

GNSO
Post-Expiration Domain Name Recovery (PEDNR) drafting team teleconference
17 November at 19:30 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 17 November 2009 at 19:30 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-pednr-20091117.mp3>

On page:

<http://gnso.icann.org/calendar/index.html#nov>

Present:

Michele Neylon - RC / Acting as Chair
James Bladel - RC
Cheryl Langdon-Orr - ALAC Chair
Paul Diaz – RC
Ron Wickersham – NCUC
Alaine Doolan – IPC
Tatyana Khramtsova - RC
Sergey Gorbunov
Mason Cole - RC
Helen Laverty - Registries
Mike O'Connor – CBUC
Berry Cobb - CBUC
J. Scott Evans – IPC
Alan Greenberg - ALAC

Staff:

Marika Konings
Margie Milam
Gisella Gruber-White
Glen de Saint Gery

Absent apologies:

Karim Attoumani – GAC

Coordinator: Excuse me, this is the operator. Today's call is now being recorded. If you have any objections, you may disconnect at this time. Thank you.

Gisella Gruber-White: Good morning, good afternoon, good evening to everyone. On today's PEDNR call we have Michele Neylon, Tatyana Khramtsova, Helen Laverty,

Sergey Gorbunov, Mike O'Connor, James Bladel, Elaine Doolan, Alan Greenberg, Ron Wickersham, Berry Cobb, Cheryl Langdon-Or, Mason Cole.

From staff we have Marika Konings, Glen de Saint Gery, Margie Milam and myself, Gisella Gruber-White. No apologies for today and if I can just remind everyone please to state your name when speaking for transcript purposes. Thank you. Over to you, Alan.

Alan Greenberg: Thank you. First of all, I'd like to give my thanks to Michele for chairing last week. I just had a chance to listen to the call last night and it was enjoyable.

You did ask that everyone be good girls and boys and, Cheryl, I'm afraid you didn't meet that criteria, with giving away gifts at the end of the meeting. For those that aren't on the call, this is an incentive to go and listen to it. The gifts were great.

I do have a couple of comments. I know everyone on this call was not necessarily on last week's but a couple of comments; and again if you're intrigued by what I say, then you can go back and listen to the call. It was only an hour and was really worthwhile.

There was a discussion at the beginning on some statistics published by dotUK on renewals and both the document presented and the discussion turned up two interesting things, which I found fascinating.

The first one was the statement that was made by a number of people and proven by the data that people don't take a - the expiration seriously until the domain name - until the domain disappears and I think that's something we have to think about as we go ahead.

The other is 25%, the statistics said 25% of the registrants who leave their domain renewed automatically and I'm presuming although it didn't say it that in fact in the UK they don't renew automatically.

So, just that kind of misunderstanding on behalf of the registrant I think is the environment that we're working in and we have to factor that in.

There were a number - if anyone has any comments either about what I'm saying or against it, please scream out or put your hand up.

There were a couple of comments last week on why are we looking at ccTLD data and I think from my point of view the question was answered very well in that we don't have any data from gTLD's. And it's intriguing that although expiration is a significant aspect of gTL - of TLD - of domain names, we have so little data of up to what's going on.

James, you had a comment.

James Bladel: Yes, I just, I don't think it was - I was part of the group that was questioning the ccTLD data and I don't think it was a slight against that necessarily, it was more of a question of how directly applicable it was. Not that we shouldn't be looking at it. So I just want to...

Alan Greenberg: Yes, I certainly didn't take it as a slight. From my perspective it's applicable in that at some level registrants are registrants and we can assume that there are at least some characteristics which are uniform, despite the different rules associated with the TLD - with the ccTLD in question.

But more important I think it comes down to we don't have any other data and to ignore it completely does not appear right either.

James Bladel: Certainly and I don't think anyone was advocating ignoring it, just more of a question of finding out where it's boundaries of usefulness were.

Alan Greenberg: As I was listening to the discussion I realized that looking at the document, listening to the discussion, I had a bunch of questions in my mind which no one raised during the discussion, although maybe they were raised in the chat that I can't look at.

And there was a lot of talk about reminders but I didn't know at the time what the rules were -- for within Nominet -- for what the reminders are. I did go and check, just in case anyone's interested, and the process is the following.

Registrars apparently should but, without any specific guidance, provide reminders prior to expiration. If there are any firm guidelines, I couldn't find them very easily.

At expiration, Nominet apparently sends out its reminder. At that point the domain goes dark and it remains dark for up to 30 days. If the registrant comes back, they can get it back at that point.

They then, after it goes dark, it's suspended and for another 60 days or a total of 90 days before it's actually deleted. So that gives you some idea of what dotUK and (unintelligible) thinks is an adequate opportunity to restore the domain after expiration without making a claim, but that's what we're - where we should be aiming at.

Michele? Is Michele there?

Michele Neylon: Sorry, I'm just trying to get myself off of mute.

Alan Greenberg: Okay.

Michele Neylon: Just as a Nominet registrar, I've never had any communication from them with regard to registrar reminders. Just so, I mean you, if you did find it, it's probably because I - as far as I'm aware -- maybe one of the other Nominet registrars could confirm -- I don't think there is any particular set of rules.

Nominet's approach to a loss of a lot of the relationships between the registrars and the registrant is quite hands off in a lot of respects. But they do handle some of the notifications to the registrants, both from the initial registration of the domain to its expiry, expiry system.

There's also another thing as well where the domain will become de-coupled from the, in kind of ICANN-speak, sponsoring registrar; in Nominet-speak, it isn't the same thing. But basically the domain, it ends up being kind of semi-orphaned as it were.

Alan Greenberg: Yes, the implication is, but it doesn't say it, that after expiration it comes under the jurisdiction of Nominet and not the registrar, but it wasn't quite clear there.

In terms of notices, the only thing that shows up on the Nominet Web site is a, in a FAQ, it says you will normally get a notice prior to registration from the registrar. If for any reason it doesn't show up, we will give you a notification after expiration or at expiration. I don't remember the exact wording.

So anyway, I found that quite interesting. It would be interesting to follow-up that and understand when domains really do get renewed. That is, of the ones that are renewed -- and I think it's 68% or something -- how many of them get renewed prior to expiration. How many in the first 30 days, how many in the next 60 days. I think that information would be interesting.

Again, not necessarily directly applicable, but it would give us some idea of how people use domain names and react to the expiration and disappearance.

There was also a comment on the RAA versus this PDP. The RAA Working Group and I think for my perspective there is a direct overlap. What we are

doing, if we were not doing it, might have been covered in an RAA as part of the RAA Amendments, or might not.

And I think as Marika, Marika and Margie, pointed out that, you know, between the overlap participants and the staff who were involved in it, we'll try to make sure that the two cover all the ground and don't replicate. But I think there is an inherent overlap regardless of what we do.

One more, last point. Regarding the note I sent about the two proposals that will be coming. I really wasn't trying taunt or tease people, just give them a heads-up that there is some work going on.

The work has not proceeded post-Seoul, largely on my part, because of the Intellectual Property Working Group that's going on and has taken virtually all of my time. But hopefully we will see something on those in the very near future.

And lastly, the discussion that was held on essentially accessibility of the terms and conditions on the registrar Web site I thought was an amazingly good discussion and brought a number of things to light which I think will serve us well as we go forward.

