Inter-Registrar Transfer Policy Part B PDP

Transcription

Tuesday 17 November 2009 at 15:00 UTC

Note: The following is the output of transcribing from an audio recording of the Inter-Registrar Transfer Policy Part B PDP call on Tuesday 10 November 2009 at 1500 UTC. Although the transcription is largely accurate, in some cases it is incomplete or inaccurate due to inaudible passages or transcription errors. It is posted as an aid to understanding the proceedings at the meeting, but should not be treated as an authoritative record. The audio is also available at:
http://audio.icann.org/gnso/gnso-irtp-b-20091117.mp3

On page:
http://gnso.icann.org/calendar/index.html#nov
(transcripts and recordings are found on the calendar page)

Participants on the Call:
Michele Neylon - RC
Paul Diaz - RC
Chris Chaplow - CBUC
Berry Cobb - CBUC
Anil George – IPC
Mike O'Connor - CBUC
James Bladel – RC
Matt Serlin

Staff:
Marika Konings
Gisella Gruber-White

Apologies:
Tim Ruiz - RC
Kevin Erdman - IPC
Rudi Vansnick – ALAC
Michael Collins – Individual
Ted Suzuki – IPC
Graham Chynoweth – RC

Gisella Gruber-White: Can I get a quick roll call?

Michele Neylon: Yes please.

Gisella Gruber-White: Good morning, good afternoon everyone. On today's call we have Michele Neylon, Mike O'Connor, James Bladel, (Matt Serlin, Paul Diaz, Anil George, Chris Chaplow; from staff we have Marika Konings and myself, Gisella Gruber-White and apologies, we have Tim Ruiz, Kevin Erdman, Michael Collins, Rudi Vansnick, and Ted Suzuki who may be joining only on Adobe Connect.

And if I could just remind everyone please do state their name for transcript purposes. Thank you.

Michele Neylon: Thank you. Okay, before we start - this is Michele, before we started recording this, a couple of people were saying that the representation is a little bit skewed on this call, since we seem to be - it seems to be basically a wonderful collection of registrars and very few others. So...

((Crosstalk))

Man: I resemble that remark.

Michele Neylon: Oh, I'm sorry. I'm sorry, I'm sorry. I apologize profusely.

Do we feel that due to the - that the group that we have on the call today is representative enough to be able to have a meaningful discussion? Or should we defer discussions until such time as we have a wider cross section of the community?

((Crosstalk))

James Bladel: Question from James.

Michele Neylon: Go ahead.

James Bladel: We have BC, several registrars and is that it? Or Berry are you ALAC or...

Man: Berry Cobb and Mike O'Connor from the BC are here.

James Bladel: CC, okay.

Man: Chris...

((Crosstalk))

Woman: And Anil George is from the IPC.

James Bladel: All right. So there's nobody from...

Marika Koniings We're missing the registry stakeholder group, as well as NCUC. And I
                         actually don't think we actually have members from ISP constituency.

Michele Neylon: Well the - I don't think the ISP constituency are on this working group, are we
                         - are they? That I'm aware of...

Marika Konings   I don't think so. I don't think they have a member on this group.

Michele Neylon: No. So we haven't got - have we got - nobody from ALAC, have we?

Marika Konings   Nope.

Michele Neylon: Nope.

Marika Konings   Not on this call. Normally Rudi van Snick participates but he sends his
                         apologies.

Michele Neylon: Yeah. I presume he's at the IGF or something. Well anyway, that was - the
                         question I've asked; does anybody have thoughts or comments? James?

James Bladel: (Unintelligible) my personal preference would be to continue. You know, I don't think we're necessarily at this early stage of the game going to be deciding any critical issues. We're probably going to be formulating some language and some recommendations as we discuss and deliberate these issues. And I think that we should continue and make the best use of our time. If we were to - you know, with the holidays coming up I think that we're just going to have to press on as best we can the next coming months.

Michele Neylon: Okay. Thank you. Chris?

James Bladel: That's my opinion.

Chris Chaplow: Yeah, Chris speaking. I'd just endorse that, that I think we should carry on. Thank you.

Michele Neylon: Okay thank you. Okay, does anybody feel very strongly that we should not continue today? If I don't - if I hear silence, I will take it that you - that nobody feels strongly about this. Okay, based on the total silence, we shall move forward. Okay?

    Right, okay. Marika, you did one of those beautiful grids for us, didn't you?

Marika Konings: Well the one that is up actually is the one that I already did before and which we started discussing on the last call. So what I did is just update the first two comments with, you know, some of the points we discussed.

Michele Neylon: Okay.

Marika Konings: And I also developed one for (unintelligible) three, from the review of the constituency stakeholder group statement.

Michele Neylon: Okay, thank you. Would you like us to walk us through the - move forward and walk us through the next one that we got, the next comments that we haven't looked at?

Marika Konings: Yeah, I think the next one on the list is Comment 3, where the person's suggestion that a (unintelligible) issue could be no domain updates possible for one week after finished transfer, so that it gives time to intervene if the transfer was fraudulent and something dropped off that.

((Crosstalk))

Marika Konings: And I think it - you know, we started discussing that, to a certain extent as well, I think, on the - at the last meeting.

Michele Neylon: Right, I've got the - my memory is failing me. I think I must be getting older faster. Does anybody have any thoughts on that comment?

(Matt): Yeah, this is (Matt). Sorry Michele.

