GNSO
Inter-registrar Transfer Working Group teleconference
February, 2008 at 15:00 UTC

Note: The following is the output of transcribing from an audio recording of the Inter-registrar Working Group teleconference on 30 January 2008. 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/inter-registrar-transfer-wg-20080206.mp3**

Notes from the meeting can be viewed at:

http://forum.icann.org/lists/gnso-trans-wg/msg00073.html

Chuck Gomes: Maybe we should start. Go ahead and start the recording please.

Coordinator: Certainly, sir. Be just one moment. You may go ahead. The recording has started, Chuck Gomes, thank you.

Chuck Gomes: Thank you very much. The – I wonder if we should go – does it make sense for us to talk about (Tim)'s - that concern (Tim) communicated via the list on one of the actions we decided on last week, or would it be better to wait until (Tim)'s on the call?

Tim Ruiz: Excuse me, Tim Ruiz now will join.

Chuck Gomes: Well, that takes care of that. Welcome (Tim).

Man: Hi Tim.

Chuck Gomes: We've got – there's (Olof) and (Robert) and (Tom) and (Chuck) and, who did I leave out?

Man: Mike?

Chuck Gomes: Yeah. I left out (Mike). …are all on the call, okay? It is being recorded. Hey (Tim), could you start us off? You had sent an e-mail to – expressing a concern about one of the things we kind of agreed on last week. So could you start us off with your thoughts there?

Tim Ruiz: Within regards to – I think there were a couple of thoughts. One was in regards to the sending of the FOA and that it was kind of two parts there. And it felt like, well the first part actually requiring the losing registrar to send the FOA was one thing. Requiring a response and a return before they did anything was another. And that in fact, the requiring of the FOA to at least be sent but not necessarily waiting to take any actions for a response was something that the FX had listed as a possibility or potential recommendation in their report when they were on the domain name hijacking.

So I just thought that, you know, there's a possibility they're separating that out because they don't – and I think that's the way the issue was sort of stated – with sort of an and/or, but you've got to look like we were only looking at it as they were tied together and one would require the other.

Chuck Gomes: And one of the concerns going back – and you were a part of the original group which, there's a side group that worked on the Chancellor policy – and one of the concerns I had communicated that if we require the existing registrar of record to respond, then that goes totally against what we're trying to avoid in the original policy. Now, do you agree with that? What are you thoughts on that regard? And then we'll come back to the and/or issue.

Tim Ruiz: Yeah, I think requiring a response to that FOA would be – would probably be going much further than what I think anybody intended…

Chuck Gomes: Okay, and so you're on the same page there.

Tim Ruiz: Right.

Chuck Gomes: Okay, so help me understand – how would you change – how would you deal with this one then? Do you think that this is - explain again the – what's your understanding of this particular recommendation is, then.

Tim Ruiz: That it's actually two parts – one, that considering whether it should be – that losing registrar should be required to at least send the FOA and then the second part, which I think we all agree is probably going too far and that's where you – where the (unintelligible) registrar would have to wait – that we would have to wait for a response. And that wouldn't just be the registrar. That would change things like, you know, and automatic five-day approval if nothing else is done, you know. You wouldn't be able to do that anymore. You'd have to wait for a response. Now that's going too far.

So I think it's just that first part, whether or not an FOA should be required to be sent by the losing registrar. Basically, it's like a notice that we've received the transfer request. This is just to inform you and, you know, if this isn't appropriate here's the actions you need to take to cancel this request.

Man: But what if they don't send it then? What if the losing registrar doesn't – maybe I'm missing something here.

Tim Ruiz: No, I think that's where we would get to, you know, the question whether it would be a – just what the practicality of it would be, et cetera, is how would we enforce that? Would we enforce that? You know, if there's no requirement to wait to do anything… I think if we tried to add anything in there that would require some kind of wait or the kind of response, that would probably be an issue.

So it'd be one thing to say, you know, yeah – that the losing registrar is required to send an FOA. Trying to enforce that is another – and I think the other aspect of that that'll come up, be an issue if - when it's discussed will be that if the FOA isn't sent but the transfer goes through, then how does that come into play in the dispute resolution process if the registrant claims that the name was never – that they never got that FOA?

So yeah, I, you know, it does add a lot of other little nuances and complications to the whole thing. And, you know, and I – and Chuck, I'm not necessarily saying that, you know, I think that that should be the requirement. My main point was that we didn't dismiss it solely on the basis that it was tied to having to wait for a response for the losing registrar.

Chuck Gomes: Got it. So let's…

Tim Ruiz: I think the FX recommendation was just that it should have to be sent. So maybe it's a matter of , you know, the strong recommendation had to be sent or something.

