This is Mikey. And let me jump in. I - and this also sort of is my first lame attempt to trying to answer your use case question Berry.

The reason that I'm keen is because the use case where a small business owner or any business owner who's making their living off the Internet has a domain that is their primary source of traffic, get hijacked, the harm is pretty dramatic and get unwound as quick as we can.

I'm not sure that the only way that the bad guys hijack domains goes through contact information. That's the reason why I'm a little hesitant to sign on with Barbara's idea. I have to think about that a bit more.

The underlying thing that motivates me is the - is that use case that I just described. And so I'm pretty solid on that. I'm also under the impression that we've never really described well the mechanisms that surround this very narrow little policy that provide opportunities for dispute resolution. And that's why I drew that little picture is to sort of make it clear how narrow this is and how many mechanisms are around it to make sure that, you know, both sides are well represented and well, you know, have the right opportunity to advocate their position.

But, you know, and I never thought about the use case of the aftermarket community. And so what I'd like to do is see if we could figure out ways that preserve the rapid return but address the concerns of the aftermarket community so that, you know, we sort of get the best of both worlds.

Berry Cobb: Okay, thank you Mikey. James.

James Bladel: Yeah probably going to echo a lot of what Mikey said. But, you know, I don't - I think that the typical use case for someone who is looking for - to invoke any kind of an urgent return is not someone that is necessarily an aftermarket

participant or even aware that a domain name aftermarket exists until something like this happens.

I'm not clear that Barbara's suggestion while I'm sure it would do some good, I'm not clear that it would be sufficient on its own to address this particular problem.

And, you know, just going back to my earlier comment, I think that I'm probably as far as the survey results more closely aligned, excuse me, with Simonetta and her comment that my primary change that I would like to be required is the shorter timeframe and then the option for the other side to essentially say their claim or which I guess I shortened to say, you know, there should be some due process involved before an ETRP is invoked.

Like Mikey I was really hoping that there was some way that the ETRP could be tweaked or adjusted so that it didn't turn into a dispute resolution mechanism. And that it was purely a technical operation. I mean one of the use cases we're not even really considering here is error. You know I hit the transfer on this and I really didn't mean to. How do I undo that? You know there's no other party involved. It's just a single person trying to undo a transfer.

Right now we have very piecemeal systems and mechanisms in place that we can use in that situation. But, you know, that was one of the other use cases that I think that we're not really giving a lot of attention to and possibly could be more, much more common than anything that we would see in the aftermarket.

So that's kind of my feelings on this. I guess that pretty much aligns with what Mikey is saying. And I'm supporting the comments that Simonetta submitted in her survey.

Berry Cobb: Okay, thank you James. Bob.

Bob Mountain: Okay, so yeah. A question on the whole use case then, who are we protecting with this then if we're, you know, sort of saying we understand the aftermarket is sort of a special case. And we want a rapid return. Then the, you know, the domains that are owned by, you know, entities with high traffic, high resources are, you know, sort of well served.

Is it fair to say they're well served by the current mechanisms because they have the resources to expedite them and are we really talking then about, you know, site owners with - who don't have the resources to expedite the current methods? Is that the use case that we're really kind of honing in on now?

Berry Cobb: Well...

Mikey O'Connor: This is Mikey. Let me just jump the queue. I'm really concerned about small and large businesses. You know Coca-Cola loses its name, probably unlikely because it's a pretty stupid hijacker that's going to go after that one.

But right below that tier especially in the generic name space, is where it starts for me. And it goes all the way down, you know, to the small business owner whose livelihood depends on this thing.

So it's, you know, it's a big swap of folks. And I think that where the aftermarket gets involved sometimes is that the aftermarket is used by the bad guys to quickly move the domain further away from the rightful owner and thus making it harder to retrieve.

And that's one of the concerns that I've had is the domain that hops across several registrars sometimes through the aftermarket, sometimes not.

And the goal of this has always been to quickly stop the movement of the domain to allow time for slower more thoughtful dispute resolution processes

to figure out the situation and those dispute resolution processes already exist. But it's simply a way to slow things down to permit those existing processes to work.