((Crosstalk))

Michele Neylon: Okay (Matt). If you wouldn't mind, just putting up your hand. It makes it a little bit easier for me to manage it. I'll allow you this time, but please put up your hand in future.

(Matt): Yes Sir. I personally wouldn't be a fan of that. we often times have clients that are doing transfers of a domain that was fraudulently registered that's pointing to malicious conduct. And to be able to - to not be able to update that for one week after, I think would pose some problems for our clients.

Michele Neylon: Okay. Point taken. Mike?

Mike O'Connor: Thanks Michele, this is Mike. I am a fan of sort of a broader notion of slowing the transfer process down.

Michele Neylon: Okay, could you expand on that please?

Mike O'Connor: Yeah. I think one of the sort of principles - and by the way we - the BC will have some - a constituency statement for you. We're going through the review process right now.

Michele Neylon: Okay.

((Crosstalk))

Mike O'Connor: And this...Yeah, and no smart alecky remarks.

Michele Neylon: Oh come on, that'd be out of character for me.

Mike O'Connor: And me too. The - I think the notion that emerged on the last call that really appealed to me was the idea that this - there should sort of be several things that happen; if there's a malicious transfer, there should be a speedy way to get the domain back to the way it was before the bad things happened. And then there should be time for a more rigorous process unfold.

((Crosstalk))

Michele Neylon: Just one question though; we're looking at the current transfer policy.

Mike O'Connor: Right.

Michele Neylon: You're talking about an issue when an issue arises.

Mike O'Connor: Yeah. And you know, in our constituency statement we are going to equivocate a little bit on whether the current policy is the right place to do this.

Michele Neylon: Okay.

Mike O'Connor: But at the same time, want to get the notion out there that in general, the approach should be speedy return to the prior state, and sufficient time for a rigorous process to resolve the dispute.

And so I think we'd support the notion of - you know, we talked on the last call, Tim talked about GoDaddy's sort of 60 day period and Paul talked about network solutions, more complex algorithms for slowing down domain transfers IRTPs, when a domain is transferred in. And I think that to the extent that this comment points at something like that, we'd support that.

Michele Neylon: Okay.

Mike O'Connor: I'm not sure there should be no changes, no updates possible for more than a week is probably - I would tend to agree with (Matt) that when we're trying to get the domain back into the condition that it was before the transfer, this particular approach might be too restrictive. But in general, the idea of slowing things down is a good one.

Michele Neylon: Okay. As a matter of fact, let Anil jump in there please. Anil?

Anil George: Yeah, it's Anil.

Michele Neylon: Anil, sorry. Sorry, my apologies.

Anil George: I just had a question, maybe what would help our discussion - we have this proposal that we should slow the process down, maybe a week, and then we heard another person say that that would be a bad thing for some of their clients.

I'm wondering if we could have a little bit more information about - from each of your perspectives, specifically in terms of the proposal, what would happen during that week, in the context of an alert that something malicious has occurred. And on the other side, in terms of what would be the harm if specifically, if it is slowed down, if you are alerted about a possible pirating situation.

Michele Neylon: Okay. Mike, would you be able to send something to list going through - in detail through that, do you think? Some of your ideas?

Mike O'Connor: Sure. I think some of this will show up in our constituency statement that should be out late in the week. We're in a review cycle right now, but - and so let me just sort of describe.

Anil, I think that your question is a good one. And I think we'd have to invent it, but let me - having said that, let me just invent it right here. And that is, the notion is that if there's a bad event, there are really two things that need to happen;

One, and to (Matt)'s point, a client needs to be able to get the domain back, especially if it's a major domain, which - or you know, any business that relies on their domain. They need to quickly be able to return the domain to a state that's operational to them;

And at the same time, slow the transfer process down so that a malicious actor can't transfer the domain across multiple registrars, and you know, further muddy the waters.

And so there' s sort of a speed up and slow down exponent to this. And so the thought would be, in the - and James and Paul chime in, I'm sort of speaking for you here. Both GoDaddy and network solutions contribute to the slow down process by essentially - in GoDaddy's case, I think there's a flat (unintelligible) that if a domain transfers in to GoDaddy, that they will not

allow it to transfer out of GoDaddy for 60 days. And that's a contribution to sort of the slow down part.

James Bladel: But Mike, this is James.

Mike O'Connor: Yeah, go ahead.

James Bladel: Just a point of clarification; if it's a transfer, I believe that's an ICANN consensus policy and not a GoDaddy policy.

Paul Diaz: That's correct. I was going to say the exact same thing James.

Mike O'Connor: Oh really? The 60 days is an ICANN policy?

James Bladel: For transfers, yes.

((Crosstalk))

Paul Diaz: After a transfer a name has to remain with that new registrar for 60 days -- it cannot transfer again. That is an ICANN policy. This is Paul.

Mike O'Connor: I stand corrected. That's great.

((Crosstalk))

Mike O'Connor: So then, you know, we...

James Bladel: GoDaddy has a different policy as well, but that particular policy is not ours.

Mike O'Connor: Oh, So what's the GoDaddy 60 day policy that - is that was Tim was talking about last time? Or is that a different thing?

Michele Neylon: I think - this is Michele. Look, I think - okay the GoDaddy policy is if there is a change to the registrant that the domain cannot be transferred away from GoDaddy for 60 days.

Mike O'Connor: Oh, that's right. I apologize.