So, I thank Michele for chairing it and I thank everyone who participated in it for a good meeting even if I couldn't be there.

Michele? Your hand up at some point.

Michele Neylon: Yes, just in relation to the overlap thing. There's an RAA meeting tomorrow evening. I noticed from the documents that Margie sent around, that on the list of topics there are a couple of items that are definitely being handled by this PDP. So if we need to be able to knock it on the head immediately, I pointed out that those are within the (unintelligible) or just stop PDP completely and let it go back into the RAA discussion.

Alan Greenberg: I guess my feeling on it, but I'm willing to listen to others certainly, is that it's not intuitively obvious at this point just how successful we will be. So, I wouldn't want to see it taken off the list of RAA things to talk about in the future. Remember, the drafting team that's working right now is just coming up with a list of topics, not actually doing the work.

By the time they actually get around to doing some work, hopefully we'll be closer to finishing and one can make a decision later on in the process for what should be taken off of their list. So I wouldn't want to see things removed at this point, but they should be aware of what's going on. Berry or Michele, if you want to rebut.

Michele Neylon: I mean I think as long as it's made clear, as long as it's made very, very clear that, you know, there are -- there is an overlap.

Alan Greenberg: Yes.

Michele Neylon: So in other words I can't see the point of - say what is the point of us spending time discussing the stuff in detail and then having people who obviously have very strong feelings about some of this post-expiry thing, focusing their efforts on - in the RAA thing.

I mean either, which I think it would make more sense to me that those people who have very strong feelings for post-expiry, were involved in the RAA, that maybe you can invite them into this group instead rather than, you know, catching up with.

Alan Greenberg: I think that's a good suggestion. But again, I'll remind you that they're not talking about the substance, they're just making up lists at this point. Berry?

Berry Cobb: Yes, thank you. Since you brought it up, I was just, I don't know if this is probably opening a can of worms or not but...

Alan Greenberg: Oh, good.

Berry Cobb: ...the two initiatives that you had mentioned in your email, I was just wondering if you could shed a bit more light on it. I attended ICANN remotely and I'd like to think that I tried to cover just about every session, but I don't recall these proposals specifically at any one particular event, so I was just wondering if you could expand on it real quick. Thank you.

Alan Greenberg: I really don't feel comfortable since neither of them are completely mine. Neither of them were covered in sessions, these were both backroom discussions that I've had with a number of people who would, you know, have some ideas of how we could go forward. And I was just trying to give the group a heads-up that some things are coming.

I don't think I can go into any more detail than I did, in that one is essentially a complete bottom-up, top-down redesign of everything associated with end of life processes and the other is can we do something that will make everyone happy that isn't too complex?

Both of them rather arrogant, I should point out. Any other thoughts before we go back to the regular agenda?

Ron Wickersham: Yes, this is Ron Wickersham.

Alan Greenberg: Yes, Ron.

Ron Wickersham: Okay, on this complete redesign, will we be participating in the final thing once the kind of outline is drawn up?

Alan Greenberg: I think this group is it.

Ron Wickersham: Okay.

Alan Greenberg: Someone has an idea they're going to present it.

Ron Wickersham: Well, thank you.

Alan Greenberg: Anything else at this point? All right. Marika, if you could give us a little bit of an update on - oh, sorry there's another item. There was the feedback on requests for additional data on ccTLD's.

Marika Konings: Yes, that's me too.

Alan Greenberg: Yes.

Marika Konings: This is Marika. I, following the last call there was a question whether other ccTLD's have similar data available and whether, you know, possibly be of interest as well to look at those.

And I did check with Bart Boswinkel, the policy staff person, regarding the ccTLD, the (TCN) results and you know he did indicate that (unintelligible) to some extent an exception there providing really good research and data.

He did indicate that some of the other ccTLD's do have data on, you know, how many domain names are renewed or expired but they don't provide that kind of detail as to, you know, why the domain names are being renewed or not renewed or information like that.

And he pointed out as well that, you know, ccTLDs have very different practices in how they deal with the post-expirations, you know, some have a 30 day period, some you know auto-renew and only exceptional cases, the domains are being deleted.

So and it's a question there if the group wants to look into that further and, you know, maybe someone here on the group has specific suggestions at

which ccTLD's might have models that might be of interest to look further at. But that's the initial feedback I have received and I'm happy to look further into that, you know, following some guidance from the members of the group.

Alan Greenberg: Yes, Helen, is your hand up?

Helen Laverty: Yes, just a follow up from last week. I did contact (Cyro) because they do a hell of a lot of surveys and they got back to me and they said they would share their information with me, but they haven't actually done that yet. But I'm hoping that we will have something at least maybe similar to Nominet from (Cyro).

Alan Greenberg: As I mentioned during my comments, I would like to have you follow-up with Nominet on a couple of questions that come out of the data and I'd be - I'll send them to the list and the group can decide whether we want to follow-up or not.

But I think understanding something more about the dynamics in any given case, will help us understand -- perhaps the right wording is the registrant's mind and how applicable it is across different domains. Of course, it's not 100% understood, but it may give us some insight. Anything else on that Marika? Marika, are you still there?

Marika Konings: Yes. Yes, not there is nothing, sorry, nothing further.

Alan Greenberg: Okay. You had the update on registrar's survey as number five. Is that a significant update or just a quick one?

Marika Konings: I can give you a quick update.

Alan Greenberg: Let's do that first before we go into the more lengthy discussion of the constituency statement.

Marika Konings: Okay, because I completed another two registrars and I've sent out that information to your set of registrars with a question to fill in the gaps; working on a third one and I think I've still then have two to go in the, you know, ten that we're looking at. So I hope to have, you know, nearly final results at the next meeting, provided that I receive feedback from the registrars that I've approached.

And one thing that might be interesting to note is that I actually just stumbled up on a registrar that doesn't seem to be offering auto-renew grace periods but where the domain is actually immediately deleted - immediately go to RGP upon expiration.

The registrar doesn't apply auto-renewal for all domains, so you have a different system than some of the ones we've looked at so far. So, I think I'll have some interesting information to look at going forward.

Alan Greenberg: I can guess who that is, but okay. All right, so our target is still roughly ten registrars?

Marika Konings: Yes, and I think the group will need to decide whether that provides sufficient data and to have, you know, a valid discussion or whether more research needs to be undertaken. You know we decided initially to go for the ten and then, well the only thing is the ten are actually nine because two of them have the same approach, so you know.

Alan Greenberg: My gut feeling, and I haven't mentioned this to anyone before, is we should go for our perhaps two or maybe three outliers. That is registrars with reasonably large pools of domains, but not in the top ten, just to see if they differ substantively from the others.

I don't know how much more work that would add, but it's something which may have some interest in trying to get what the rest of the picture looks like.

But we can discuss that next week when you have this data, or whenever that is.

All right, should we start on constituency statements, the constituency/stakeholder statements? Marika, do you want to take us through this because I haven't had a chance to look at this in any real depth?

Marika Konings: Yes, I'm happy to go through you each comment but I would like to encourage those that are participating in drafting these statements to, you know, maybe provide some more explanation or details if they can because of course this is just an abstract from the constituency or stakeholder group statements.

Alan Greenberg: Right. Before you start actually, Ron, you sent a note out saying NCUC/NCSG was planning to do something, but we shouldn't hold up the process. Is there still something in the works or is that - has that died a quiet death?

