

GNSO
Post-Expiration Domain Name Recovery (PEDNR) drafting team teleconference
03 June 2009 at 18:00 UTC

Note: The following is the output of transcribing from an audio recording of the Post-Expiration Domain Name Recovery (PEDNR) drafting team teleconference on 03 June 2009 . 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-pednr-20090603.mp3>

on page

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

Present:

Alan Greenberg - ALAC GNSO Council liaison

Tim Ruiz

Mike O'Connor

Staff:

Marika Konings - Policy Director

Gisella Gruber-White - GNSO Secretariat

Tim Ruiz: It had the...

((Crosstalk))

Coordinator: Excuse me. This is the operator. At this time the conference is being recorded. We have on conference Tim is it Ruiz?

Tim Ruiz: Yes.

Alan Greenberg: Yes.

Coordinator: Alan Greenberg, Michael O'Connor and Marika is it Konings?

Marika Konings: Yes.

Coordinator: And Gisella?

Gisella Gruber-White: Yes. Correct.

Coordinator: At this time I'm showing no other parties on conference. If I haven't mentioned your name, please say that at this time.

Gisella Gruber-White: We're good. Thank you.

Coordinator: Thank you.

((Crosstalk))

Tim Ruiz: So Alan were you referring to your note about agreeing with the discussion in Seoul?

Alan Greenberg: No. I was referring to the previous one on the chart - on the charter and whatever, but it had an obscure (subject).

Tim Ruiz: Yeah. That didn't show on that line.

That's the one I don't see.

Alan Greenberg: Well it's very simple. In your charter, if I can find it quickly, on the first task to do you had...

Marika Konings: I think Alan that message didn't come through to the mailing list. Is that possible? Because I didn't receive it either.

Alan Greenberg: Anything is possible. I sent it.

Marika Konings: Well maybe it's still somewhere in limbo or something. I don't know.

Alan Greenberg: I sent it immediately before the one about timelines.

Marika Konings: That one came through but...

Alan Greenberg: The subject had further - the subject was further information on our call - on our call later today. The old subject, which would be (petuated).

Tim Ruiz: Did you send it to the list?

Alan Greenberg: I did. I sent it to the exact same place as the other one.

Marika Konings: That's frustrating.

Alan Greenberg: Five minutes earlier.

Tim Ruiz: Yeah. I didn't get it either.

Alan Greenberg: Don't we all love email? Okay. Well I can tell you what it says. Yeah. In the - in the first item of the tasks for the working group Tim, you have pursue the availability of further information for (Mike) and compliance staff to understand how current RA positions and consensus policies regarding deletion, auto renewal and recovery of domain names during the RGP are enforced. That shouldn't...

((Crosstalk))

Alan Greenberg: ...the RGP. It should be post expiration.

Tim Ruiz: Recovered them then during the post expire...

Alan Greenberg: If we just take during the RGP and replace it with following expiration, I think it fixes it. I hope your intent wasn't to only look at what happens during the RGP.

Tim Ruiz: Okay.

Alan Greenberg: Which never - which never happens. Almost never.

Tim Ruiz: No. No. No. That's fine.

((Crosstalk))

Alan Greenberg: Okay. I didn't think - I didn't think it was malicious.

Tim Ruiz: Yeah. Because it's actually the - it's the whole renewal grace period thing right...

((Crosstalk))

Alan Greenberg: Yeah. That whole renewal grace period only...

((Crosstalk))

Alan Greenberg: ...refers to the relationship between registrars and registries so I don't want to confuse it by using that term.

Tim Ruiz: Right. Right. And that's like a 30-day period after the whole 45-day cycle. I mean - so no. That's fine. That's fine.

Alan Greenberg: I mean just as a note to ourselves, one of the things we're going to have to do early in this process is define some of these words. In a lot of the documents people talk about the owner post expiration.

IBM Council at one point said well they're not really the owner anymore. And yet they have all sorts of rights, you know, at various times in that process so

we're going to have to define the terms carefully to make sure that we're not saying different things to different people.

Tim Ruiz: Agree.

Alan Greenberg: All right. So assuming you agree to that small change in the charter, we haven't heard anything else. It would be nice if we got some other comments from other people on this group. Even though it's a small group, it'd be nice if we had a little bit more support before we go into the Council meeting. I don't know how to do that however.

Marika Konings: Alan, another question is I sent some suggested dates as well for the milestones.

Alan Greenberg: Tim said it looks as good as anything or something related to that and I agreed with him.

Marika Konings: So yeah. So that needs to be updated then as well.

Alan Greenberg: Yeah.

Marika Konings: I can make those updates and then circulate, you know...