Chuck Gomes: Yeah, help me understand. What does it mean, then – and let's forget about the one part that we know would go against the original intent –

but what does it mean that it's required that the registrar of record would send an FOA? Because isn't the FOA sent by the registrar that's initiating the transfer first? Are we suggesting that another FOA be sent by the registrar of record?

Tim Ruiz: Yeah, maybe FOA's a bad term or a bad choice of words for that. It wouldn't be really us, a form of authorization, because we're not requiring any response. So it would just be, you know, more of a notice.

Chuck Gomes: Have they received it? Did they receive it notice or – let's…

((Crosstalk))

Tim Ruiz: The losing registrar would be required to send notice that the transfer has been requested with, you know, if this isn't the case, here's how to contact us or here's how to cancel the transfer.

Man: Okay. So this is requiring, then a response from the registrar of record that they've received notice of a transfer request – they have received a copy of an FOA from the…

Chuck Gomes: No. This is, the losing registrar is sending a notice to the registrant they have on record of that domain name. That they've received a request to transfer that domain name away.

Man: Oh. Okay. Now that – thank you. That – I'm sorry for being so thick-headed here, but that's what this thing is saying. So it's actually – the losing registrar, the registrar of record would have - is required to send

notice to the registrant or admin contact or both, whatever applies, that a transfer request has happened. Is that right?

Chuck Gomes: Right. I think - Yes. Yeah. Exactly. And I think the FX thinking is that, you know, it would help in cases where, you know, a rogue registrar or non-compliant registrar is requesting a transfer request without getting the appropriate form reauthorization or perhaps they didn't get the authorization from the appropriate party or whatever.

Man: So in the case of a rogue registrar though, how would – I guess there's really – it'd be very hard to enforce this, huh? I mean, it sounds like a good idea. How would we make sure it happens?

((Crosstalk))

Chuck Gomes: Exactly. I mean, that's where I think the issue's going to come up. We can say that, but how do you make sure it happens and what kind of issues does it raise in the dispute process later?

Man: I suppose it could be handled on a reactive basis if a registrant, you know, through some means complained later -- I'm not sure who would they complain to -- that they never received notice of a transfer request. But even then, it would be – I'm not sure how that would be handled.

(Mike): (Unintelligible), I've got a oppressive question for you. This is starting to sound like we're actually doing the policy work rather than trying to pick the policy things that we're going to work on.

Chuck Gomes: Well, yeah, but keep in mind, (Mike), that what – the idea is not let's spend a lot of time doing policy work if it doesn't look like it's very feasible. And that's what we're trying to (unintelligible) right now.

((Crosstalk))

(Olof):   Is it - should we conclude that we should reconsider well, this just eliminating 15 and see to some phrasing of the beginning of it and still keep it? Is that…

Man: Yeah, I think that's what – the question that (Tim) raised, that it's healthy for us to have that discussion right now and come to some sort of decision in that (unintelligible).

Man: Well, if you actually ask me, that's something, if I understand the policy correctly, the registrar can already implement if he's a good registrar who's caring for the customers.

Man: I don't see any reason why we should impose that on every registrar, no matter whether he wants to do it or not. If he doesn't want to do it, he probably won't and it's hard to kind of figure out whether he does it or not. And I don't see what good it will do him. So, it's – I guess it's really to the discretion of the registrar, whether he wants to protect his customers in a better way or not. I don't see any reason why we have to in some way put that into policy and regulate it.

(Mike):   Well I'm going to lobby from the registrant point of view that not having something like this added somewhere in policy makes me really nervous because it seems like this opens up – I mean, one of the reasons, Chuck, that I've never left Network Solutions with my domain

is because I've always been nervous about the transfer process and that moment of uncontrolled domain between the two registrar.

And something like this would cheer me up a bit because it would give me sort of a little bit more of a positive sense that I could stop a rogue registrar, not that…

Chuck Gomes: Well, the problem is (Mike), is that the rogue registrar isn't going to send it to you.

(Mike): Right. But, you know, at least then there's…

Man: Well, the gaming rogue registrar wouldn't but if you're with – but your legitimate registrar that you might be with, or like (Tom) was saying, would certainly – probably even now certainly does. You know, GoDaddy always sends one out. And, you know, because of that fact that we , you know, that – because we're not allowed in any way, you know, to verify that the registrant – that the registrar on the other end has actually done their job. We're just supposed to assume they have. (Unintelligible).That's the default assumption.

Man: Yeah, I don't see any reason of making it mandatory. I mean, there's competition out there in the space and if you don't feel comfortable with the registrar who is not supplying that kind of safeguard, I would change over to another registrar. I mean, that's (unintelligible) free decision.

So, it's not something that has to be hard-handed, regulated by entity. That is regulated by the market itself, I guess.

Man: Again, I want to – I think we're starting to make policy rather than choose which policies to make but the other thing is that I think that that presumes a more sophisticated registrant than in many cases there.