Ron Wickersham: Yes, it's pretty hard with all the other stuff going on in NCUC that seems people think are more important, so I just don't see it resolving to be worth holding up any further. I'll try to get feedback from them, you know, from the rest of NCUC as we go along, but a formal constituency statement is pretty hard to get at this time.

Alan Greenberg: Okay. Taking off my chair hat and putting on my at-large hat, I guess we had not submitted a constituency statement since we initiated this and we're - I won't say trying to stay out of it, I thought we had already made our position clear.

In retrospect now, Cheryl, I think we may need to talk offline and decide whether at-large puts something together in a moderately quick time, even though it's past the deadline. Okay, Marika, over to you.

Marika Konings: Yes, so I'm looking at question one whether adequate opportunity exists for registrants to redeem their expired domain names and IPC there is suggesting that there should be a requirement for mandatory 30-day renewal grace period following expiration, with an additional email reminder after 15 days so that it would provide additional safeguards for the registrant.

Alan Greenberg: So they're talking about a 45 days total post-expiration, which as it happens is the current auto-renew period.

Marika Konings: No, I think it just requires...

Alan Greenberg: No?

Marika Konings: ...they want a reminder after 15 days.

Alan Greenberg: Oh, okay, I'm sorry. Not 15 days after, it's 15 days after expiration.

Man: All right, minimum of 30 days.

Alan Greenberg: Okay. Understand. Okay.

Marika Konings: Moving on?

Alan Greenberg: Yes.

Marika Konings: So then the business constituency is of the opinion that there is adequate opportunity and I think that they do highlight that there are some inconsistencies that might lead to confusion and create unfair market conditions and they promote maintaining openness and transparency. And Berry, I don't know if you want to provide any further feedback on this one?

Berry Cobb: This is Berry. Yes, you know, that's pretty much it you know and just kind of taking note that not every domain expiration is the same and probably never

will be, but for the most part, you know, there are some pretty large inconsistencies that I think do lead to confusion in the marketplace.

And you know the typical registrant can be well informed of the world of expiration and has to study quite a bit and it's just definitely not as easy as, an analogy would be as trying to return an article of clothing at a store. You know, their return processes may not be exactly the same from one store to another, but you know, the general process is pretty well understood and it's not so easily understood in a domain world, I think.

Alan Greenberg: Okay. Marika, as you were talking, it - a question came up in my mind of do we have any information or any understanding of the profile of registrants for any given registrar? That is, they tend to be individuals or they tend to be businesses or anything. Has any of the Whois work given us any insight into that?

Marika Konings: This is Marika. I'm not aware of any information like that, but I'm happy to check and I don't know if any of the registrars on the calls might have any insight on that. I mean they might check who their clients are, I don't know.

Alan Greenberg: I would suspect the big registrars on this call probably have a wide cross-section of all classes. That's my guess but I wouldn't be surprised if that was the case. I'm not sure that's the case for as one goes down the list of registrars. Nobody has their hand up, so let's keep on going then.

Marika Konings: So next one is from the registrar stakeholder group and they're of the opinion that adequate opportunity does exist and they point out that registrars do encourage renewal before and after expiration and they also mention that the unintentional non-renewal of a name is very rare.

Alan Greenberg: Okay. No comments, questions? Let's keep going.

Marika Konings: The registries stakeholder group points out that they don't have visibility of the registrants' opportunity to redeem expired domain names and they would like the Working Group to try to get - provide an overview of what the different alternatives are that registrars use to give registrants the opportunity to redeem expired domain names.

And they suggest as well the Group should look at developing some criteria to define adequate opportunity and then evaluate whether those registrar alternatives needs a definition or not.

Alan Greenberg: Helen.

Helen Laverty: Yes, I just wondered with, as far as redeeming, do you mean the redemption period? The registries were talking about?

Alan Greenberg: Let me read this again, as I'm trying to understand. Like I said, I'm a little bit dulled from the last six hours of talking.

Helen Laverty: Yes. It sort of went past rather fast for me too and I was trying to...

Alan Greenberg: Summarize the major alternatives...

Marika Konings: I don't know if I may comment. I think...

Alan Greenberg: Yes please.

Marika Konings: (Unintelligible).

Alan Greenberg: Help me.

Marika Konings:...which actually talks about whether adequate opportunity exists for registrants to redeem their expired domain names and I think the redeem just relates to that and not specifically to the RGP as they would have an insight there, I

guess if and when that happens. So I presume they talk more about what happens just following expiration and before RGP.

Alan Greenberg: Okay.

Helen Laverty: I had wondered about the RGP itself, because some of the registries are not too difficult, but some of them make it more difficult. It would be useful if the redemption could be done through an ATI rather than this manual work because sometimes there isn't enough time to do it in time and it can really upset the registrant if they've been trying to redeem a domain and they lose it until the last minute and it does go into pending delete.

Alan Greenberg: I think they're lucky if it goes into pending delete. At least there's an opportunity then, whereas otherwise it's the grace of the registrar to try to get it back if it's still gotten back at all.

Helen Laverty: Well if it's in redemption, then the registrar can get it back. I'm just saying it would be nice if the registries could make it easier for the registrars to get it back.

Alan Greenberg: True, but the issue being that in many cases domains do not go into the redemption, do not get deleted and go into the RGP. They get transferred in some other way.

Helen Laverty: Yes, you're talking about something different, but if the registrar does allow it to go into - they actually delete it and allow it to go into pending into redemption, it would be nice if the registries could make it a little easier, have a consistent format so that the registrars can do it automatically instead of having to get someone to go get somebody to go and do for this manual procedure.

And we've automated it ourselves a number of times, but what happens is that the registries changes and then it's no longer automatic and so there is

occasionally a situation that we've actually seen a reason where someone actually really, really wants their domain back and it's in the last day or two of redemption.

And they get very upset and you know we have to pull all the punches to get somebody who can just do it at the last minute, whereas if it was an automatic process, it would be so much easier.

Alan Greenberg: Any registrars have any comments on that? The other registrars? My understanding is it was an automated procedure these days. I may be wrong.

James or Mason have any input?

Mason Cole: I'm sorry, this is Mason. I'm sorry Alan, I had somebody that asked me something off line. What was the question again?

Alan Greenberg: Helen was talking about the difficulty of doing an RGP redemption if it's right near the end because it's a manual process. And my understanding was, in fact, it was reasonably automated these days. That's the understanding I had from some registries. James?

James Bladel: Yes, I'll probably have to confirm some of this, but I think that it is automated to some degree. It is outside of the normal channel of registry, registrar operations though and does not occur through the EPP necessarily because I think that's a newer feature of the latest version of EPP.

So it really I think can vary significantly but it's, you know, it's not, even if it is, it's not typical.

Man: It's not common certainly.

Man: Yes.

Alan Greenberg: Helen, did you want to say something else or is that hand for...

Helen Lavery: No, my point is that it should be in the EPP, it should be a simple command so it can be done quickly, if necessary, instead of making it work. I don't see why it'd have to be work because it a process, it's just a command to the registry.

Alan Greenberg: Ron?

Ron Wickersham: Yes, I was wondering, is it appropriate for us to record in our deliberations what the cost of that redemption is because that cost varies to the end user by a very wide margin and I for one don't have any clue what the - not what the cost within the registry is but back at the registrar itself would (unintelligible) have it.