Michele Neylon: I mean I think the guys from GoDaddy I'm sure can go into more detail. But I think that's the simple explanation. James, is that okay as an explanation?

James Bladel: Yeah, that's fine. And that is essentially, you know, we probably - okay, first of all, I missed the last call, so I don't really know how much of this would be a repeat of what Tim may have said last week. But, you know, in so many cases, a change of account is very similar if not equivalent to a transfer in its - in how it's being used to change the responsible party. So a change of account triggers a lock in a similar way as a transfer would.

Mike O'Connor: Okay, so...

James Bladel: Now one of the positions that we've held, I think for quite a while, is that there is no ICANN policy at all. We're touching on a void here, when we talk about a change of account. And for security purposes, if we feel that, you know, that needs to be clarified a little bit, or that it's one of the potential outcomes of this group, you know, I think we're all for that.

((Crosstalk))

Mike O'Connor: I'm sorry, go ahead.

Michele Neylon: Sorry, just - okay, just being nasty, and I have to ask this. Do you - just with the GoDaddy policy; if you're not going to allow the domain to be transferred, why don't you have a lock on the domain at the registry level? And so for example, I'm looking at a domain here which is currently locked internally within GoDaddy.

Man: Why don't we lock it at the registry level?

Michele Neylon: Well, sorry. At the moment, the status is coming up as okay, instead of no update allowed -- or whatever way it's worded for a .org.

Man: I think I'd have to understand the question a little bit better than I am.

Michele Neylon: I think I'll just ping you off list. Don't worry about it.

Man: Okay.

((Crosstalk))

Mike O'Connor: Okay, so anyway to finish my little hypothesis for Anil.

Man: Okay.

Mike O'Connor: If part of this is about slowing things down in order to resolve the dispute then we learn (unintelligible) that. The other half is a speedy return of the domain to the way it was before. And I think that's really (Matt)'s point. (Matt), you may want to chime in at this point. That if you couldn't return the domain to the way it was before the malicious act that would be a problem for your clients. Is that a good interpretation of what you were saying?

(Matt):   Yeah, so essentially what I'm saying is there's a malicious domain that's been registered at a third-party registrar. We're transferring it in to us. Often times, we get a lot of transfers that are pushed over to us via court order, or other actions. And so the name servers, essentially, is really what we're most concerned about. So the name servers on that name remain intact.

                 So if we're talking about the potential of having to not be able to update that name for a week, that's a week longer that that name remains up with the

malicious conduct, until we can update the name servers. That's really what my big concern would be.

Mike O'Connor: Yeah, and we would agree with that, whole heartedly. So that's sort of the quick summary. Back to you Michele.

Michele Neylon: Okay, thank you. Anybody else have anything further to say on this at the moment? No? Mike your hand's still up, by the way.

Mike O'Connor: Oh, I'm sorry. I'm staring out the window at a deer.

Michele Neylon: That's okay. (Unintelligible) it didn't happen. Hold on a second, I'm just reading some of the stuff in the (unintelligible).

Man: Help. Keep resizing things.

Woman: Sorry.

Michele Neylon: (Unintelligible) okay, is it years provided? Okay.

Marika's just provided some clarification on, I think was to do with Mike's thing about the 60 days. "ROTP denial reason nine; a domain is within 60 days after being transferred," is one of the reason - one of the points in the current policy.

Marika Konings: It might be worth noting that it says, "that the registrar of record may deny a transfer request, only in the following specific instances," so I guess in theory that means that they don't have to. So in essence, you know, they have the possibility but it's not - I mean, I'm not a lawyer, but as I read it, it doesn't seem to be an obligation that you have to deny a request 60 days after it has been - within the 60 days prior to being transferred. But I understand from Paul and James that this is current practice.

Man: That's a good point.

((Crosstalk))

Paul Diaz: Michele can I follow-up?

Michele Neylon: Oh please do. Please do.

Paul Diaz: Yeah it's Paul. You know, I wish one of our - Jesus Christ. Is everybody else hearing that? I'm sorry. Not my phone. Anyway, I wish one of our reps was on the call because I'm not sure in fact if for some of the GTLD registries that this is also applied at the registry level.

                 I know transfer requests have come in to us and they've been denied at the registry level because they've written into their software they recognize that the name has been - had recently been transferred, they're within that 60 day window, so the registry doesn't even continue the process.

                 But I know we, ourselves, avail ourselves of that rule that Marika sited for us. Yes, you may use the word may, but I think this group for the future, next week, or post it to the list and Barbara, or whomever else can respond. I think a number of the GTLD registries actually enforced this at their level.

Michele Neylon: Okay. Does anybody have anything further, I think Mike had his hand up?

Mike O'Connor: Yeah, I just wanted to sort of amplify the clarification of "may;" that may be something that we want to solidify a little bit in our recommendations to the council. Rather than, "may," amp that up to "will," and make it consistent. I think one of the things we've lobbied for is consistency across the registries and the GTLDs, just for kind of sort of consumer registrant purposes.

Michele Neylon: Okay.

Paul Diaz: Michele can I ask a follow-up?

Michele Neylon: Please, (unintelligible).

Paul Diaz: Actually, this is Paul again. A question for Berry, reading off of the list. Berry, I was just wondering, when you were talking about the transfer that you were involved in, is that a inter-registrar -- between two different registrars? Or an intra, in other words, (unintelligible) the name into an account and then switched it to a new account within the existing registrar?