Berry Cobb: Okay, thank you Mikey. Barbara.

Barbara Steele: Hi, it's Barbara. I guess my question would be is it sounds like in some cases the purpose and how this would be used is becoming a little bit more broad. From perspective if a domain name is transferred in error by the registrant or the admin contact and they all of a sudden realize that they, you know, requested a transfer that they didn't want to happen, I mean they have five days to ask their existing registrar to knock the transfer on their behalf. So it seems like they would have I guess realized fairly quickly.

So I think we want to be careful, you know, how broad we would want to make, you know, this policy to the extent that it does end up going forward because it's my understanding that, you know, if it's used on an exception case basis, you know, pretty much to address hijackings and what have you, I'm not sure that, you know, just transfers made in error there aren't, you know, remedies that can be used in order to remedy that situation.

So I just think we want to be careful as to how broad we make this if we do end up going forward with it.

Berry Cobb: Okay, thank you Barbara. And James.

James Bladel: Yeah, Barbara. That's a valid point. However I would point out that a lot of registrars don't wait for that time period if they explicitly accept the transfer. So it really depends - it's dependent upon the procedures of the (gaming) registrar at that point, right?

So, you know, I guess I wanted to go back to something that Bob was saying and I think it's kind of inline with what Mikey is saying as well is that, you

know, larger online institutes do have more resources at their disposal. But I am still surprised at the number of attempts to, you know, hijack very high profile names, some that are very surprisingly high profile.

And what I would characterize it more or less of a - I think we had an earlier member of the working group that said well just do these four things and you'll be safe. But that's more of a simplification. It's more of an arms raise, a never ending arms raise with hijackers as more and more security measures are implemented by registrars unevenly that some registrars might innovate in this area and come up with new ones. You know the hijackers are finding more and more ways to get around this.

And I would say it's probably an extension of a larger identity threat - theft problem that say it's a technical issue that can just be solved with proactive security measures. So I just wanted to respond to some of those things as well as to mention to Barbara that it is - you're correct but it is somewhat dependent upon the practices of the gaining Registrar.

Barbara Steele: Can I just jump in really quick, because I think the only entity that can explicitly acknowledge or approve a transfer is the leasing Registrar. I think otherwise the gaining Registrar just has to wait for the five days to pass.

James Bladel: I'm sorry. I had that backwards. You're correct. The...

Barbara Steele: Okay.

James Bladel: Yes, you're correct. If the - some Registrars automatically insert that five-day period and others will do so instantaneously.

Barbara Steele: I see.

Berry Cobb: Okay, thank you James. All right, so I guess, you know, the - keying off of what James just said, I mean, that - and what you're seeing behind the

scenes, you know, we don't have numbers right in front of us so it does sound like the whole hijacking thing is going on.

It does sound like - that there's funny stuff going on in the background where these medium or smaller business types with the traffic against their domains are still experiencing that.

So I'm being kind of convinced if you will that there's still a need for this, so let me throw this out there. For those that are on the call and perhaps use your checking marks within Adobe, is it a fair statement that if we were to move forward with ETRP keeping in mind the - or I should say attaching or implementing the comments that Barbara had listed in her response, would - if we were to - and the response from her survey talking about the process should be minimal.

It should be required to initiate an investigation into the events that led up to the need for the urgent return, all of those little components, would that be enough to negate the concern that George Kirikos had originally brought up about abusing the ETRP?

Does that put the control in place so that that abuse of the ETRP couldn't exist? And I'll go with Simonetta first. And Simonetta, you may be talking on mute or I dropped.

Simonetta Batteiger: Sorry, I was on mute.

Berry Cobb: Okay.

Simonetta Batteiger: I think as much as I and everyone else on this Work Group would like to come up with a foolproof process it's - any process can be abused. The current process is getting abused.

We have cases of hijacking right now and we have ways to deal with them right now, which from everyone I spoke to people found sufficient. I also see that James was commenting that it would be nice to have some kind of clarity around the process with how - what you should be doing when you get a complaint.

And that kind of led us to try and draft something up here. I don't really think there is going to be a foolproof process because whatever process you design is going - there's going to be loopholes that we don't even think about.