Alan Greenberg: Marika can confirm; my recollection is the current revised RAA requires that registrars post that amount.

((Crosstalk))

Marika Konings: That is correct. There is a -- the only thing we did -- the Compliance Team did do an audit and I think there was some confusion where some registrars had interpreted the language as meaning if you have a fee you need to say, and some would just say, we have a fee and not specify what the fee was.

So I think that's something that is being followed up on and then normally, I guess the Compliance will follow-up on that and (unintelligible) that information should be posted on the registrar's Web site.

Alan Greenberg: And as per the discussion last week, one should be able to find it.

Ron Wickersham: Well, right. But my question goes back to the cost - the outside cost to the particular registrar. Is that allowed to be part of our...

Alan Greenberg: The cost to the registrar or to the registrant?

Ron Wickersham: To the registrar.

Alan Greenberg: That is a fixed cost per registry and it's public knowledge if I remember correctly.

Ron Wickersham: Okay, thank you. Yes, I'll try to find it then, okay.

Alan Greenberg: I know it used to be \$60 and I think it went down to \$40 or something like that. I don't remember what the numbers are. But they're numbers in the two digits, I think. J. Scott?

J. Scott Evans: Yeah, I just wanted to remind everybody, when we talk about price, let's be very specific about what we're talking about. We're not doing any price setting.

We're just talking about the fact that if they have a fee, what is the fee. And then if it is on the register then, if you've marked up that fee, that it be visible and they clearly know what that fee would be.

Alan Greenberg: Yes.

J. Scott Evans: We are no way discussing that we capped the fees, that we mandate what the fee would be, because that's not what we're here for.

Alan Greenberg: Of course not. No, I don't think there is any question about that. And the lawyers would tell us otherwise if we thought - or tell us...

J. Scott Evans: Hey, You've got a lawyer writing the questions.

Alan Greenberg: Ron and J. Scott, aren't you more old hands? Having no more hands, Marika, could we go on to the next one?

Marika Konings: So the next one goes into the question to whether expiration related provisions in typical registration agreements are clear and conspicuous enough. And IPC makes the point there that RAA clearly states - sets out obligations for registrars. And if registrars are not complying, it should fall to the Compliance Department to take action.

And they also make a suggestion that the Compliance Department should require each accredited registrar to provide it with current copies of a link to its standard registration agreement forms and to keep these copies or links up to date.

Alan Greenberg: Comments? That comes back to the discussion that was had last week that I think was a interesting one on the possibility - since much of the detail is buried within contracts, is there some way that it could either be exposed in a readily understandable way or, and/or should ICANN be consolidating that information and making it readily available. James?

James Bladel: Yes, good question. I'm just curious as to what some possible recommendations might be to - I see a lot of judgment and subjectivity to the idea that something is clear and conspicuous.

For example, we've sent out, let's say, a reminder email to a customer and we found that sometimes you can put something in 24 point, bold, purple font and it's still not sufficiently clear and conspicuous. So I'm just trying to...

Alan Greenberg: I happen to be purple color blind, so.

James Bladel: Okay, well, maybe a bad example on my part there, Alan.

Alan Greenberg: No.

James Bladel: Unless I...

((Crosstalk))

Alan Greenberg: I was joking.

James Bladel: Ok, fair enough. But just, the concept here that I think that, you know, we should establish was what - what it meant by clear and conspicuous. I mean, certainly you don't want to go out of your way to hide something or make it a scavenger hunt.

But, you know, I mean there's a document, there's Terms of Service, a registration agreement - I'd like to believe that folks are reading them and then understanding them and then clicking the, I agree, or checking the check box or whatever the registrar is having them do.

But, you know, how many of them are just, you know, bulldozing right over that all the way to the shopping cart checkout? You know, I think it's an area that we need to really be clear on what we're - what our goals are.

Alan Greenberg: I'll give you my opinion, but I'd like to hear others because it is an important issue. I think it's one of these things that we may not quite agree with what clear and conspicuous is, but we'll probably all agree on what obfuscated and impossible to find is. Maybe we won't all agree. Michele?

Michele Neylon: I'm just kind of echoing what James is saying. I mean we send out notifications to our beloved clients about a whole range of different things and, you know, people - we actually have a running battle with one client who told us quite happily that he did not read any of our emails. He acknowledged receipt of them, but he just didn't read them.

And then, of course, it was our fault that the domain had - I can't even remember whether it was the domain had expired or something else. He acknowledged receipt but just said, oh, no, I don't bother reading those.

And he expected us to - I'm not actually sure what he wanted. Whether he wants us to send him carrier pigeons or to come round to his house and you know try his front door and, you know, ask him to do things that way. I don't honestly know, so I'm pretty much echoing what James is saying.

Alan Greenberg: James, you're back in the queue?

James Bladel: Yes, and just real quickly and thanks, Michele. I mean the war stories are always good to share and we all have our tales.

But, you know, this kind of touches - this question touches on something that I think is important for this group to, if not just directly just keeping in the back of our minds of the context for all of these questions which is that we certainly want to ensure that there are sufficient and adequate safeguards and protections to help guard registrants from the actions of registrars.

But at a certain point, we're approaching this boundary condition here where we're protecting registrants from themselves or from the consequences of their own decisions or actions or indecisions or inactions. And I just think that we need to be careful to know where those topics begin and end.

And I don't know if that's, you know, out of line, but the thing I think that, you know, there is a certain point where I think that if a registrar or registry or even ICANN can be shown to be, you know, doing it's due diligence and the registrant like Michele was saying is simply non-responsive that at a certain point, you know, we're somewhat protecting them from themselves.

And I think that we, you know, that starts to take us into an area that I'm uncomfortable with.

Alan Greenberg: Helen?

Helen Laverty: Yes, just to follow on that, and also what Michele said. You have a lot of registrants that just don't bother to update their email addresses or put everything on spam so they never get emails. And, you know, you do what you can, you try to get as many different email addresses as possible from the registrant and ask them to update regularly, but often, they just don't.

So again where there's a responsibility for it, the registrant doesn't get the emails through actions that they can control and not the registrant.

Alan Greenberg: I put myself on the speaker list and I'm going to put on the hat as a representative from at-large, or a spokesman on behalf of the - what is currently 1.7 billion users in the world and who knows how many registrants.

There is nothing we can do about the outliers. Those who chose to ignore everything that's said, those who chose not to take any action, at some point they're the victims of their own decisions and we can't fix that all. We can't protect everyone from themselves and I think we have to do a reasonable job for those who are in a moderately good position.

Now, on the issue of email addresses, I have more sympathy and I think we have to think about how to handle that aspect. But in general, we are not going to fix everyone's problems. And I don't think we should even be thinking in that mode and, nor feeling guilty that we can't.

Helen Laverty: But I think that at the same time we should acknowledge that. Because you do get registrants that get very upset as Michele said because we didn't go to that door and knock on them and say would you like to renew your domain, because we communicated with you every other way and you're not...

Alan Greenberg: Well, and maybe we need to go and knock on their door but whatever it is ultimately there is some level we can't do...

Helen Laverty: Well, I don't think we can afford that.

Alan Greenberg: Well, probably not.

Helen Laverty: So what we need to do is acknowledge that we take all reasonable methods to try and contact them. That if we cannot contact them, we're sorry but we couldn't.