((Crosstalk))

Marika Konings: ...the change we just made.

Alan Greenberg: I'd appreciate it if you could. In terms of your wording for the - for the Seoul meeting, you just sent something out - let me look at it.

Marika Konings: Yeah. I was suggesting that maybe something that has been done by the registration of user policies working group they were required to provide a status update so they sent something in, you know, just before Sydney now

that's just, you know, a couple of pages the describes like, you know, what they've done to date, what they expect, you know, to be the end date of their work when they, you know, how they're progressing.

So maybe something like that could be, you know, replacement for maybe having initial (report) by the day although if the group of course would work that fast and have it, you know, it would even be better. But that might be an intermediate that still provides an update...

((Crosstalk))

Alan Greenberg: Certainly I have no problem with those words similar to what (Ken) said. I don't much care what we call it but I'd like the intent of the group to be - to have something substantive to discuss in Seoul. And that's too good an opportunity to miss. But call...

((Crosstalk))

Marika Konings: Would you just like to add a line? Something the working group is requested to provide a status update to the Council at the Seoul meeting.

Alan Greenberg: Tim I thought what you were talking about was something more public than just the Council. Is Tim still here?

Tim Ruiz: Yeah. You know, it just seems to me from going to - I was trying to get everything back and framed within the timelines that are being suggested.

((Crosstalk))

Alan Greenberg: Because you used the term workshop.

Tim Ruiz: ...origins.

Marika Konings: But that's - I mean there is something where the group that has all the flexibility just for example the, you know, the (RIP) working group. They decided that they didn't want a workshop this time but they prefer to have an open working group meeting.

I'm not sure what I need to prescribe that in, you know, in the charter.

Alan Greenberg: Right.

Marika Konings: I think it's, you know, probably for the group to decide when we get closer to the date - we would like a workshop or, you know, when we want an open meeting or I mean I don't - at least from the staff perspective there's all the flexibility to build up into the schedule provided, you know, there's enough notice period to define the room and get the information out to people.

Alan Greenberg: No. I understand that. I guess I'm...

((Crosstalk))

Alan Greenberg: Sorry. Go ahead Tim.

Tim Ruiz: I was just - that's more what I was thinking of which is being more like a workshop. Something, you know, similar to what we intend to do in Sydney but just kind of a follow up to that because then there'll be (unintelligible) in a few months and there'll have been some discussion or work done on potential solutions or whatever. I just think to keep things moving forward and keep the community involved, those who would like to be, that a follow up of full nature in Seoul would seem to make sense.

Alan Greenberg: Yeah. I...

Marika Konings: Would it be something along the line and then encouraged to organize a follow up workshop in Seoul to leave it a little bit, you know, the flexibility if

the group would decide like we're already done and we actually, you know, decided everything that, you know.

Alan Greenberg: What I'd like to make sure the words do is send the message to perspective workers and to the community that are into is try to have - is to have some substantive discussion and work done prior to Seoul. You know, that's the message I'm trying to sell. Of course we can always change the details as we get close if we're really not ready. But...

Marika Konings: I mean the...

((Crosstalk))

Alan Greenberg: It's really send a message to perspective workers and more than a commitment to the group itself.

((Crosstalk))

Marika Konings: ...with the amount of work going on that's, you know - I know the intent and I'm sure most people who'll be joining this will have the same intention but I see as well the sort of work that's building up for the GNSO improvements. I think we still need to be realistic about how much time people can commit. You know, from staff you have all the support, you know, we can give.

Alan Greenberg: Tim, my perspective is by Seoul we will likely either be getting close to an agreement or have a division which can be stated moderately clearly. Is that your image also?

Tim Ruiz: Yeah. I think so. Just my impression from talking with other registrars is that I think at least from the registrar's perspective there'll be good cooperation and participation because this is a topic of key interest to them. And just knowing, you know, the importance of the topic to the ALAC and the individual users I would think we'll see the same there.

So I would rather make the assumption at this point they'll have made substantive progress by Seoul and if not, you know, we can make some adjustments at that as we get closer.

Alan Greenberg: Yeah. But as - it's either we're likely to have made significant progress and talking on it or we will have identified some great chasm between the two, not that...

Tim Ruiz: Exactly.

Alan Greenberg: ...I'm hoping for that. But either way there should be something to report and discuss by Seoul. How about - that's my hope.

Man: How about we call it an issue update rather than a status update, which implies more of an engaged conversation? Gets at the notion that you're describing (Alan), which is we will either...

((Crosstalk))

Tim Ruiz: Well I think we'll still be expecting to give the GNSO and update in some nature, right.

Man: Right.