Man: Well maybe what we ought to do here is leave part of 15 in – the part that we're talking about for being part of this group of a PDP. Does that make sense?

Chuck Gomes: Yeah, I think that makes sense. You know, it might even make sense to add a comment to it that, you know, we discussed the issues about, you know, enforcing that and that, you know, maybe there's, maybe it's even another way to look at it is that it's, you know, an advisory or a strong recommendation given to registrars or something of that nature.

Man: Yeah. That's a good idea. I think adding a comment that says something like you just said, which is basically, you know, we recognize that this might be pretty tough to enforce but there could be value, like (Mike) said, in terms – from at least a registrant view of the situation.

Man: So (unintelligible) it's a very technical thing whether we send it out or not. Would we leave it in Group A or the first group?

Man: This is, again, where I think that, as with many of these, there are sort of technical facets and policy facets.

Man: Oh yeah. I agree.

Man: …that we might consider splitting them.

Man: Well, all the ones in Group A have both, so there's no just one thing or another. So we can, you know, we can single them out all together, you know, then we have 16 PDPs and we can group them. So, it's, you know – considering whether it's a must or not is a very low-hanging fruit.

Chuck Gomes: So then, what I'm hearing – that there seems to be a consensus on is that we modify – we keep part of 15, basically. We get rid of the part that is requiring the existing registrar to respond back but we keep the part about – and it - I don't think it should say – well, yeah, it's okay to send the FOA but it should say send an FOA to the registrant, right? Registrar or admin contact?

Tim Ruiz: Maybe that's the terminology issue. I think from the registrant perspective what would be very helpful is if the losing registrar let me know, "Hey, your domain name's leaving. Is that okay?"

Chuck Gomes: Right. And that's what I was getting at there.

Man: I think that's what 15 is trying to get at. And it may be that the use of the term FOA is what's (unintelligible) things up.

Man: Well, FOA is okay as long as I – see, I didn't understand that the FOA that they're talking about, there's going to the registrant or admin contact. That's a crucial piece of information for me…

Man: Yeah.

Man: …that I think needs to be in there.

Man: Well, it is in there.

Chuck Gomes: I think it's termed FOA because there's an actual Form of Authorization defined or approved by ICANN. If you're going to do it, you have to use a certain form so that you're not further confusing the situation or whatever. It's similar to the…

Man: Yeah. Right. I don't see where that's in there, (Mike). Where do you see that's in there, that it's going to the registrant or admin contact?

(Mike):   Well, it's called transfer contact in 15, which is I'm assuming, sort of a blurring of…

Man: Yeah, but that's the part of this that we're eliminating.

Man: Well, but if we changed that to…

Man: It's okay to – and besides, the registrant doesn't have a transfer contact. The transfer contact is a contact for the registrar.

(Mike):   Oh, is it?

Man: Yeah.

(Mike):   Oh. Well then, maybe we can clarify this…

Man: That's what I'm suggesting is that we make that clear.

(Mike):   That's delightful. I love that.

Man: So, we make it clear. We say the registrant (unintelligible).

Chuck Gomes: Registrant or registrant contact, because in some cases it might be the admin contact or whatever.

Man: Yeah. We don't have the registrant for most of the time.

Chuck Gomes: The losing registrar doesn't? Sure you do.

Man: Well, it depends. Some registrars might have, some not, depending on the reseller chain and stuff like that.

Man: So it's better to cover both bases. Registrant or…

Man: You can certainly send it to the registrants and that is, the registrant is always overriding the admin-c but for a lot of cases you can't figure out the registrant so you have to go with the admin-c because that's the one's that is in the Who Is database.

Man: Yeah. And then we – so, we use the phrase registrant contact?

Chuck Gomes: Registrant or contact.

Man: No, or admin-c.

Chuck Gomes: Excuse me?

Man: Or admin-c. I mean, we have to stick with the terminology that we already have.

Chuck Gomes: That's fine.

Man: So, there is nothing like a registrant contact.

Man: Yep. I agree.

Man: There is a registrant that might have an email address…

Man: Right. That's why I didn't like what (Olof) said. Right.

Man: …and we have an admin-c that definitely has an email address but we can use both if we have it. But if we just have one of it, we should use that one and that's the only thing we are sure of with the admin-c.

Man: Okay. And we do – what do we do with the second part of it after the comma?

Chuck Gomes: We throw that out.

Man: Okay.

Chuck Gomes: Now while we put it in the – excuse me – that was wrong. We put it in this new category we're creating where we're not recommending work be done on that, but there still can be discussion on it if they want.