Alan Greenberg: As a registrant who normally renews things for ten years, just so I don't have to worry about forgetting, would I pay an optional fee of \$25 to receive three phone calls if it ever expires? Yes. You know, I might opt for that kind of service again. We're talking about how the registrars differentiate themselves from each other. In any case, Michele?

Michele Neylon: Yes, but calling Canada, it's going to have to be \$35.

Alan Greenberg: Thirty-five.

Michele Neylon: We're not allowed to talk prices here.

Just another stupid little war story for you, just to give you an idea what registrants can do. Our company name is Blacknights. As most of you probably know, one of our beloveds and clients put an email filter on his mail to block all emails with the term black, because he was getting certain types of email messages referring to black ladies with interesting - well, well endowed black ladies involved in various nocturnal activities.

Helen Laverty: You're quite specific.

Michele Neylon: I wish I was making this up, I wish I was making this up. This actually happened about a year-and-a-half or so ago. they stopped getting all emails from us because they had blocked the word black.

So, I thank you, Alan, for acknowledging the fact that we can not protect people from their stupidity. However, I do take issue with the very suggestion that you would expect any registrar to start turning up at people's doorsteps. Even if you said that in jest, I'd find it - the very idea of it quite scary.

Alan Greenberg: Well, I will comment that if you follow the practices that other registrars, some other registrars have said they follow, you wouldn't have a problem.

Michele Neylon: Which practices would those be?

Alan Greenberg: Sending the renewal notices out from a completely different email address which is nothing to do with your name of your company.

Michele Neylon: I'm not going to reply to that.

Alan Greenberg: Marika, seeing no hands, could we go on to the next item?

Marika Konings: Yes, the next point is made by the business (unintelligible) team which they point out that they're clear and not so clear conditions that exist across the market space and they would like to see promotion of consistency where feasibly enhances fair competition and right-sizes business practices within the market.

Alan Greenberg: Comments? On to the next.

Marika Konings: The registrar stakeholder group points out that the RAA and the EDDP spell out the terms and conditions and that these need to be maintained on the registrar Web site. And they note that registrars try to use clear and

understandable language whenever possible but also pointing out that this in the context of presenting a valid legal agreement.

Alan Greenberg: Seeing no hands up, the last...

Marika Konings: And the last...

Alan Greenberg: ...last one for Q2.

Marika Konings: Comment made by the registry. They called the group and their view is that it would require an exhaustive examination of agreements between registrar and registrant in order to form an opinion on this question.

Alan Greenberg: Since we are not likely to do an exhaustive comparison, how, in fact, do we do this? Any thoughts?

Man: You just do a sample.

Alan Greenberg: Which is what we're doing right now. At least, a sample weighted towards larger number of registrants.

Man: Alan, you might also check with the Compliance Department and see where they've received some complaints in this regard and look at what was going on at that particular registrar.

Alan Greenberg: I have a comment on that, but Michele had his hand up first.

Michele Neylon: I just think with all due respect, I mean, the consistency statements on these questions were provided without them being aware of exactly what was going on I think, with regards to the registrar survey. So in many respects, (unintelligible) we're already doing through this example thing. So it's a bit moot.

J. Scott Evans: So I would agree, J. Scott, Alan. I think we already covered that with Compliance previously unless I'm confusing Working Groups.

Alan Greenberg: I guess my concern about compliance is we've asked a number of times, can we have any statistics on renewal issues from compliance and complaints and we really haven't gotten anything. We got that it's done transfers but still not on anything related to renewals, so we're still working a little bit blind from that perspective. Marika?

Marika Konings: Yes, this is Marika. I just want to point out in the (unintelligible) you know extracting different parts from different, you know, registration agreements, FAQs, help section, but it's not really comparison of language that exists in registration agreements. I mean I have those data and, you know, I have them on file and stacked on my desk, but in principle that's not what the research is about.

I mean it shouldn't be too difficult to take that language and then we do go back to the point of the course and you make it very visible. You know, which language comes from which registration agreements. So that might be a separate exercise if people really want to look at the language that's currently contained.

And I can comment there that I've seen it very different things in registration agreements where some are very clear, but many of the agreements, you know, and these are legal agreements, you know, do have like we may or may not or just might happen, you know, we're free to change it.

And I think it's so much to try and explain as well, you know, that it's a legal agreement and the details are you know spelled out sometimes in other sections or other documents that are also provided to the registrant.

Alan Greenberg: Marika, maybe we can ask you add another road to the matrix that you're coming up with and saying what level of pain was associated in getting the information that you're presenting.

Marika Konings: How do I really rate my level of pain?

Alan Greenberg: Well, we'll leave that up - it's completely subjective.

Marika Konings: Well, I mean, to be honest, I mean looking at the information like the first few, I just tried to go on the Web site. But I quickly gave up, and I would just type into Google like the registrar name and the registration agreement and that was the quickest way to actually get the information often.

And because - I mean in all reality as well, I mean, many registrars sell many more servers than only domain names. And, you know, you have to go and find where, you know, the section is (unintelligible) some have on their Web site and terms and conditions. So you go through there, but, you know, it's not always intuitive, I found.

Alan Greenberg: Yes, well maybe we need to capture some of that once you're finished the whole process because I think again and that comes back to just how can we expect a registrant to get this information if these are the kind of things that you had to go through with some of them.

And maybe we need to capture some of the things you did do in the process.
Michele?

Michele Neylon: Just two things. One, I mean with regard to compliance and maybe compliance simply don't have complaints with regard to renewal. They may have a lot of other complaints; so, you know, it sounds like that you're working on the basis that there is a problem but surely compliance if they have the information they would have been willing to share with us.

And the second thing is, when it comes to legal documents, I mean our, I can't speak for all registrars but I know damn well that our solicitors no matter what we may or may not do, in general they would always advise us to use certain language in any documents that they're drafting or revising with us.

So that you do end up with this kind of may or may not type scenario simply because if they advised us to put anything else there, then they'd be delinquent.

Alan Greenberg: Yes, with regards to your statement on compliance, I don't think I was -- let me rephrase that -- my understanding is they gave us the information that they have but since they do not regularly categorize complaints with a tick box saying this is about renewal, it is no statistic that they have short of going through a pile of complaints and trying to create, trying to accumulate that information and that's the reason that we haven't gotten any.

Not necessarily that there aren't any but the information was not readily available to the extent that that's there.

Marika Konings: Alan, can I comment on that?

Alan Greenberg: Sure, please.

Marika Konings: We were just quickly viewed through your emails because I do recall that the Compliance Team did share some data and I found the email and I'm happy to resend it to the mailing list.

I mean one of the issues is that, you know, the complaints are filed and self-reported so it depends a bit as well where registrants see the problem but sometimes it might be linked, you know, they might think it's a transfer issue while it's actually an expiration issue or, but looking in there, there's a specific category as well as for -- for example, redemption, domain renewal and, you know, definitely complaints received. So I'm happy to share that again but...

Alan Greenberg: Okay, I don't recall that so maybe you could.

Marika Konings: I'll forward it to the list now. It was sent on the 10th of August.

Alan Greenberg: Thank you. J. Scott?

J. Scott Evans: I just want to say that I'm with Marika. I mean one of the most easily and controversial things in all of registrar compliance is to put Whois and every time I go to a new registrar, I hunt around -- and I know what I'm doing -- forever to find it. It's very difficult to find.