Tim Ruiz: So it's - that's something we'll have (unintelligible) with I think Alan and I have been talking about.

Alan Greenberg: How about an issue update/workshop? Yeah. Something like that. And then maybe a status update for the Council as well.

Well I don't think we can avoid doing that.

Tim Ruiz: Right. Right.

Alan Greenberg: You know, maybe there are two deliverables there. Status update and then this broader issue update. Or issues workshop. Issues workshop. That way we aren't using the same word.

We tend to have to do status updates every meeting.

Issue update/workshop.

((Crosstalk))

Tim Ruiz: Marika's silence, is that an indication of total frustration.

Marika Konings: Yeah. I mean sounds good to me.

Alan Greenberg: Clearly we can make whatever changes we need to as we go along based on reality. But I think we want to be aggressive in terms of our hope if only to get people involved early in the process.

Marika Konings: And I fully support that.

Alan Greenberg: From a user perspective...

((Crosstalk))

Tim Ruiz: And I may be - I may be a little idealistic about this particular topic. I guess it's personally I can't see where we can't solve this thing and get something everybody's happy with.

I can't see why it would be that difficult and I'm certainly hoping it's not. But, you know, we've been surprised before.

(Alan Greenberg): Tim, we've had this discussion before. If we were only worried about the largest and biggest registrars, we probably could have done this informally a long time ago.

Since we're trying to do it at a policy level, we have no choice but to go through the whole formal formality. I agree with you. May be the last time that we agree with each other but I think we're violently in agreement.

Tim Ruiz: So Marika does that give you enough to draft something for that or...

Marika Konings: Yeah. Yeah. I can make the changes and circulate it to the list to make sure I've captured it correctly.

Alan Greenberg: Okay. So the only other issue I think we need to discuss at this point is the workshop in Seoul, which is - not Seoul. In Sydney, which is - that's exactly two - three weeks from today, one week of which we'll all be traveling and such. How would we pull this off?

Tim Ruiz: Is there an issues report that we can draw from?

Marika Konings: Yeah, I think - I mean did you - I think I did send the proposed outline to the list. I'm just trying to...

Alan Greenberg: Did you? I didn't - I saw a question saying can you aimed at Tim. I saw can you go ahead and talk to...

((Crosstalk))

Marika Konings: Yeah. But basically you follow it up on a suggested outline. Because there was some discussion on the list because there was the, you know - I think what we have theory in practice code to that - some had an issue with. I found it here. Let me see.

Tim Ruiz: Oh. Oh. Yeah.

Marika Konings: So I mean the idea would be maybe to start off with the ALAC request.

Alan Greenberg: When did you send that?

Marika Konings: This was sent on the 28th of May. So it was just after our call last week.
(Rapid) correspondence between...

Alan Greenberg: Okay. I have Avri's notes and then I have your message with your milestones.

Marika Konings: No. That's a separate email. But do you recall as well because you weighed in on that discussion as well where we're discussing like the theory and practice of the (to docs) shall be fractural days.

Alan Greenberg: Oh okay. Okay. That goes back to - you're using the term theory, which Tim objected to.

Marika Konings: Yeah.

Alan Greenberg: I put words in your mouth and he rejected. Okay.

Marika Konings: So just, you know, we can talk about the exact words but the idea was there to have and did start out with the ALAC request and give a bit of background and I guess Alan you are the - probably the most appropriate person to do that unless you feel someone else in the ALAC should be doing that.

Alan Greenberg: I don't mind doing that.

Marika Konings: And the proposal would be to have an overview of the issues report and its recommendations and, you know, I can take care of that and I guess it would be based on some of the updates that's given as well to the Council on that.

Then we had a topic on the role of compliance in the expired domain and the (legion) policy and I've already confirmed that (William McCallagogh) is available to participate if the group feels that that will be helpful to add to the schedule.

And then it was suggested to have a session on or a speaker on talking about the domain and end of lifecycle and the suggestion was to invite Rob Hall as I think he's provided similar presentations in the past.

And then basically we, you know, finish off with more open exchange of views and discussion on the actual charter questions that was - I mean that was my suggestion.

((Crosstalk))

Tim Ruiz: Yeah. I think - I was going to say I think overall it looks pretty good.

Alan Greenberg: Yeah.

Tim Ruiz: The only issue I had was with the theory in practice. But I think - I think after our little exchange, I think we're all - I get the picture is basically here's what the domain name lifecycle is as defined in the various agreements or whatever. Here's what is actually taking place.

Alan Greenberg: Yeah. Because the largest perturbation between those two whether it's what's defined or my words what people think is the contractual terms that have been created by the registrars which are not defined within any ICANN policy but have significantly altered the actual process of what goes through.