(Mike):   Well, I think – and this is where the registrant – I'd lobby that we leave it in and figure out a way…

Chuck Gomes: The problem with that, (Mike), is that – and (Tim) and (Tom) can attest
              to this. When the original work was done on the policy, this was a key
              – this goes against a fundamental decision in the policy that was
              developed. The problem was, historically – and (Tim) and (Tom) can
              talk to this better than I can – but the problem was is that that provides
              an opportunity for the existing registrar to just not respond and totally
              block transfers.

              And so, your concern for the registrant then that doesn't work in that
              favor because it makes it very easy for a rogue registrar that doesn't
              want names to be transferred, let's just not respond and so nothing will
              happen.

(Mike):   But in this case, is it the registrar that's doing this responding or is it
              the registrant? The way I read this was that the registrar – the losing
              registrar had to send the FOA to the registrant…

Chuck Gomes: Right.

(Mike):   …had to wait for a response from the registrant before acknowledging
              transfer. That's the way I read this.

(Tom):   That's correct, but still, you know, with what Chuck claims is totally
              true. As we designed the system, we were asking the question whether
              that should be an autonac or an autonac system. What you're
              describing is basically an autonac system.

              So if there's no confirmation giving back, it's nac. That was decided
              back in the time so that would be not the appropriate way because
              they're more intended transfers than unintended transfers. And what

you kind of suggested that we would reopen that whole debate. And this is to enhance the current policy, not to change the current policy.

(Mike): I get that. So here's a question. Is there another piece of this aisle of 19 suggested policies that we could use to accomplish the same thing because I certainly understand what you're saying and support that. The thing that I'm wanting to get in front of the group is any ways that we can sort of protect the registrants in the process that we're proposing. Certainly, I understand, (Tom), what you just said. That makes…

Man: And I think that gets it part of the way or kind of peripherally anyway, into the other issue that I raised about combining 5 and 6. So maybe I can – well when we're ready to go there I can explain that a little bit.

(Jeff): Well, I get (Tom)'s explanation and I should have gotten Chuck's but, sorry Chuck I slipped out.

Chuck Gomes: All right, (Jeff).

(Jeff): So I…

Chuck Gomes: I told you that (Tim) and (Tim) would be able to explain it better than me.

(Jeff): So I'm willing to go with that. I'm not sure that having done that, we really have anything left with 15, however. Then I start to get back to do we really need it at all because isn't there already something in place that the registrar of record lets a registrant know that there's a transfer…

Chuck Gomes: Well now you're getting back to the issue of enforcement. That was what we were talking about. We can leave that in there, the part that we left in, but it probably impossible or near impossible to really enforce it. so it's there as – and I thought that's what you were saying, that you'd – it'd still make you feel more comfortable.

(Mike): Well, I mean, I think that what happens for me, and this is one of those drawbacks of having a – sort of a clueless registrant in the conversation is that I don't – I sometimes say things because I don't understand the process well enough to know that I'm saying something stupid.

Man: Would it be helpful to have either (Tim) or (Tom) kind of walk through the way a transfer happens?

Man: I don't want to soak up all your time with that.

Man: They could probably do that fairly briefly.

(Mike): Well, I mean I've – and I've done a couple of transfers. The thing that -I guess the enforcement part of this I also get is problematic and that being the case – and that's where I get to the, "Maybe this isn't the vehicle to use to derive the protections for the registrant that I'm really after," because I don't want to pick a method that's going to completely goof up the back office processes that you guys have to support. That's certainly not my intent.

Chuck Gomes: So are we back to maybe eliminating all of 15? I'm curious. I don't have a strong position one way or the other, but what I heard you said (Mike), is that maybe there isn't any value left.

(Mike): I think that if the – if it turns out that the ac/nac issue really doesn't work, then just sending out the notification – let's say…

Tim Ruiz: This is (Tim). I think there's certainly value in sending out the notification. I think the question is whether it makes any sense to try to require it. my feeling is that if we leave it in and maybe recommend that, you know, just note that forcement is an issue that perhaps this is just – this should just become part of advisory or a recommendation to registrars but not a requirement.

And then, - and because I think it's been raised by registrars as a concern and it's been raised by the SSAC as a concern and so at least addressing it to that degree, it seemed to me to make some sense. And it certainly does add value to the registrant if registrars will do it.

(Mike): Oh, yeah.

Man: Why don't we leave it in, and then it can become part of the PDP.

Man: Which one? The second part?

Man: No. The first part.

((Crosstalk))

Chuck Gomes: Just the first part. We eliminated the other part.

((Crosstalk))

Man: A comment that this is, well if we leaving with the first part and this is
             rather an advisory and the (unintelligible) be sent to the registrant or
             admin contact.

Man: We don't really have to have any (unintelligible). We don't have to give
             advice. We just have to say whether it goes into a PDP or not.

Man: Okay, but now the phrasing of it – or, should we keep the phrasing as it
             is then?

Man: I would just kind of really take out the ...

Man: Chop off everything that comes after the comma?