I've been to some registrars, it's down in their copyright notice just about, in font so small I have to take off my glasses and sit with my nose pressed up to the screen because I am (unintelligible).

So and that's one of the more obvious things that people are looking for and something this obscure I am almost certain if they're doing that with Whois, they're doing the same thing with the conspicuousness of this particular provisions that we're discussing here, so I don't think it would be that very difficult to find.

With regards to your point, Alan, about they don't have the statistics, they'd have through the complaints. Well, they've got \$68 million. Hire some people and to through the complaints to get into the statistics.

Alan Greenberg: Okay. Well, Marika has indicated I have been wrong on that so.

J. Scott Evans: Okay.

Alan Greenberg: We'll have to take a look at what she has.

J. Scott Evans: I don't take ICANN is too small and can't do anymore. They're a statistical organization. There's a lot they require volunteers to do. Spend some money and get us the information we need. That's an obligation because the registrars, if they going to have the onus put on them to do something, it should be backed up with hard data.

Alan Greenberg: Okay. Helen?

Helen Laverty: I don't object to ICANN doing information but on the other hand, any time that do about \$60 million studies, everybody in the world that has a domain name is indirectly paying for it and I really think that as a non-profit organization I can just spend quite a lot of money and I wonder whether they can do some of it a little bit more efficiently so we don't have to have domain names gradually crawl up in price.

And one of the methods is to talk to the registrars more. You can ask registrars for information and very often registrars have the information and they can give it to them.

One of the things (Cyro) does to their registrars is to ask for information. Can you please do this survey, can you do this? And because they realize that most of their registrars have a life, they will offer small little incentives but just enough to encourage somebody to do it.

Like they say, well, we'll give you a UFC card or we'll give you a hat or we'll give you \$15 to whatever your favorite charity - some little thing but it helps enough, at least I assume it is, to get their information but probably for considerably less than \$60 million.

Alan Greenberg: Michele?

Michele Neylon: Just actually to back up what both J. Scott and Helen - I mean the thing is, yes, I mean, we have all have vested - as registrars we have a vested

interest in what happens with policy development because obviously it impacts our businesses. But the other thing as well as Helen said, I mean a lot of the time you can see these things coming out where certain kind of ideas seem to be developing somewhere but nobody's actually bothered to check whether technically they're factual or not.

I mean they're so many ICANN staff who seem to think that - or associates who work for ICANN or people involved there somewhere who seem to think that domain name equals Web sites. It ends up with this ridiculous conversation where they're talking about Web sites when we knew they meant to be talking about domain names. A domain name is not a Web site. It can be used for so many other things.

Alan Greenberg: No argument there. Ron?

Ron Wickersham: Yes, I would be curious on the total number of complaints that the Compliance Department gets so we have some order of understanding of the magnitude of how much complaints - even if it isn't categorized to the particular thing we have.

And then the second questions is, is there anything in the agreements that actually requires a reseller or a registrar to provide Whois? I'm not aware that there is.

Alan Greenberg: To answer that, yes there is.

Ron Wickersham: There is. Okay, sorry.

Man: As far as the RAA.

Alan Greenberg: Yes. Who has their hand up for real? J. Scott, Ron? Marika?

Marika Konings: Yes.

Alan Greenberg: Marika, you're on.

Marika Konings: Yes, I just put my hand back on to answer Ron's question. In the data I just sent round basically compliance issues through, I think it's probably from January through July of 2009, I presume that - a total of 7,263 complaints have been received which the majority of those being transfer-related issues.

And again there, of course, transfer implies a lot of different issues so, you know, we're discussing internally I think we need to get better at qualifying those and make sure they get in the right categories. If I recall correctly, I think from the start the transfer has been receiving the largest number of complaints.

But the Compliance Team has a Web site in which they provide I think a really (unintelligible) if I'm not mistaken providing an overview of how many complaints are received and trying to categorize and, you know, which area those complaints have been received.

So, I'm happy to find where that information resides and share that as well on the mailing list.

Alan Greenberg: Okay. Let's proceed. We're down to 20 something minutes left in the meeting. Marika?

Marika Konings: Let's see where we were. So I think we were on the comments in the Business constituency and they basically indicated that yes, there is adequate notice and they agree as well is more a question of compliance and monitoring of compliance than anything else and making changes to the policy.

Alan Greenberg: Did we...

Man: I think we're on question four. We had just finished the question regarding registries saying that there would be too many agreements to review. So I think we're at question four now.

Alan Greenberg: I thought we were - I thought we were on the first one of question three, actually.

Marika Konings: Yes, we just covered the first one of question three. Oh, sorry. Yes...

Alan Greenberg: No. I don't think, I may have missed it, but I don't think we did.

Man: Yeah, we did because we came into the thing about talking about agreements and I said you would do a sample of agreement. And that's where we got to talking about statistics.

((Crosstalk))

Alan Greenberg: So we're up on question four.

Mike O'Connor: This is Mike. (Unintelligible) with the same comments repeated in both the last of the questions...

Alan Greenberg: I see.

Mike O'Connor: ...last of question three.

Alan Greenberg: Okay. Have we done the first - the IPC comment in question three?

Marika Konings: (Unintelligible).

Man: Sorry.

Marika Konings: I got lost there as well.

Alan Greenberg: Okay. I'm in a bit of a daze so I wasn't sure.

Marika Konings: I think we've all been thinking the same (unintelligible). So question three, whether adequate notice exists to alert registrants of upcoming expirations? The IPC there suggests that the Working Group should examine the data necessary to determine if there's a correlation between non-renewed domain names and reminder notices, which are undeliverable due to a bad email address or inaccurate contact information.

Alan Greenberg: I don't disagree with - I assume it's data and not date.

Marika Konings: Yes.

Alan Greenberg: How would we get such information? As far as I know the only people who would have that information are registrars and it's not clear that it has ever been shared with us or would be.

No one wants to take that up? Helen?

Helen Laverty: Again, it's a question of asking us nicely.

Alan Greenberg: The mind boggles how one would do that in the general case. All right. Any other comments? (Unintelligible). Go ahead.

Marika Konings: And the next one is the business constituency where they make the point that it's a question of compliance and monitoring of compliance and they also make the point that failure to maintain accurate Whois data is the leading culprit to expiration alert notification failure.

Alan Greenberg: Probably true and perhaps verifiable if we had the data in reference to the IPC statement. One wonders to what extent - and again, I don't think we have the ability to answer this. Maybe one of the Whois studies is looking at it. To

what extent is Whois data inaccurate because it was deliberately put there inaccurately or to what extent is it out-of-date?

Does anyone have a feeling as to how these two compare? We have Helen and Michele, I don't know if it's in answer to my question or something else. But Helen go ahead.

Helen Laverty: It's not quite in answer to your question. I just don't understand the whole question failure to maintain accurate Whois as the leading culprit to expiration alert notifications.

Are you saying that the registrars have inaccurate data and therefore they don't know when to send out renewal notices or why would this - because very few registrants monitor the Whois to see whether they think their domain is expired.

And the ones that do, often get confused by the auto thing and think, oh , it's been automatically renewed, so I don't have to pay for it. So I actually don't understand.

Alan Greenberg: I think they're talking about the accuracy of the information used to contact the registrant.

Helen Laverty: So rather than say failure to maintain accurate Whois - failure to maintain an accurate database, because those can be quite different.