So, I mean, to me really my comment of what needs to be changed, that we'll have to have a way to talk about this return and you have to have - I also really think that - file the complaint for as long as you want is unnecessary because the use case that I can see best is really that if you're that small or medium or large sized business owner who's losing their Web site, I don't think that person realizes that after three months they realize it very quickly.

So when those points are taken into account I think we can come up with a policy. I don't - I think it would be illusionary to think that it can't be abused.

Berry Cobb: Okay, thank you Simonetta. James, you got your hand up.

James Bladel: Yes, agree. The current process is flawed and when we had - attempt to address those flaws we inevitably create new flaws. And I think that this is just a side effect of the fact that the policy world moves more slowly than both the commercial - legitimate commercial world and the illegitimate commercial world, which is constantly innovating.

I had one thought and I - I'm just naive enough to think that this might be some kind of a breakthrough. But, you know, we have this mention in - I believe in the existing policy that Registrars can block a transfer if it's within 60 days of a previous transfer.

Not all Registrars implement this. I think a lot of the larger ones do and it's an optional period. I think it's providing that cooling off period to allow the slower dispute process used to take effect like Mikey was mentioning.

Could one possible outcome of this effort be that, you know, even if ETRP just kind of dies on the vine here, would one possible outcome be that we would essentially make that optional 60-day cooling off period a standardized and mandatory 60-day cooling off period?

And I'm thinking this might have the effect of well, it's not going to close all of the loopholes. It would be a step in the right direction and hopefully minimize a lot of the disruption to the aftermarket that we're encountering when we start to talk about urgent returns.

So I just wanted to put that out there as one possible way to, you know, kind of get beyond some of these impasses and get to something that is a step in the right direction.

Berry Cobb: And James, just one more time can you - what is the 60-day - where is that located? Where were you talking about?

James Bladel: I'll have to find it here. If you want to move on with the queue that's fine but there is...

Berry Cobb: Is it part of the IRTP policy or is it part of the TDRP?

James Bladel: I believe it is part of the IRTP policy but let me...

Berry Cobb: Okay Mikey, go ahead please.

Mikey O'Connor: Thanks Berry. It's Mikey. I want to support Simonetta's points, especially the notion that there needs to be a mechanism to have a conversation about the transfer.

And that was always my understanding was that rapid return was simply a mechanism to put things back the way they were to give time for existing or if we need them new dispute mechanisms to work.

My presumption has always been that the primary use cases that we're going after is where a bad guy steals a domain and they won't show up at the dispute resolution mechanism because they're a crook.

If two people show up at dispute resolution that's a pretty good indication that this is probably outside the scope of what we were originally intending to do with ETRP.

So I would be comfortable modifying the recommendation to making it shorter so that - because I agree with Simonetta. If I'm a small business or a big business and my Web site has disappeared, I'm going to know that really soon.

And I would also support the idea of being a little bit more explicit about the dispute resolution processes that surround this. I think our concern when we were originally drafting it is that we did not want the ETRP itself to be the dispute resolution mechanism.

We were trying really hard to keep the scope of it super narrow and then - and maybe where we goofed is that we did not describe in our write up our presumption that there were existing dispute resolution mechanisms already in place that we could thus allow time to work.

So there's my 2 cents on what you said Simonetta. I think you're on the right track.

Berry Cobb: Okay, thank you Mikey. Bob.

Bob Mountain: Yes, just to go back to James' point. If one of the objectives was to slow down the domain transfer process, reduce the number of hops and give the existing mechanisms a way to come into, excuse me, come into play, I do like the 60-day hold.

I think that gets you a lot of the things that you wanted because it won't make multiple hops in that case, as long as everyone's adhering to that. And if you do make it required or mandatory or, you know, highly recommended through best practices, any other way, I think one of the problems with the 60-day lock is the people who implement it get a lot of flack because it's, you know, it's perceived as optional.

If we were to come out stronger on that as a policy then the Registrars have - can fall back on that where it's not, you know, it's not my discretion to hold it.

I need to do that as a Registrar, so I do like that a lot. I think that that has a lot of merit and might get us a big chunk of the way there just by - that one mechanism probably, you know, won't do it all because, you know, there's going to be holds there too.