Man: Yeah. And make sure that the FOA is going to the registrant or contact
             – or admin contact.

Man: Okay. So, that's a little text. Okay. I think I can manage that.

(Mike):   And for the clueless among us, that would be me, if there could be a
             reference to the policy discussion that the second half invalidates as
             we explain why we're dropping the second half, that would be helpful
             because then I could go off and read that and not waste you guys'
             time.

Man: Oh.

(Mike)   Is that – I'm assuming that somewhere there's a document that sort of describes the ac/nac discussion that we just referred…

Man: Yep. And that's largely precedes me. I'm not sure if I can dig that up in a short period of time.

Man: We probably could ask (Tina). She ran that whole show like 4 or 5 years back.

Chuck Gomes: One of the problems is that whole process took a couple years so - and it was very contentious for a long time. So maybe there's some stuff there – I'm not sure it's just referring to the policy. I guess the policy itself wouldn't show the debate that occurred there.

(Mike):   I'm not sure I need to read the debate, I was just thinking that if someone – I'm thinking that if one of my fellow registrants said, "Hey (Mikey), how come you got rid of that? That was totally cool?" I'd love to be able to say, "Well, because of this." I'd love to have something to point to that says, "Look, folks…" It would be totally cool, but here's the reason why I…

((Crosstalk))

Chuck Gomes: Well, the simple answer is that that would allow existing registrars to easily block transfers, including from registrants who really wanted transfers.

Man: (Olof), could you capture that sentiment? That's probably enough.

Chuck Gomes: Did I say that right (Tim) and (Tom)? Please keep me honest.

Tim Ruiz: Sounds good to me.

(Tom):   Yeah.

Chuck Gomes: I think that's very helpful.

(Olof):   I'll try to capture that.

Chuck Gomes: Perfect. Thanks. Sorry to be such a clueless newbie.

Man: I mean, that was a lot of time we spent talking about that particular concern because there was lots of criticism that some registrars were doing that.

(Mike):   In the other side of that, of course, it's quite devastating, which is rogue receiving registrar hijacks domain. Domain registrant has no way to stop the process, doesn't get notified, has no way to nac. What's the process that protects the registrant from that scenario today?

Tim Ruiz: Actually, it's luck. I mean, that's the way it's implemented with most of the registrars, that the registrant himself can choose whether his domain name is open for transfer at all or not.

Man: Oh, you said lack, not luck. I'm sorry.

Man: No, luck. I'm sorry for that one.

Man: Closely related. No.

Man: Yeah, depending on the registrar, it actually is.

Man: We can just stop our work and let's just go with luck.

Man: If I was an Irish guy I'm for it, but… I'm sorry. I beg your pardon.

Man: (Unintelligible) the decision-making machine, the coin. Flip side or the other side, yeah?

Chuck Gomes: Should we go to 5 and 6 now?

(Mike):   Yeah. That's great. Thanks, guys.

Chuck Gomes: (Tim), you want to jump in again?

Tim Ruiz: Yeah. I just had some concerns about trying to combine these, because , you know, I see what you're saying about 6 and 5 looking like they're related, but I think with 6, the main issue there is just time-limiting the FOAs. And I think that's pretty much low-hanging fruit. I can't imagine that becoming a big issue.

               It certainly makes some sense that there's some kind of reasonable limit. You can't, you know, hang on to one for a year and then try to, you know, run it through to get a transfer done but the reason that the lock comes into play isn't just because of , you know, that's not really the only reason that a transfer gets denied. I mean, there could be other reasons and so I think 6 kind of stands on its own.

For whatever reason a transfer is denied, there should still be some time limit associated with how long an FOA can be kept without having to renew it or , you know, reauthorize that transfer.

But 5, dealing with the lock, I think if given some conversations with different registrars, I think that could be a little bit bigger can of worms than what we might think it could be, just because there's so many different things going on right now with lock. And I think, you know, spending time trying to look at all those and trying to decide, you know, just exactly how we could word some kind of limitation or reasonable access kind of things will – might be more complicated than we thought.

For example, one of the things that I know, you know, we have, you know, we mentioned in our response to the overall transfer issues in our statement, one of the views that GoDaddy expressed was that the ability to allow the registrar to select a more secure method of unlocking a name.

So, in other words, you know, if they choose to become a part of some system or value-added service or whatever that the registrar offers, you know, the registrant should be able to opt-in to the process where unlocking that name is more difficult than what it might be to get, you know, to do other things – to, you know, change their name servers or whatever it might be, that the registrar should have that option.

So I think just given some of those kinds of things, I think the lock could be a bigger issue and that it would just bog down 6 which should be kind of a pretty easy – in my estimation – something pretty easy to deal with.

Man: So, your suggestion, (Tim) is to separate 5 out to isolate it as a big – it may be a PDP in and of itself and just leave 6 in the script? Is that what your suggestion is?