Berry Cobb: Yeah, your - it - possibly it could be B, I need to follow-up as soon as I the return key, then I realized I should have not typed that. Thank you.

Paul Diaz: It's just a question, again, because I mean all this ultimately is about inter-registrar, that is between two different companies, hence the 60 day rule and all these things we're talking about apply. Intra, within a company is at the discretion of that particular registrar. They may certainly allow you to move it within different accounts, and ICANN wouldn't have anything to say about that sort of action.

Berry Cobb: I believe that's what happened. Thank you.

Michele Neylon: Okay. Right, so some of you would like to see a change to the wording; so moving from "may" to "shall" or "will" or something firmer. Just to summarize. Have I dropped off the call? Hello?

Paul Diaz: No, no. You're here.

Man: We're here.

Michele Neylon: Okay.

((Crosstalk))

Michele Neylon: You're all so quiet.

Man: We love you. We just think you're so good that we don't complain.

Michele Neylon: Oh dear God, I'm - where are my sick bags? Anyway, moving on to the next - moving on - okay. We'll take from that we want to have - that people want to have a look at changing some of the wording there.

Okay, Marika the next comment.

Mike O'Connor: Michele, just to further amplify, I think (Matt) and I would also agree that we're not too keen on this freeze it for a week suggestion if it means that we can't return the domain to its prior state. I think that's the other half of that summary.

Michele Neylon: I mean I think - I think - I think this came up in Seoul as well and I ended up having a bit of back and forth with somebody on it. I personally think it should be returned to its previous state as quickly as possible. If you can't and if there's a dispute...

((Crosstalk))

Michele Neylon: ...freezing all updates for a week. I don't like that.

Mike O'Connor: I think we have agreement on that. And so I think that's the other half of the summary for this particular thing is that, you quickly get it back to the way it was. And...

Michele Neylon: If there was a dispute.

Mike O'Connor: If there's a dispute, and then you also slow things down to allow the resolution process to happen. And this particular comment doesn't really capture either of those ideas very well.

Michele Neylon: No. I mean I would have major concerns with blocking all changes to a domain for a week. I mean, (Matt) is looking at it in terms of court orders and everything else. I'm looking at it simply in terms of somebody has paid us money to transfer the domain from registrar A to us. Why on earth would we not give them the right to change the name servers or something on their - on the domain? It just seems totally counter intuitive to me.

Mike O'Connor: Yeah, I think that's right.

((Crosstalk))

Michele Neylon: Okay. If you guys want to - would be able to clarify your positions. Okay I know that the BC is going to - has been promising a comment which will include various things, but (Matt) if you could just put your thoughts on that possible to the list it would be helpful?

(Matt):   My thoughts as an individual member of the registrar stakeholder group? Or are you suggesting the stakeholders...

((Crosstalk))

Michele Neylon: No you personally. Not the entire stakeholder group. Please god no, no, no, no, no, no. No, you personally. No. Not that I have any problems with stakeholder group things, you know that...

(Matt):   Just to clarify. Just to clarify. Yes, I will do that.

Michele Neylon: Thank you. We know that you - yeah, that's not a problem. Okay. Marika?

Marika Konings: Yeah, now - this is Marika. Just to reinforce a point I made as well on the previous call that - you know, we're talking now about, you know, how long it should freeze, or how long we should be on hold, or return to the original state. And we still haven't really spoken, as well about, "Okay, so what would that process be, and where would you file your complaint, and who would look at, you know, should it stay in that original state?"

And those are some things that, you know, at some point if everyone agrees, indeed there should be a process and you know, to be frozen or you know, returned to the original state in case of conflict. And we should start talking as well to get to the how (unintelligible) process then work, and you know, how do you decide in the end what the end outcome would be?

Michele Neylon: Okay. So where - where - where should this - well, it would - okay. I think the problem we're going to have today is that we don't have any representation from the registry operators. And personally - this is my own personal view; I think the registry operators should have some role to play in all of this.

This is my own view. Registrars and other people may disagree with me, but it's my own view. As I think - what was the registry operator's comments on all this, from - Marika, do you remember off hand?

Marika Konings: I'm just looking here. They suggested development of a process should be addressed separately from the IRTP and the TDRP and they said that a quick resolution of this type is best served and addressed at the registrar level.

((Crosstalk))

Michele Neylon: ...pushed it back to the registrar's is what - is basically what happened.

Marika Konings: Yes, but I do agree there should be a process. But I don't think they provide further detail as to how such a process...

Michele Neylon: Okay, so they did not volunteer that the process - that the process - that the registry operators would get involved in that process?

Marika Konings: No, not as far as I'm aware.

Michele Neylon: Okay, thank you. That's just what I - that's what I thought. Okay.

Okay, if you just have the next - if we could just move on and have a look at the next comment.

Michele Neylon: What was this one...

Marika Konings: Yes.

Michele Neylon: ...is it the possible adjustment for...

((Crosstalk))

Michele Neylon: Yeah okay.

Marika Konings: Yeah, that should be ignored because that's the registrar. That should have been out of here, I don't know why it came back. So - because they had been grouped together with the other stakeholder statements and constituency statements. So ignore the next two on the list and the next one is for Issue B on whether additional (unintelligible) doing inappropriate transfers are needed. And the suggestion is they're made - either the administrator's contact has made the (unintelligible) contact or approval of both the (unintelligible) and the registrar will be required to complete a transfer.