But I think I felt there's a lot about that that I like and I think that would help us.

Berry Cobb: Great. Thank you Bob, and Mikey.

Mikey O'Connor: I'm on the 60-day lock question now. I think it's - I'm fine with it but I don't think it's sufficient because the problem is, you know, the business owner whose Web site has just been redirected needs to get it back the way it was, and so the 60-day hold won't do that.

I think that the 60-day hold idea could be one of the other mechanisms that surrounds ETRP, but the ETRP at its core is this notion that there needs to be an urgent return mechanism and that's really our charter question.

And that what we could do is we could make a recommendation about the 60-day hold policy as part of the portfolio of processes that surround ETRP in addition to making a recommendation on ETRP. But I don't think it's sufficient in and of itself.

Berry Cobb: Let me just - before I get to you Simonetta, James posted in the chat that the 60-day lock is part of the reason for denial - denial reason Number 9, but is an optional reason to map the transfer. Okay Simonetta, please.

Simonetta Batteiger: I was just wondering, I like the 60-day lock idea, but I wouldn't go so far to say for any domain transfer. I would say do it for any domain transfer where there's a change in the Registrant details, because otherwise you create a little bit of a barrier for domain transfers between Registrars because people who want to keep their names listed for sale in a marketplace would then not be able to switch Registrars any more, because that would basically take their names off the market for two months.

James Bladel: Berry, could I respond?

Berry Cobb: Please.

James Bladel: I agree Simonetta but I don't think that we could make that distinction in our policy because, you know, we don't have this definition of change of Registrant function.

So unfortunately there - unfortunately we're getting bitten by the same mosquito here in that we don't have this function defined, so it would be very hard to write a policy that allows an exception for that case since, you know, it doesn't exist.

Berry Cobb: Okay, thank you James. Bob.

Bob Mountain: Yes, I guess back to Mikey's point a couple of times ago, in terms of yes, 60-day lock, I agree Mikey. It's not the silver bullet that solves everything and there's still our hold.

I guess my rapid return just needs to be done in a way where it doesn't break more things than it fixes and so far, you know, that's my concern. And I think a lot of the, you know, the concerns I've heard is that it does plug holes but causes other problems, liquidity in market, things like that.

So I just wanted to - and I think that's what we're doing here, right, but that's - I just want to echo, that's a concern so...

Berry Cobb: Thank you Bob, and Barbara.

Barbara Steele: Hi, it's Barbara. I guess the question I would have is, is if there be Registrars that are involved are communicating and, you know, can basically get to the bottom of it then doesn't that eliminate the need as well for the urgent return policy?

I know, you know, at VeriSign we have put in place as part of the implementation of the TDRP, the Transfer Dispute Resolution Policy, the fact that if, you know, both Registrars agree that a domain name should go back and it could be used, you know, in the case where, you know, if a hijacker basically is not responsive to the Registrar who happened to pick up the name, you know, it could be used in this particular case as well.

And, you know, we have this mechanism that's called the ARS, the Application for Reinstatement of Sponsorship, that can be done so long as, you know, they can be submitted online and so long as the Registrar that has the domain name agrees that the name should go back then, you know, we can effect a transfer back to the losing Registrar pretty quickly.

And then at that point, you know, if whoever is the hijacker if you will wants to dispute the fact that the name went back, you know, they could then, you know, investigate the situation and contact their Registrar and the discussions can continue.

I guess - I think that the main problem that we're having here is that, you know, both of the Registrars really aren't communicating when it comes to a domain name hijacking or a lease transfer.

Berry Cobb: Okay, thank you Barbara. Yes, go ahead James.

James Bladel: I just wanted to respond that. Yes, Barbara, that is correct and we have very good relationships with the domain services team, not only of other Registrars but also other aftermarket activities.

It's the folks that don't respond. It's the Registrars that are dark or it's the mom and pop Registrars who go on vacation for a week and don't answer their phone or answer their emails that we're usually concerned about, you know.

And hijackers know exactly who - which Registrars to move these names to, you know, drag out that response window as long as possible if not indefinitely.