Tim Ruiz: Well, at the very least, you know, to not combine them as I think it'd been suggested.

Man: Okay.

(Olof):   But I think, well, in line with other issues where we have tried to single out those who are bigger and chewier, well, I think that seems logical, then to keep 6 as easily done, low-hanging fruit and part of group, the first group and indicate that 5 would rather be worthy of a PDP on its own.

Tim Ruiz: Or at least part of a more substantial PDP. There may be others that go in with that.

Man: Well, keep in mind that we don't – I think it's okay to have items in here that require more substantial work unless the group thinks that this one, with all the rest would just be too much. Is that what you're thinking, (Tim) is that maybe including this with these others would be too much?

Tim Ruiz: I think that's a possibility, yeah.

Man: Okay.

Man: Okay.

(Olof):   All right. I think I got that.

Chuck Gomes: So for right now, we'll isolate 5 and take it out of this group.

Man: And this group that we're talking about is sort of the low-hanging fruit group, right?

Chuck Gomes: No, that (unintelligible) I think, with what (Tom) designed it as. (Tom), you want to talk to that?

(Tom):   That's all right. I was just…

Man: Taking a short vacation?

(Tom):   …distracted. What exactly are we talking about?

Man: (Tom), you weren't – Group 1, your first group, wasn't intended just to be low-hanging fruit was it?

(Tom):   No. Absolutely not. I was just trying to combine things that are in essence something that have technical – that are operational issues, actually. The other Group I came up with is actually (unintelligible) more rounded transfer dispute policy, meaning the, you know, how you resolve once a transfer has been gone through and all the problems that go along with it. If some people claim that it might – should not have been transferred.

Man: So, should we call this group Operational Transfer Policy Issues?

(Tom): That is what I actually wrote to the current operational rules of the transfer policy.

Man: Okay. And that's what you said. So…

(Tom): Yeah.

Man: Yeah. Okay. All right. That's…

(Tom): And some of them are low-hanging fruit and some of them are not, so…

Man: Okay.

Man: Anything else on this operational rules group?

Man: That being the case, it seems like we could leave 5 and 6 in it and then somehow designate 6 to be low-hanging fruit and 5 being one that's probably going to need more work.

(Olof): Right, but sort of decouple the two.

Man: Yeah.

Chuck Gomes: Let me make a process suggestion here. Let's go ahead and isolate 5 for right now. I think what we're going to have to do once we kind of finish going through all of these and adjusting groups and doing things, we're going to have to come back and take a look at the total picture. And that might be the best time to decide, "Yeah, let's put it back in there or let's keep it isolated." Does that make sense?

(Tom):   That's fine with me.

Chuck Gomes: Because I think it's – until we look at the total picture, once we've gone through everything, it's going to be a lot easier then to make decisions like whether we put it back in or not, than it is right now, I think.

Man: Yeah, I think it's probably good to (unintelligible).

Man: Yeah, I'm good with that.

Man: Good point.

Chuck Gomes: Okay. So we'll isolate it right now and then we're going to come back and take a look at the total picture. I know that'll be a lot easier for me once I see everything we've done all in one place. So does that take care of the operational rules group?

Man: There are a bunch that we didn't talk about the last time that could probably get dropped into that bucket if you want…

Chuck Gomes: Didn't we go through the ones that (Tom) had suggested though? That doesn't mean we can't move other ones back into this group.

((Crosstalk))

Chuck Gomes: I don't remember where we left off last time. (Olof), where'd we leave off last time?

(Olof):   We managed to cover everything up to 18, meaning through the next
                 chapter in (Tom)'s listing, the enhancement of the current transfer
                 dispute policy.

Chuck Gomes: That's what I thought.

(Olof):   Well, and then, those we haven't (unintelligible) and…

Chuck Gomes: I understand that, but we…

(Olof):   …(unintelligible) there may be some that we could – should be shuffled
                 into some other category, but we haven't really talked about anything
                 past 18 in his paper.

Chuck Gomes: And so, (Mike) what we're used to guessing…

(Mike):   I was thinking that maybe we were ready to carry on past 18 and start
                 dropping to et cetera, et cetera.

Chuck Gomes: I thought that was the case.

(Mike):   Yeah. And that some of those could easily also be added to this
                 operational clump.

Chuck Gomes: Yeah. That's absolutely true. We're not saying that the first group in
                 closed.

(Mike):   No, right.

Chuck Gomes: We're just saying that we've covered those for now.

(Mike):   I think we're agreeing.

Chuck Gomes: Okay. Good. All right. So we're on number 2?

(Olof):   Yep.

Chuck Gomes: Whether process for urgent return resolution of a domain name should be developed as discussed within the SSAC hi-jacking report? Now this is one of those that I had commented – I thought which was somewhat related to 7, which we have in the operational group.