Tim Ruiz: Right. Right.

Alan Greenberg: And there's no point in pretending that there isn't a difference between what people tend to expect if they haven't looked - studied it in detail and what's happening because it just - it's just going to be brought up again immediately in question.

((Crosstalk))

Alan Greenberg: That was why I wanted to, you know...

((Crosstalk))

Alan Greenberg: ...put it on the ground.

Tim Ruiz: If Rob's agreeable to it, I don't think he will probably be able to like cover every permutation of what's taking place but if he can give an overview of, you know, the primary permutations that are taking place - I think it's a little bit from registrar to registrar.

Alan Greenberg: Oh, of course. The real...

((Crosstalk))

Alan Greenberg: ...difference is what's happened before the terms and conditions were changed which allow reassignment of the domain name which is what's happening in a - to a large extent right now. But people who haven't been exposed to it haven't - aren't expecting it.

Tim Ruiz: Right. Right.

Alan Greenberg: So should there be another bullet on this that examples of some of those things that you're describing Alan right after Rob's talk?

((Crosstalk))

Alan Greenberg: Some of them are going to be brought up in the original description of the request of why did we go into this.

I just think at some point in here it'd be good to get...

We need to have some concrete examples.

Tim Ruiz: Yeah.

Alan Greenberg: Without - because I think it'll make it easier for the group to then come up with remedies.

I think we just need to make sure along the way that we're - that we're not accusing people of violating any rules. It's just that the - within the legality within the proper process things are being done differently than people - than were being done in 2002.

Tim Ruiz: Right. But nonetheless I think we need good examples of those.

Alan Greenberg: I agree. I'm not sure where they - where they fit. Probably in the - in the section on end of life cycle.

Tim Ruiz: Yeah. I would think so.

Alan Greenberg: I would think that there's a spiel from Rob that says here's how it's supposed to work and then right after that here are some perturbations that have occurred that need to be figured out. It's not so much supposed to but as the practice has changed...

Tim Ruiz: Yeah.

Alan Greenberg: ...all within the letter of the law.

Marika Konings: Would you like me to...

((Crosstalk))

Alan Greenberg: I learned about many of these from reading his - I wasn't at his session in Lisbon but I read it and that's in fact where I learned a lot of these things.

Marika Konings: Would you like me to reach out to him to see if he's...

((Crosstalk))

Alan Greenberg: I would think...

Marika Konings: ...available?

Alan Greenberg: ...I would think we need to. I mean especially if we're going to ask him to tell us ahead of time what he's going to say. Time's awful short.

Marika Konings: Yeah. I mean I don't know him personally but I don't know if anyone of you know him well. But I'm happy to send a message to him to see if he's willing to do so.

Tim Ruiz: Yeah. You must.

Alan Greenberg: I know him. I can certainly give him a call to see if the group prefers me - or wants me to do it and have him follow up - have you follow up with him on the details if he's willing.

That sounds like a great...

((Crosstalk))

Tim Ruiz: And he's on the - I can give him a heads up too. He's on the Executive Committee of the Registrar Constituency because he's our representative right now to the Nominating Committee.

Alan Greenberg: Okay. If you're happy to have him do it, you may have more credibility to you asking him than me asking him who's to some extent the opposition.

Tim Ruiz: Right. Okay.

Alan Greenberg: Rob and I get along well but in this particular issue I'm...

Tim Ruiz: I don't know - I don't know if there's a (unintelligible) extreme one side or the other on this one because even among registrars, you know, there's a number of different things going on and...

Alan Greenberg: But he runs businesses which use the things that - some of the things we're objecting to, but...

Tim Ruiz: Right. Right.

Alan Greenberg: ...let's be candid.

Tim Ruiz: I'll bring it up with him and see if where he's at with it and see if he's willing to do it.

Alan Greenberg: Okay. And I'm certainly willing to discuss it if he wants to talk about, you know, what are - what exactly are we looking for or something that...

Maybe we need a fallback just in case he decides he doesn't want to given the time is short. Who else could do it?

I can probably do it but not with as much authority.

Tim Ruiz: And I could do it as well if you felt that was acceptable. I mean I wouldn't...

Alan Greenberg: Well if either of us do it we're going to have to go, you know, go over it at least in private the day before.

Tim Ruiz: Right. Right.

Alan Greenberg: Make sure both of us feel comfortable...

((Crosstalk))

Marika Konings: I mean I'm happy to check it. For example, (Tim Cole) would be - I don't know if he would be - I guess he knows a lot as well about this whole process if that would be deemed a more - maybe, you know, an in between person.