Barbara Steele: This is Barbara. Could I just jump back in really quick?

Berry Cobb: Please.

Barbara Steele: You know, I agree with that and I think that then it comes down to, you know, whether or not a Registrar's complying with the IRTP, you know, generally.

And I think that this goes back to Simonetta's point that, you know, if a domain name is hijacked there needs to be immediate action. So, you know, I

think there should be a limit on, you know, how - the number of days that can pass for them to even, you know, consider doing an ERTTP if you go that route.

I mean, time really is of the essence and if Registrars are not being responsive then, you know, I think that it does come down to, you know, enforcement by ICANN of, you know, compliance with the policy.

There's a, you know, all Registrars are supposed to have, you know, a dedicated email box and, you know, granted, I will say that I think it could - it - the window by which responses, you know, must be made from those mailboxes probably could be tightened up a bit because, you know, transfers are, you know, time is of the essence I guess, you know, both in, you know, a situation where a transfer has been initiated in error, you know, as well as, you know, in cases where it's a hijacking.

So I think that, you know, just the timeframe, I think it's - is it seven days that it - that people have to - or are supposed to respond to the inquiries that come into this dedicated transfer box?

James Bladel: That sounds correct but we're talking about issues where damages are measured in hours.

Barbara Steele: Right, I understand that and that's why I'm saying I think that's a pretty long period for people to be responding. I mean, I would think that there would have to be, you know, a 24 by 7, you know, emergency contact number for situations like this and Registrars should be held accountable to meeting that.

Berry Cobb: Okay, thank you Barbara. Mikey.

Mikey O'Connor: You know, the - that was the - sort of at the heart and Barbara, what you were talking about is really at the heart of what we were messing with when we tried to draft this.

What we came up with was the dilemma that there are really two kind of layers of remediation. There's the Registrar to Registrar layer which probably accounts for 99.9% of the resolutions.

And then there's the TDRP layer, which is sort of the second backstop if the Registrar to Registrar conversation doesn't work. And the dilemma is that both of those processes are slower than the pace that the harm is happening in.

And so the idea that we had was okay, let's flip it back to the way it was really quickly to allow the time for the - first the Registrar to Registrar conversation and then if that doesn't work then the TDRP cycle to unfold.

We have ICANN enforcement in the loop saying, you know, "Look, if you're, you know, you're a Registrar and you're not participating according to standards, you should get whacked on the knuckles for that."

But the timeframes are just different, and so that was the reason for the rapid return was to allow time for those other processes to unfold. And I think that the point that's raised about abuse or the possibility of abuse is a valid one, and that if we could figure out a way to head that off then we get the best of both worlds.

That's part of the reason why I'm keying on Simonetta's notion that ETRP shouldn't be something that's available for a really long time, because presumably this is to fix a harm that happens really fast and the person would know it really fast, so that's my thought.

Berry Cobb: Okay, thank you Mikey. There were a couple of chats that I'll just read off just to bring into the record in reference to the 60-day lock that James had brought up about denial reason Number 9.

Simonetta typed, "How about locking the name for 60 days the moment an ETR complaint is filed - an ETRP complaint is filed?" And Barbara responded back that she thinks that it may be too late to lock the domain down for 60 days after the ETRP has been filed.

At that point the domain would be back with the PTr, little r, correct, asking a question. And I see Kevin's raised his hand. Please Kevin. And Kevin, if you're speaking you're on mute. Still on mute. Kevin, going once, twice.

Mikey O'Connor: A really good mute button.

Berry Cobb: Yes. Okay, Kevin if you come back online or you can hear me, we'll re-raise your hand perhaps and we'll take your comment then. Okay, we're about 13 minutes left to the top of the hour.

I don't - we didn't get as far into this spreadsheet as I wanted. However I think we did have some really good conversation in this past 40 minutes. So - which I think is definitely a good thing.

And what I'm hearing is that, you know, perhaps there's a way that we can maybe move forward by tweaking existing policies and some of its shortcomings, for instance how do we implement a quick return?

How do we implement any change without abuse of the policy? And it looks like or it sounds like - all right, let me - I'm intrigued by the idea of maybe modifying what we got instead of creating something new.