Michele Neylon: Okay, does anybody have any thoughts on that? Okay, Paul.

Paul Diaz: Yeah, Mike - Michele I just wanted to reiterate the point that we've made in the past just to get it up front as we start discussing this in that we always -

this group needs to keep first and foremost in mind the trade off that we'll have between convenience versus security.

Michele Neylon: Okay.

Paul Diaz: You know, the - right now the registrant is authoritative. The registrant data is not required to be published in WHOIS. Admin contact is published in WHOIS.

And as we see in so many cases of fraudulent transfers and other sort of shenanigans, with domain names it often involves a high jacking of the admin contact account and then, you know, the request to transfer the name and all the things that flow from that. Keeping the registrant information sort off the grid, if you will, does provide an important means of security, in particular giving the registrant the ability to contest a fraudulent transfer after it may have happened.

If the group feels that, you know, changing, raising up admin contact to an equivalent level is the way to go, I think that the group will - those who advocate this position need to fully explain how they intend to not increase security risk. Or more importantly, create a very, very big hole for fraudsters to perpetrate their crimes.

Michele Neylon: Okay. Mike, you had your hand up. What took - do you have any thoughts this?

Mike O'Connor: Only to sort of reiterate the points that I made before; that you know, now that we've written this statement, again what we're looking for from the BC perspective, and the registrant perspective, is a quick way to unwind a fraudulent transfer. And then, a thoughtful way to resolve the dispute.

And so to the extent that the fraudulent transfer is done because - or you know, by conflicting admin and registrant contacts, we'd dump this into the same category as everything else, and say, "Speedy way to unwind it,

(unintelligible) way to resolve it." And to the extent that those two things could happen and be applied against this, we don't have strong opinions about the specific policy.

I tend to support a policy point that we certainly don't want to open up a hole in the process, we'd have to be careful about doing that.

Michele Neylon: Okay, Marika. You had something to say?

Marika Konings: Yes, (unintelligible) I actually had a discussion about this today with a colleague of mine who receives regular complaints on a number of (unintelligible) related issues. And he pointed out that he had just come across an issue as well where - because the policy currently says that, you know, approval needs to be obtained from the registrant and/or admin contact; that some registrars are (unintelligible) only contact the admin contact, and not necessarily go to the registrar and - as well.

So, we're just wondering, would an - you know, of course it doesn't solve the problem, but it would be a way as well where registrant information is available. A first point of contact would need to be made with the registrant. And if there's no response, or no information is available, then the admin contact is contacted as well, with the registrant of course, remaining the authoritative person on this.

Would that be something to explore?

Michele Neylon: Paul?

Paul Diaz: Thanks Michele. I'm just a little confused in the process flow with that, Marika. Because again, from a security perspective. So a gaining registrar initiates a transfer request on behalf of their - their - their client, perhaps the admin contact in this case. They're going to - how are they going to find the registrant information?

Marika Konings: I guess it would only be in the case...

((Crosstalk))

Paul Diaz: And if they don't, if they can't get it, then you don't have any - you know, a response. So then the admin says, "Okay, now I'm saying go ahead and do it," that's the same security conundrum that we have."

Marika Konings: Yes, no, I agree, exactly. Not a - you know, it wouldn't be a solution that fixes the problem, but it might be something that might reduce, to a certain extent, the issue. Because that example was where the registrant information was available; it was a thick WHOIS, but nevertheless, the registrar - the gain registrar didn't contact the registrant for approval.

                 And you know, as another issue because the reseller was involved, and wasn't cooperating, and other things that we're just thinking if there - there's a way of - you know, maybe a small change that might help a little bit. Although, you know, it definitely won't solve the problem completely.

Paul Diaz: Yes. Sure, you know, some of the things, of course, the details of a particular case are so important. And the very important detail you just listed -- that it was a thick registry name -- I think too often when we're focused on issues and concerns and what not, we're talking about thin registry models.

                 And I don't want to reopen that can of worms about whether data should be thick or thin, but the reality is, you know, com and net means com in particular. You know, the high profile high jacking cases are so often in those thin registry models.

Michele Neylon: Hello? Okay. Did Paul just drop off? Sounded like he was half way...

((Crosstalk))

Marika Konings: ...looks online. (Unintelligible) looking at meetings (unintelligible).

Michele Neylon: Okay. So Marika was the issue that your colleague was discussing, was that with a thick or a thin, do you know off hand?

Marika Konings: I think it was a thick, because he checked and I think the registrant email address was available or accessible. So I think that was the case of a thick registry.

Michele Neylon: All right, so technically how does the registrar normally access the email address of the registrant, if it's not available on a thin? I know I should know this, but I don't know off hand. Paul, do you...

((Crosstalk))

Michele Neylon: Paul, how would you access...

Paul Diaz: I'm sorry Michele, I'm coming off mute. What was the question again?

((Crosstalk))

Paul Diaz: ...gaining registrar can check the registrar contact information, if it's not published.

Michele Neylon: Yeah. Yeah. And it's the - the - the, it's published except for an email address isn't published.

Paul Diaz: Well I - and I mean, let's also remember we're talking about registrars having automated systems here. Yeah I guess a gaining registrar could reach out, pick up the phone, reach out at call a contact at the losing registrar to try and determine that information. But the reality is that these transfers are all

processed by computers that are doing WHOIS lookups, so that information won't be published in a thin model. And, we're back to square one.