Alan Greenberg: Okay. We may be talking different things. Michele, I'll put hand, myself back in the queue because Michele's next.

Michele Neylon: Yes. Well, the thing is, I mean there's no - even if all the registrars were really helpful and wanted to cooperate and provide you with, provide this group with all sorts of information about what they thought, reality is that what is in

Whois and whether or not a registrant decides to renew a domain or not probably it doesn't really matter.

But if the domain ceases to function and the registrant is using the domain and they will presumably notice that it has ceased to function and take action to renew the domain.

Now whether or not the actual any data that they put in Whois is changed or not is secondary, because I mean there's nothing to stop somebody from just picking up the phone and ringing the registrar and going, hey, my domain has - my domain needs to be renewed.

So there's no accurate way to actually get that information. I mean it's the - I think if there's - and again if the registrants aren't keeping up-to-date records, there's no way for us as registrars to do anything really about that. The onus lies with the registrants. The only exception to that being if the registrar were preventing the registrant from updating their contact details.

Alan Greenberg: I - it's Alan. I guess I read the statement as not being a statement, excuse me, a statement about registrars and how well they maintain databases, but that registrants do not necessarily keep their information up-to-date or perhaps have it up-to-date to begin with. And that's the way I read that statement, had nothing to do with registrars at all.

Michele Neylon: That's kind of fair enough. I mean it's just asking, you know, how many, you know, the things that the undeliverable due to bad email addresses type thing. I mean personally, speaking from my own experience, I mean the only way we would have of doing that is if we were to start doing (unintelligible) data crunching on their logs, which we're not really going to start doing.

That's just my own thoughts on this.

Alan Greenberg: And indeed you can, you know, you might be able to recognize bounces. You can't tell mail that goes into black holes and some does.

Michele Neylon: We also get bounces as well from mail servers that, you know, that it appears as a bounce, but it actually gets delivered to the mail box.

Alan Greenberg: Oh, I understand.

Michele Neylon: It's, you know, it's not very accurate anyways so, you know.

Alan Greenberg: Berry?

Berry Cobb: Yes. Just to reinforce and put clarity on that statement that in pointing to the registrant failing to maintain their accurate information to try to reinforce that there's really not a policy change that's required here.

It's just more a compliance and monitoring of that compliance because, you know, probably -- and I'm just pulling a number out of the air -- but out of the entire market space of registrars, you know, there might be 4% or 5% that don't give adequate notice per the guidelines set forth in the RAA.

That's where the compliance piece comes in but ultimately the main issue here is in fact registrants failing to provide the latest and greatest contact information.

Alan Greenberg: Okay. I must comment on that. The RAA, in fact, doesn't really have any requirements for advance notice. So...

Berry Cobb: The new one does, correct?

Alan Greenberg: No, it does not. It talks about a second notice which must be given some time prior to expiration, but the second notice could be a micro-second before

expiration and the first notice a millisecond before in the extreme and it would be compliant.

So one of the things we may want to look at is in fact putting some more specific guidelines there. They're not there today. Now that doesn't say registrars aren't doing honorable and responsible things. But we can't attribute it to the RAA.

No more hands. Let's keep on going.

Marika Konings: Next point is made by the registrar stakeholder groups and what they point out that most registrars if anything over-notify their customers of pending expirations. They also point out that accurate Whois information is a registrant responsibility and then as well that if the domain is a critical asset, registrants are presumed to be take measures to be sure the registration is properly monitored and renewed.

Alan Greenberg: An admirable position stake. And Helen had a comment. (Unintelligible).

Helen Laverty: Yes, I just wanted to actually agree with that statement. We do get more complaints about getting extra emails than they would like. It's just the rare ones where they haven't got their emails, they have a fit.

For all of our renewal notices, we actually have ticky boxes so they can untick and never receive any emails as they so choose. Most of them don't do that. The ones that have complained, why are you sending me these emails to all of my (unintelligible). Yes, we'll untick those if you want or you can untick them, but they were still complain that they got too many.

As a matter of fact, every time somebody renews the domain, we ask for an email address and we'll add that to the list of email addresses to send email reminders unless they so choose not to add it.

So yes, in most cases we probably do over-send reminders, but the very small exception that don't get them are the ones that (unintelligible) of their own incompetence in many cases.

Alan Greenberg: Michele?

Michele Neylon: I'm pretty much echoing what Helen said. I mean, we've had multiple complaints from our clients about the volume of emails that we send them in relation to ordering something, renewing something and everything else. And the thing is trying to strike the balance between, you know, we have to do certain things that legally we are required to do so.

But other things that we're required to do so because of, you know, various registry agreements and everything else. I mean ultimately unless you're, you know, out to screw over your clients, you're going to be sending them notifications.

So, you know, obviously I'd agree with that statement and I quite was one of the registrars who agreed to that statement and put forward by the constituency.

Alan Greenberg: Okay. Let's go ahead.

Marika Konings: Last point is made by the registry constituency where they make the same point as before that they're going to form an opinion on those questions following further examination of agreements between registrars and registrants.

Alan Greenberg: Statements? Comments? Marika, the floor is yours again. We have 12 minutes left.

Marika Konings: We're getting through. Question four, whether additional measures need to be implemented to indicate that once domain name enters the Auto-Renew

Grace Period, it expired and IPC proposed that consideration should be given to an update of the Whois record and analogous to the dispute notice to reflect that the domain name is now expired and to provide information on how to effectuate a redemption and renewal.

Alan Greenberg: Michele?

Michele Neylon: I mean this has come up in other discussions that we've had and it seems as if once we mention making any changes to these kind of various statuses that are (unintelligible) within Whois, it's as if we're talking about a sacred cow that cannot possibly be modified.

Now personally, and I'm sure some of my colleagues will disagree with me strongly, that's their prerogative. I would be a lot happier if, especially with thick registries, if it was made clear in the Whois status for the domain what status it had, it actually held as far as the registry was concerned, in terms whether it was within the renewal period or whatever.

I would be a lot happier with that because it would mean it would be clear for all parties concerned, but if you noticed further down, and I know we haven't gotten to it yet, the registry constituency again seems to - doesn't seem to want to give on an answer on that. It seems to push everything back.

Alan Greenberg: James?

James Bladel: Yes. In fact, I've been waiting for this question for quite a while and Michele went and responded equivalently and much more eloquently than I would. But essentially one bit of confusion that we see quite frequently is that when the domain name Auto-Renews, the registry increments the expiration date in the Whois by one year.

And I think that their response to this question, I guess I would want to maybe rephrase it and pose it to them a little more directly and I don't know if we

have an RC rep on this call. But the question could, would it be unreasonable to ask that in a thick or thin Whois that an asterisk or something be attached to a date that is - that the registry has renewed but for which they have not been paid by the registrar, or that the registrar has an option to have that refundable.

And I think that, you know, this is something that could go a long way to eliminating a lot of confusion on the part of registrants. And I agree with Michele. It's, for some reason it's a nonstarter as a conversation and I probably am sufficiently naïve to not know why that is such a sensitive subject.

But I mean clearly something needs to indicate when something has been renewed automatically by a registry that they have not yet secured the payment or at least they have secured but it's available for refund from the registrar.