Man: I think we took that out, didn't we?

(Mike):   Yeah, I thought we did, too.

Man: Didn't we take 7 and 2 out into a separate group?

(Olof):   They – we actually did, yes.

Chuck Gomes: But why – would it make sense to…

((Crosstalk))

(Olof):   (unintelligible) couldn't have reasonable technical aspects but also much more difficult policy aspects, deserving a thorough investigation and separate handling, conclusion to combine technical aspects of 7 and 2 and keep them in the first group while combining the policy aspects of both as a separate potential PDP. That was my little condensed version of our discussion last time.

Man: So, we are with 4?

(Olof): Yes.

Chuck Gomes: Well, just a second. I'm sorry for being slow. So, we're leaving – are we isolating 2 and 7 as totally separate or just parts of them?

(Olof): Parts of them are in Group 1. The technical parts are in Group 1 from both 2 and 7 while the policy aspects are big enough to deserve a PDP on their own.

Chuck Gomes: Okay. Very good. Anybody opposed to that? Is that good? I'm okay with that now that I understand it.

(Tom): That's fine.

Man: Sounds good.

Chuck Gomes: That then, does bring us to 4 – whether reporting requirements or (unintelligible) and dispute providers should be developed in order to make precedent and trend information available to the community and allow reference to pass cases and dispute submissions.

 You saw my concern that I expressed there. We'd certainly have to - if there's a policy effort on this it would certainly have to deal with proprietary data and that's why I wonder how feasible that one really is.

(Mike): From the registrant sort of shopper point-of-view though, it's with or without proprietary data, even if we could – if we could figure out a way

to get past that barrier, Chuck, it would be hugely useful for a customer, I think to be able to compare, you know. Because if we go back to the discussion we had earlier, where we said, "Gosh, you know, maybe you want to change registrars," it's awfully hard to know how to – how the registrars perform without some sort of eventually…

Chuck Gomes: Yeah, but if you're asking us to, as a registry now, thinking as a registry, you're asking us to share information about our customers in terms of how they did on disputes. That's proprietary data. We don't share information about our customers unless – they can share it but as a registry, we have a non-disclosure agreement with them that we honor very rigorously.

So, I'm not going to tell you that (Schlund)'s or 1&1, you know, lost this transfer dispute.

Man: And I think that's – that may be part of the nub of a really tasty policy discussion.

Chuck Gomes: Well, isn't that what you're – what is being asked for here?

(Mike): Yeah. And, you know, I…

Chuck Gomes: You're asking that registries report which registrars won and lost disputes?

(Mike): Uh, yeah.

(Tom): Could I in some way compare it to the (unintelligible) findings that the (unintelligible) without showing to the public?

Chuck Gomes: Yeah. Let me ask you, (Tom) and you, (Tim), how do you feel about registries providing that kind of information? You okay with that? You think the registrar constituency is going to be okay…

(Tim): Well, you know, the problem I have with it is that, you know, would it really be reflective of anything valuable without a lot of other information with it?

Chuck Gomes: Yeah. That's right.

Tim Ruiz: I mean, GoDaddy's a pretty big registrar. We have a lot of transfers going on. And so, you know, it's possible that , you know, there's some volume of disputes that goes one way or another that's going to look a lot bigger compared to other registrars, but then in comparison to the volume, the size of the registrar, et cetera, you know.

I mean there's a lot of other little pieces of information that would really put any of that data in perspective. I would be concerned that we didn't misguide by having, you know, too truncated a set of data that couldn't really be properly evaluated.

(Mike): But suppose that we – suppose we did figure that out in the policy process and made, you know, made it percentages rather than absolute numbers and made sure that the right data was there?

Chuck Gomes: See, you're talking about percentages and even absolute numbers. Another point I made in my comments on this was that we're seeing one or two transfer disputes a month and that's for common net. So this whole effort here seems to be an awful lot for very little activity

that's going on. So it'd be a lot of work and I'm not sure there's enough value to even warrant it.

(Mike): Well, but I think part of the reason there's not a whole lot of activity is because – and this is another registrant sort of perspective – it's not very easy for a registrant to initiate those right now.

Chuck Gomes: And as you know, I'm one of those that's not sure how that could even be implemented.

(Mike): Right, but I think you have (unintelligible) logic there. I think the reason you don't have much activity is because it's really hard to initiate…

((Crosstalk))

Chuck Gomes: Well, that's possible. No, I understand your point.

Man: There could be, I think part of it might too, be, given my experience here is that we try to work those things out between us and the other registrar to the extent possible and…

Chuck Gomes: Right.

Man: …and the vast majority of the times, we're successful in resolving that between ourselves.

Chuck Gomes: Which is good. That was…

Man: It's much easier. It's cleaner and it's, you know, better for the registrant.