Michele Neylon: So, we don't really have an answer for that one.

Paul Diaz: Not unless you're talking about a one-off manual process.

Michele Neylon: Okay.

James Bladel: Michele?

Michele Neylon: Yeah, go - who is that? James, sorry.

James Bladel: This is James. Yeah. Just to point out that this was an issue or a topic that we discussed at length during IRTPA. Whether or not this was a mechanism that was needed, and ultimately I think that we couldn't reach a consensus that this would be needed in the thin registry because even the registries don't have access to any of this information.

And I think as a result, the gaining registrar, and correct me if I'm wrong, Paul and (Matt) and the other registrars, but the gaining registrar has to contact the admin contact in that scenario. Is that correct?

Man: Yeah.

Man: Yes, that's correct.

Man: Yeah, I think that's correct, pretty much across...

((Crosstalk))

James Bladel: Yeah, so this, you know, percolated into our entire conversation about what to do when the admin and the registrants did not agree or concur on the transfer.

                  And think that one of the points that's came out of this. And I'll back off a little bit because that's further down on our list, but I want to - the idea that there was this hidden contact that could overrule or reverse a transfer, I think was both an inconvenience and an operational concern as well as a nice security feature. Did I capture that accurately Paul?

Man: Paul.

Man: I guess Paul's not here.

Michele Neylon: He's gone mute again.

Paul Diaz: I'm sorry. That was - I was - sorry - yes, that's correct, James.

James Bladel: So that's kind of a synopsis of how we delved into this issue and higher IRTPA.

Michele Neylon: Okay. So you recognized there was a problem, but nobody could really come up with a - nobody could agree on a solution?

Mike O'Connor: This is Mike. I think part of the problem is that we are tip-toeing onto the edge of the dreaded (unintelligible) discussion, and we decided to tip-toe around that one. Because clearly the issue is due to the architecture of the data in a thin registry, the model which requires (unintelligible) and we agreed...

((Crosstalk))

Michele Neylon: I'll let Marika go first, and then James.

Marika Konings: Yes, this is Marika. I just to add the article B, Part A Working Group did recommend further study or assessment of (unintelligible) as, you know, a possible tool to consider. I'm not talking about the whole (unintelligible), but it's just specifically...

((Crosstalk))

Man: ...to.

Marika Konings: IRIS, I think it was developed by the (Crist) Working Group. I don't know what it is I can send, but I'm sure someone else can (unintelligible).

Man: All right. Inter-Registry Information Service, or something like that.

Marika Konings: So that creates an alternative WHOIS model, I think, that was developed that would provide, you know, certain access levels to data, and you know more ways to, you know, to work with it. And as part of that there is a current study going on, on WHOIS service requirement and that specific requests on looking at, you know, what can be done for - from a transfer perspective, it being taken into that work.

                 I have no further details as to, you know, when we can expect some results on that. But I know people are working on that and that is an issue that's - at some point hopefully it will come back to the table again.

((Crosstalk))

Paul Diaz: Michele?

Michele Neylon: (James), go ahead.

Paul Diaz: Michele, can I just drop a quick follow up to Marika's point? This is Paul.

Michele Neylon: Yeah, sure.

((Crosstalk))

Paul Diaz: Sorry James, just very quick. It's my understanding that the (ITF) group that was looking - the (Crist) Working Group - that it was including this IRIS protocol, recently concluded with no firm recommendation to move forward. So you know, the concept was sort of just left on the table. It could get reintroduced or restarted, but right now, there's no extra work going on, looking at alternatives to the existing WHOIS protocol.

Michele Neylon: Okay. James.

James Bladel: Yeah. That's a good point Paul. And very quickly I think, Mike, the WHOIS was an in issue, but we identified in IRTPA and some of the veterans from that group can correct me, but I think we identified through the course of that group, that this was not necessarily a WHOIS issue, because it was less of an impactful problem in thick registries versus thin.

So I don't necessarily want to point the finger at WHOIS when we're talking about the lack of availability of the admin - or the registrant email.

Mike O'Connor: Yeah.

((Crosstalk))

Mike O'Connor: This is Mike. And it's really the thick/thin issue rather than the WHOIS issue, you're right.

Paul Diaz: I think that's correct, yes.

Mike O'Connor: Yeah.

((Crosstalk))

Michele Neylon: Sorry. Excuse me for being thick. But what's the difference between the thick/thin discussion, and WHOIS?

Mike O'Connor: This is Mike. In a thick registry, there's a lot more data available.

Michele Neylon: No, no, I know that, but how can you say that thick versus thin doesn't involve WHOIS, that's the bit I'm having a problem with?

Man: If I can jump in there, Michele.

Michele Neylon: Yeah, go ahead.

Man: You know, I think that if you're going say that's it's an implementation of WHOIS or some of the problems that we had with WHOIS, the privacy versus transparency, is different from saying that WHOIS is functioning, we're just not pleased with the amount or the type of data that is, you know, stored within it.

Michele Neylon: Right.

((Crosstalk))

Man: And maybe it's difference of degree, I don't know. I'll leave it alone, but...

Michele Neylon: No, just - I'm just trying to get my head around things.

Mike O'Connor: One way to look at this is to say, if we change something -- fix this -- would we need to change WHOIS? No. Would we need to change from thin to thick registry? Yes. That's the way we wound up in the other one.