Alan Greenberg: Yes, I was just going to clarify that, in fact, they have been paid. It's refundable but from the point of view of a financial transaction, it has been paid. We had an extensive discussion on this a few weeks ago, on should there be two different expiration dates in Whois, one from the registrant's point of view and one from the registry, registrar's point of view.

And I do not think it's off the table. I don't think it's sacred. I think it's something that we may well end up with in our final recommendation.

Michele, is this a new one or an old one?

Michele Neylon: No, it's a new one.

Alan Greenberg: Okay.

Michele Neylon: I mean with, as we've mentioned (unintelligible) phase again in the past and with, like for example, with the co-uk registry when the domain - when a renewal request has been sent by the registrar to the registry, but it's within the billing period -- it's just to do the way Nominet handles its billing for the registrars -- it doesn't say, you know, domain just, you know, domain renewal date.

It actually has with it a status (unintelligible) saying I think it's something like renewal requests being processed or something along those lines. Other registry operators, for example, (unintelligible) based on registrar feedback because we were getting sick of fielding the same kind of queries, we also added extra statuses to the Whois (unintelligible) in order to flag various different statuses of domains.

Now the problem is this, and it's just kind of following up a bit on what James is saying, and I may be being a little bit more forceful about this than I would normally be because I'm been trying my best to be diplomatic, is that when in both this Working Group and another Working Group which I'm involved with, the registry operators have an awful habit of kind of going, oh, no, no. We can't possibly discuss this. Or just shoving it straight, going, oh, no, that's a registrar problem.

Whereas in a lot of instances, it would be significantly easier, significantly saner, significantly clearer if the registry were to actually take, enact some form of action, be that - well be that in terms of doing something to prevent an action from occurring or changing a status (unintelligible) and clear.

Because one of the other conversations we had about this was, you know, where the data is coming from in terms of where people do and who we (unintelligible). And ultimately, you know, if the registry is sending some data down the tubes back to everybody, then it can be displayed and then you get this nice uniformity.

Alan Greenberg: Mike?

Mike O'Connor: This is Mike. You know, this came up and some of you IRTT hands help me out, but I think it was in the last IRTT Working Group and one of the discoveries that we sort of made as a group is that Whois is really two systems in one. It's Whois a system of controversy and (unintelligible) that has a policy discussion that goes back many years very locked up.

But it's also the operational system by which registries and registrars communicate a lot of information. And one of the things that we are arrived at was the blurring between those two kinds of systems really complicates this discussion and to the extent that we can separate out the operational aspects, which is what this discussion is all about.

This is the operational database by which critical information is communicated really between registrants, registrars, and registries, and proceed to make positive changes. I think everybody benefits from that. And so I'd just like to chime in from that perspective and support, you know, this general theme which is don't take this off the table just because it's Whois, because Whois is the operational system by which we pulled this whole thing together.

Alan Greenberg: I'll just make one comment and I don't pretend to speak on behalf of registries, but in one of my previous calls on the IT Clearinghouse, there was a discussion which had to do with adding a Whois entry that currently doesn't exist and it was pointed out that this is essentially table driven and one can add entries.

Of course it means that all the registries involved and all the registrars involved will have to take action to implement it. But it's not necessarily sacred. It's just a lot of work.

Michele?

Michele Neylon: More work for us I might add and it's a change, I think that that's a...

Alan Greenberg: Well, perhaps, but, certainly...

Michele Neylon: (Unintelligible)..

Alan Greenberg: Certainly there's more of you.

Mike O'Connor: Yes, and we're willing to discuss it but I think it should remain on the table.

Michele Neylon: Yes, I mean I just wanted to follow-up and say, with regards to what Mike was saying. I mean there's two parts to Whois. There's the contentious thing which is to do primarily with the contact details for the registrant and all that, which is best not discussed.

But just other sides with the pure operational aspects of them, there's no reason why that cannot be discussed and, you know, if the registry operators cannot constantly push it back to everybody else and try to disavow any responsibility in terms of what appears there. So I think, you know, it's something that should be discussed.

Alan Greenberg: Yes, and as I pointed out the comment that I was echoing was made by a registry. So there's no one denying that changes can be made and some of the Whois changes are not, as Mike's pointed out, are not in the list of the controversial ones that have been discussed ad infinitum.

Michele Neylon: Yes, I mean from our perspective, Alan, I mean I can't speak for the other registrars but I know from our perspective our Whois server basically it's templates. All it is, is a bloody templates and there's certain - there's labels and the then fields are populated from a database.

So I mean I can change the language that's in those labels very, very easily.
And I can add more fields from the database if I have that data.

Alan Greenberg: Yes.

Michele Neylon: It's from the Whois that I am producing. But for a thick Whois, it's - the data it's held by the registry, they already have the data. So it's simply a matter of them making those changes. And if they have - it's a database driven system and unless they come up and try to reinvent the wheel, they probably using something which is not dissimilar from the systems the companies like ourselves are using in order to populate those fields that appear in a Whois wherever the hell it appears?

Alan Greenberg: I think we're all violently agreeing with each other. Mike?

Mike O'Connor: Oh sorry.

Alan Greenberg: Okay. Helen, then?

Helen Laverty: No, I was just saying as another registrar I agree with Michele 100%.

Alan Greenberg: Anyone want to disagree? All right, if I remember correctly that was the last question of question four. Am I correct? Marika has dropped off. She's in the middle of dialing in.

Marika Konings: No, I'm back on.

Alan Greenberg: You're back. Oh, it doesn't say you are.

Marika Konings: I'm down - if you look at the meeting queue, there's a separate entry again.

Alan Greenberg: Oh. It still says (unintelligible). Still says...

Marika Konings: They just add you again.

Alan Greenberg:...disconnected on mine. But okay, you're back, so go ahead.

Marika Konings: So I'm just looking at the list. The business constituency says as well that they're going to comment once further analysis have been completed by the post expiration - or by the Working Group. So I was just moving through the list as were almost at the end of the...

Alan Greenberg: Yes.

Marika Konings:...the call? Registrar stakeholder group says there's no need to have additional measures. They conclude that it's highly unlikely that additional measures would encourage renewals when previous notices have not. No comment?

The registry, stakeholder group also points out that they...

Alan Greenberg: Some of us disagree, but we don't feel the need to comment.

Marika Konings: Okay. And the registry and stakeholder group points out as well that they would like further data gathering and that should be the guiding question for the Working Group to answer.

And they also noted another meaningful question might be what current contemporary purpose is served by the Auto-Renew Grace Period and how does affect or influence the success of the subsequent RGP?

Alan Greenberg: All good questions. Does anyone have any comment on the current Auto-Renewal Grace Period? Should it be scrapped? Is it what's causing our problems? No answer.

Since our meeting is officially over - I'm somewhat dead - can we agree to continue the last little bit next week and we meet at the same time next week?

Any disagreements? Is anyone still there?

Man: We're here.

Alan Greenberg: Okay.

Man: We agree.

Alan Greenberg: Then silence is agreement. I thank you all. I thank you for putting up for my somewhat slap happy chairing today, but there is only so much teleconferencing one can take in a day.

And I wish you all well for the rest of the week and for those celebrating Thanksgiving - that's not until next week, is it? I withdraw my good wishes for Thanksgiving.

I'll see you all in a week.

Man: Thank you.

Man: Thanks, Alan.

Man: Okay. Bye-bye.

Female: Thanks.

Man: Thank you, Mike.

END