(Mike):   So if we change this for - what if we changed the focus of this from registree to registrar? That whether reporting requirements for registrar and dispute providers should be valid. Because maybe, A, you see more activity and B, you're closer to the process.

I don't think from a registrant perspective we care where the data comes from. It's really just getting the sunlight on the activity that's…

(Olof):   Isn't it so, I mean, I'm thinking aloud here, (Olof), that when you go buy a car, when you check out sort of the plenty of advice – these are good ones at that and they're plenty of consumer associations which do the ranking of cars. I mean, there's none that really does that with registrars. And isn't that what you're looking for, actually?

(Mike):   Yeah. You know, that's sort of the nose of the camel in the tent, for sure.

Man: I think with this particular one, what happens is, you know, maybe that's a valid thing in regard to other aspects, but with transfer disputes like this, what happens is the registrant, you know, will call up the registrar with their complaint and then the registrar will investigate and, you know, and that starts the process where they may be discussing it with another registrar and we resolve this thing and try to work it out as best we can. So there's really no – it's not like a formal process for, you know, that's recorded and that there's data being tracked and all of that. And I'm not sure how we'd even make sure that that was done, just given the sort of informal way in which it's usually initiated. And…

(Mike):   Yeah, I think that's the – some of the best practices kinds of facets of this pile of 19 things. I think that these kind of go together. That from the registrant perspective, it would be neat if that informal process could be scrutinized somewhat. And then once that's happened, that makes it possible for data like this to get collected.

I agree that if the processes are all different and informal, then the one we're talking about now, number 4, is very hard to implement if you're comparing apples to oranges.

Man: It could have the opposite effect of what you think – of what you want it to have, though. I mean, as soon as you start formalizing it and it's data and it's track, and then all of a sudden, you know, everybody's, you know, covering their butts and then doing everything by the book and then, you know, things don't always work out quite as smoothly, quickly or, you know, in the right direction because everybody's going to make sure that, you know, the letter of the law, so to speak is being followed regardless of what might seem just at the time.

And that's where registrars have a little bit of leeway at this point, is to say, "Look, you know, we'll just let the transfer go back and, you know, we're not going to get into any protracted dispute over it," and then things get resolved for the registrar pretty quickly. But as soon as you start formalizing it, some o of that leeway is going to disappear.

Chuck Gomes: Yeah. Well, we're just about out of time. I'm not opposed to leaving this for additional policy work. I personally think it's a – it's certainly not a low-hanging fruit. Not that it has to be. I think it's a pretty tough one to do but what's the consensus of the group? Should we just leave it on there as additional policy work?

Man: Well, the problem is that we have to kind of come up whether it's feasible or not. I personally think that it's feasible. Whether it makes sense might be a totally different question but it is feasible and since we're not making any policy in that group, I would leave it on the list.

Chuck Gomes: Anybody opposed to that?

Man: Good for me.

Chuck Gomes: Okay. Good. You know, I know I've got to cut out for another meeting right now. Can we break here and then I don't think we should even try to have a call until after the ICANN meeting. Would this same time work, what does that mean, two weeks from now, or is it three weeks from now?

(Olof):   It's two weeks from now. So Wednesday, the 20th of February. Is that what we're aiming for?

Chuck Gomes: I think so. (unintelligible) change it, but does that work for people?

(Mike):   As a former resident of India and a person who's traveled to India and come back several dozen times, I wouldn't try and meet next – on that schedule. I'd give yourselves another week. You're all going to be completely wiped out.

Chuck Gomes: So you think we should go to the 27th?

(Mike):   Yeah. I – believe me, that journey makes the…

Chuck Gomes: Actually, I'm not available on the 20th anyway, now that I look at my calendar, so…

(Mike):   How about we shoot for…

Man: The 27th?

(Mike):   Yeah. The 27th I think would work a lot better.

(Olof):   Okay.

((Crosstalk))

(Olof):   I'm fine with it but I'm one I don't know what that really implies for me. Sixteen hours (unintelligible). Is that doable from Taiwan?

(Mike):   You're not in a bad shape, (Olof). It's the kids in the North American zone that are going to be falling over dead.

(Olof):   Okay, then I'm happy.

(Mike):   I'm glad to help. Same time?

Chuck Gomes: Yeah, for now. We can always change it on our list, but I think that's a plan forward. So I think we've made some more progress, so we'll keep plugging, guys. Thanks.

(Mike):   Great.

((Crosstalk))

Chuck Gomes: Thanks a lot for being our record keeper.

(Olof):   Okay, they'll be some succinct comments on the list shortly or when I come to New Delhi, depending on, all right?

Chuck Gomes: Okay, thanks.

(Olof):   Because I'm leaving tomorrow. Okay bye-bye.

Man: Bye.

Man: Bye.

END