We wound up saying that if you could wave a magic wand at no cost across the whole architecture of the domain name system, and instantly transmogrify everybody to running on a thick registry. That would solve this problem. Because then you would have the registrant data available as well. And it's not really a WHOIS issue at all. It's really a registry model issue.

James Bladel: And Mike, this is James. If I could follow up on that for just a moment. I think you're absolutely correct with one qualifier, which is that I don't even believe even all of the thick registry consistently implements that particular data field.

Mike O'Connor: Right.

James Bladel: Okay.

Mike O'Connor: So that would be more of our magic wand. A bigger badder magic wand.

Michele Neylon: Okay. James, you still have your hand up?

James Bladel: I'm sorry. I stepped away from my keyboard and I will lower that in a few moments.

Michele Neylon: No, no, no - it's okay. It's fine.

James Bladel: Please disregard.

Michele Neylon: Okay, I'm disregarding, I'm ignoring you studiously, okay. Okay then. So let's move on from that one for the moment. The next one - Marika, there was a comment from (Whitebow) about requirements...

Marika Konings: Yeah.

((Crosstalk))

Michele Neylon: ...inappropriate transfer of a domain. A provision that's aimed to do what
                   exactly? Was that a policy...

((Crosstalk))

Marika Konings: I think in line of looking at whether additional provisions should be done
                   related to - and doing an appropriate time first. They would like to see as well
                   a provision that require the registrar to, when doing an inappropriate transfer
                   for domain data is subject to (UDRP).

((Crosstalk))

Marika Konings: Some of the line here that's formatted in some way. Some things fall off, but
                   (unintelligible).

Michele Neylon: Anybody have any thoughts on that?

Mike O'Connor: This is Mike. I don't know if that's James' hand up, this is Mike, I'll go ahead. I
                   think what I would say on this one, is similar to our provision on the others,
                   which is, split this into two parts. Quickly undo the change from an
                   operational - or quickly return the domain to its prior state while there's a
                   (UDRP). And then allow time for the (UDRP) dispute to get resolved. Sort of a
                   similar approach to all other ones.

                   I think this - that one of the difficulties that we seem to run into, is when we
                   treat both halves of that equation with the same time frame. You know,
                   quickly undoing is difficult if you have to also resolve the dispute quickly. And
                   so this notion that we've injected is (unintelligible) support the quick undo
                   from an operational standpoint but not, of course, a quick resolution.

Michele Neylon: Paul?

Paul Diaz: Yeah, this is Paul, I hear what Mike's saying. As far as timeframes and whatnot, (UDRP) is anything but a quick process. So, you know, there will be the - if we were to go down this path definitely need to look at the timeliness issue. There are - there is - there are recommendations put out by some of the (UDRP) resolution providers right now. For an abbreviated system, but that's still in the early stages. It's not really policy.

I just also want to note for this particular comment coming from (Whitebow), I mean, they necessarily have a self interest in seeing more (UDRP) cases. They arbitrate them, they make money off the process. But let's remember from our earlier discussions that, you know, one of the things that make - hopefully will come out of the efforts of this working group, is better or more education of the end users.

You know, we've heard from our legal colleagues that, you know, sometimes people file a (UDRP) because they don't understand that there are other - potentially other mechanisms - (TDRP) in particular.

While that (TDRP) process may still have issues, and you know, something that we're going focus more attention upon. Just want to, you know, make sure that don't find ourselves in a position where we're pushing more cases down the (UDRP) track when, in fact, there may be other things that this group can recommend that would be quicker, as, if not more security conscience. You know, things that will help the registrants require - get their names back and keep everybody happy.

Michele Neylon: Marika.

Marika Konings: Yeah, this is Marika. I just looked back at the original comment for some further details on this. And this basically goes back to the point of the earlier discussion that is still up on the chat. This also means like the - if a domain name is part of a (UDRP) dispute the registrar of record may deny a transfer request.

So what (Whitebow) is suggesting that - what we discussed before whether this should be the registrar of record has to, or should, deny a transfer requests. And in their view, they may deny, leaves too much room for maneuver and doesn't have an enforced obligation of denying a transfer request. So they would like to see - to have that changed for the (UDRP) to must deny, or has to - or whatever legal language or term you want to put there.

Michele Neylon: Just as an FYI, I mean I know from dealing with - in the .ie dispute policy if the domain is subject to a (Whitebow) dispute, it's completely frozen at the registry level. So you can't make any changes to a .ie domain once a - once there is an ongoing (Whitebow) cases involving this, you can't do anything - locked, locked down, no changes. (Matt).

(Matt):   Yeah, I was just going to sort of pick up on what Marika was saying and indicate that we would absolutely be supportive of the change to force the registrar to lock a name out, to block any transfer, once the (UDRP) has been filed. I don't necessarily think that, that would - you know, it's not going to drive the instances of (UDRP)s, in fact if anything, I think it's going to make it more secure.

You know, I think there's been documented instances of people having to, you know, track down domains once they filed the (UDRP) that have transferred multiple times throughout the process, and so I'd be very supportive actually, of that. Which I'm sure doesn't surprise anyone.

Michele Neylon: No comment. Chris?

Chris Chaplow: Yeah I'm just surprised, I actually thought it was completely locked down for transfer during the (UDRP) process. I didn't realize it was a main lock, and I thought that it was a registrar lock not a registry lock, but maybe that's just me being naive. Thanks.