Alan Greenberg: As long as he covers all the issues and, you know, the details of what happens, I have no problem with it.

Marika Konings: Well, maybe let's see first what Rob Hall says...

Alan Greenberg: Okay.

Marika Konings: ...and I think we have, you know, three options...

Alan Greenberg: Yeah.

Marika Konings: ...that we could otherwise consider as alternatives.

Alan Greenberg: Okay.

((Crosstalk))

Alan Greenberg: There's only the four of us. We don't have to wait for a formal conference call to talk at this point.

Tim Ruiz: I think we'll get a probably pretty quick response from (unintelligible)...

((Crosstalk))

Alan Greenberg: Yeah.

Tim Ruiz: ...one way or the other.

Marika Konings: Assume you have the details on the time and day now or you want me to send them to you in a separate message?

Alan Greenberg: Didn't you send those once already?

Marika Konings: I think I did send it but with the amount of emails going around, it's so much easier to send it again than having to dig it out.

Alan Greenberg: Yeah. That's probably right.

Tim Ruiz: One's the 24th.

Marika Konings: Yeah.

Tim Ruiz: Two to four.

Marika Konings: From two to four.

Tim Ruiz: Right. Okay. I got it.

(Alan Greenberg): Marika who did you say from Compliance Group could do it?

Marika Konings: (William McCallagogh). He's the one as well that was responsible for the audit that was carried out a while ago on, you know, checking whether registrars have information on the Web site on the deletion policy. And he's actually now in the process of doing a new one on the RGP requirement.

So he should be able to...

Alan Greenberg: You can suggest to him that he should cover because if he doesn't, he's going to get embarrassing questions of how does he audit registrars who have resellers.

Marika Konings: Okay. I'll write that down.

Tim Ruiz: Marika here's a logistics question. I'm not going to be able to go to Sydney. Is there - is there a possibility of getting dial in...

Marika Konings: Yeah. I'll check that and I think it's foreseen for most meetings. It definitely will be recorded as well. So if you don't want to stay up, I think it's going to be pretty late for you. It's definitely going to be recorded. And I think after that as well transcribed. But I'll check on the dial in.

Alan Greenberg: If you or others do plan to participate then we'll have to make sure we're scheduled in a room, which does have telephone facilities (unintelligible).

Tim Ruiz: Yeah. Well that's why I asked.

Marika Konings: Yeah. I think we did request it for all the GNSO meetings. I'll double check with (Ken).

Alan Greenberg: I'm going to try and make it in person just because very useful to be there and sometimes lob in a question. Airfares don't seem to be going up these days. I can fly to - from the U.S. you can get tickets to Australia for less than I think it costs me to fly Montreal to Washington.

Marika Konings: I think you have a bit more competition on that route now. Hasn't that made prices drop?

Alan Greenberg: Yeah. I think its competition and lack of (unintelligible). Prices haven't particularly dropped in business and first class but they've gone into the dumps on the economy. Quite sure (unintelligible) has.

Is there anything else we need to do?

Marika Konings: One thing. So I'll get an updated draft of the charter added to the list tomorrow so people can have a look and I guess, you know, at a certain point in time when people are happy with it I guess it needs to be posted to the Council list and I guess Tim you're the most likely candidate to do so.

Tim Ruiz: Okay. Could you repeat that? I was - I wasn't paying attention.

Marika Konings: I was just saying that, you know, I'll circulate an updated draft of the charter and the motion tomorrow but at a certain point in time when everyone's happy with the language, it needs to get posted to the Council. As the only Council member on the call now I guess you're the obvious candidate maybe for that.

Tim Ruiz: Okay. Yeah. No problem.

Alan Greenberg: Should we schedule a call next week just to confirm everything's on track and further details of the - on the workshop.

((Crosstalk))

Tim Ruiz: Yeah and we can finish up who covers the...

((Crosstalk))

Marika Konings: ...the things before on the mailing list we can always cancel it.

Tim Ruiz: Yeah.

(Alan Greenberg): Yeah.

Tim Ruiz: Right. Right.

Marika Konings: Incentive to get stuff done.

Alan Greenberg: Okay. So we're going away with tasks of Tim will try to contact Rob Hall and get back to us. Marika's going to redo the charter making that one change we talked about in the text and the timeline. And I think that is all for the moment until we hear whether Rob is willing or not.

Man: Sounds good.

Marika Konings: Okay. Thank you.

Man: All right.

((Crosstalk))

Alan Greenberg: Thank you all for your dedication of calling in. Okay.

Man: You too Alan.

Man: Bye bye.

Man: Bye bye.

END