So I'm going to go ahead and make a call that we close this session a little bit early today. I do think that we had a good conversation and I'm going to assign two homework items for the peeps on this call in preparation for next week's call for ETRP.

And the first homework assignment is I think that it would benefit everybody to listen to this second hour of the mp3 once it's published. I myself will do the same and take some notes.

I'm actually kind of in information overload. And then the second homework item would be to really deep dive into the survey spreadsheet, specifically with the tab Number 4 labeled Charter Question A-2B, that's Alpha dash 2 Bravo.

And that in and of itself will deep dive into the questions that were placed onto the survey, and it was sorted in a way where we have 100% agreement and where you move to the right that agreement starts to dwindle less than 100%, and it's also sorted by Stakeholder Group.

So in terms of next week's call I would like us to perhaps review through some of the concepts that we have listed in this spreadsheet and where we fall on them.

And for instance if you didn't agree with that particular concept, be prepared to state why you didn't agree with that concept or why you have a problem with it or why you had maybe want something changed. And Marika, I see your hand up. Please.

Marika Konings: Yes, this is Marika. I just wanted to confirm whether the group wants to have a second call then at the same hour as we have now, so directly following the normal IRTP Working Group call.

Berry Cobb: Oh, that's right. There's a ICANN Staff conflict next week, correct?

Marika Konings: Yes, that's correct but as I said, you know, we can just let the call run on. It just means that I and then Glen probably won't be on the call. But if there's anything that you would like us to follow up on, you know, just drop us a note at the end of the call.

Berry Cobb: Okay. I vote for...

Glen de Saint G ry: I think - sorry, this is Glen just to say that we can have Gisella on the call so that will be all right. It won't be such a huge conflict. She can follow up.

Berry Cobb: Okay. All right, great. Yes, that's fine. I for myself vote for continuing on next week. Again I think today was a pretty productive conversation so - and I'm seeing several green checking marks that we do the same.

Any other suggestions for homework items before next week's call, and any other suggestions about the homework items before I ask the next question?  
Mikey, please.

Mikey O'Connor: The only thing I - I don't have any editorial pride but I did do a little drawing of this process that I circulated to the list a couple of times. And one of the reasons that I did it was to highlight the processes that surround ETRP and also to highlight how narrow the focus of the ETRP is.

I might lobby that we take a look at that picture real quick, either on the call or just as a homework assignment.

Berry Cobb: Yes, thank you Mikey. I agree 100%. So there's a third homework item. Please study that chart that Mikey had submitted and I agree that we should review through it on the call as well.

I think at least for me it'll - but I feel that it'd probably benefit others if we kind of take a step back up a couple of thousand feet so that we can re-review the overall process of transfers and the dispute resolution processes, and try to find those gaps in that that would maybe help us advance forward as well.

And the other action item that I'll do is I'll make sure to send out to Michele and Marika kind of a subteam agenda that we'll review through our items. Before we take - before we close this down, Kevin, your hand's still up.

Is there a chance that you reconnected? Okay, no response from Kevin. Any other parting comments before we shut this down? Oh, Kevin can't figure out his unmute. Did you try star 6?

Mikey O'Connor: It's probably star 6 combined with the mute button on your phone. That's the thing that really gets people.

Berry Cobb: Okay, well Kevin, I tell you what. If you could - oh, it's his connection through Google Voice. If you can document your comment and send it to the list, that'll be helpful and if it's something we can take care of on the list, we'll respond that way.

If not I'll make sure to add it as the first item on our agenda next week. Any other parting comments?

Mikey O'Connor: This is Mikey. How'd you like to kind of carry on as Chair? You're doing a darn fine job.

Berry Cobb: Well as Subteam Chair, sure, I'll definitely take that on.

Mikey O'Connor: Cool.

Berry Cobb: All right, well thank you everyone. Productive call today and we'll see emails and mp3s and stuff swinging around to next week, and we'll meet up then. Thank you everyone.

James Bladel: Thanks Berry.

Mikey O'Connor: Thank you Berry.

Berry Cobb: Bye.

Marika Konings: Bye.

END