Michele Neylon: Does anybody else have any feelings about what should happen when there's a (Whitebow) case ongoing with a domain?

Paul Diaz: Michele, ask a question?

Michele Neylon: Sure.

Paul Diaz: This is Paul again, (Matt) perhaps you know, I don't know the processes, just a question on process, when a case is initiated -- (UDRP) case is initiated -- will the resolution provider, whether it's (Whitebow) or (NAF) or the (Chuck) folks or any of the - are there automated means to let the registrar of record know? And most importantly, how quickly does that happen?

You know, is there perhaps a lag - for lack of a better term - an arbitrage opportunity for a crook to, you know, move a name before they become aware they've been served and notice that a (UDRP) has been initiated. But will the registrar of record know at that same time, so that the - a lock could be put in place to prevent that name from moving again? I don't know the process, it's just a question.

(Matt): Yeah, no. That's a fair point Paul, I, you know, I will say, I don't believe it's an automated process. You know, I think we get the notification from an individual at the arbitrator. You know, I haven't looked too closely at the date of filing versus the date of receipt versus the date that we received notification. I would say that it's possible that there probably is some lag.

And again, you know, the one thing I want to just be clear of, frankly, is that, you know, the problems that we see, by and large, aren't with the larger registrars that I think, by and large, everyone is really good about locking, you know, when they receive notice.

But I - the folks that I worry about aren't on this call necessarily, and so I think making that requirement so as soon as you get the notification and listen, if it's a day after (Whitebow) received it, or two days, or three days, then, you know, you can't be held responsible for that. But once the registrar receives the notification that there's a pending (UDRP) they should immediately block any outbound transfers, or any updates the name.

Paul Diaz: And just follow up, perhaps, to your and Chris' point, and what Michele said with .ie, perhaps the lock should occur at the registry level. So that a registrar, you know, one of these naughty guys that are never on the call, never participate in the process, they don't even have the opportunity to ignore the request, that it should be pushed up to the registry level...

(Matt): Yeah.

Paul Diaz: ...to initiate that lock.

(Matt): Yeah, I'd be supportive in that - of that. And I don't know if it's within the scope of this, but the other thing that I would be absolutely supportive of is a proactive transfer once a (UDRP) decision has been rendered. And so that right now there actually is no - the registrar of record can basically make the winning party go through any process that they deem appropriate.

And often times we've actually had clients that have had to end up re-filing a (UDRP) or snap a name because they weren't actually able to get into the account at the existing registrar. So again, I don't know if that's inside or outside of the scope, but I'd agree with Paul, that I think if a registry level lock mechanism could be in place, I'd be for that.

Michele Neylon: Taking my Chair hat off for a second, I'd also be very interested in seeing registry involvement, because I think, you know, in terms that the technical implementation of the transfers and everything else. If for example, let's say just hypothetically, we were all to agree and we were to make a policy that

once the domain is subject to a (Whitebow) of some description, that a lock would be put in place.

What happens if we're informed of this and for some reason - for some technical glitch, we don't automatically put the lock, or the other registrar doesn't put the lock on the domain. And not through any malfeasance on our part, but just purely because of some technical glitch.

I'd be a lot happier personally, if I wasn't being held liable for those. That's just my own personal view on it. If it can be done at a level which makes us - which takes my responsibility away for once, it would be nice. Just my own personal view.

Okay. Next.

Marika Konings: One question is maybe, we're at the top of the hour whether people have time to continue.

Michele Neylon: Oh, sorry, yes. Beg your pardon.

Michele Neylon: Should we - we have the option of an extra 30 minutes I believe, is that correct?

Marika Konings: That's correct.

Michele Neylon: Okay, do people want to drop off, or do they want to continue?

(Matt): Michele, I - this is (Matt). I've got maybe about 10 or 15 minutes or so, and then I'll have to drop off.

Michele Neylon: Okay, Mike.

Mike O'Connor: Why don't we finish this chunk. It looks like we have one more comment under this piece of our template, and then...

Michele Neylon: Okay.

((Crosstalk))

Mike O'Connor: ...close up at that point.

Michele Neylon: That sounds good to me. Anybody have any objections to that? Okay, deafening sounds means we'll plow on. Okay Marika, what's this comment exactly, I'm trying to make it out and make some sense of it?

Marika Konings: Yeah, well we can then finish very quickly because this is actually about our registrar comments that belongs to the other section, and to the other document, and it's my mistake that it's still in here.

Mike O'Connor: That was easy.

((Crosstalk))

Michele Neylon: Okay. I liked it. Marika, did we tell you lately that we think you rock?

Man: Yeah, well done Marika.

Marika Konings: Thanks.

Michele Neylon: Okay, the next meet - the next call - okay, we normally do it every two weeks don't we? Or am I getting confused? I'm getting confused between working groups.

Marika Konings: Says that we're supposed to meet next time is first of December.

Michele Neylon: First of December, okay. Anybody have any problems with that?

Man: Nope.

Michele Neylon: Okay. Does anybody have anything else meaningful or otherwise to put on the record for this call? No, okay. Bye kids, we adjourn and I'll probably talk to some of you later this evening when we're discussing the fascinating things post (unintelligible) stuff. And for the rest of you, I'll talk to all early December. Good bye.

Man: Thanks Michele.

Man: Thanks Michele.

Woman: Bye.

((Crosstalk))

END