

GNSO
Post-Expiration Domain Name Recovery (PEDNR) drafting team teleconference
01 September at 18:30 UTC

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<http://audio.icann.org/gnsognsopednr-20090901.mp3>

On page:

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

Present:

Alan Greenberg - ALAC
James Bladel - RC
Mason Cole - RC
Tatyana Khramtsova - RC
Cheryl Langdon-Orr - ALAC Chair
Michele Neylon - RC
Jeff Eckhaus - RC
Michael Palage - CBUC
Ted Suzuki - IPC
Tim Ruiz (Council Liaison) - RC
Alaine Doolan - IPC
Glenn McKnight
Paul Diaz - Registrar
Mike O'Connor - CBUC
Sergey Gorbunov
Matt Serlin
Berry Cobb

Staff:

Marika Konings
Margie Milam
Glen de Saint Géry

Absent apologies:

William McKelligot – ICANN Staff Compliance
Karim Attoumani
Shiva Muthusamy

Coordinator: Today's conference is now being recorded.

Gisella Gruber-White: Thank you very much. Alan, we'll do a quick roll call. Good morning good evening to everyone. On today's call we have Alan Greenberg, Tatiana

Khramtsova, Sergey Gorbunov, Cheryl Langdon-Orr, James Bladel, Mike O'Connor, Paul Diaz, Michael Palage, Tim Ruiz, Mason Cole, Jeffrey Eckhaus, Michele Neylon, Alaine Doolan, Glenn McKnight.

From staff we have Marika Konings, Margie Milam, Gisella Gruber-White, myself, and apologies we have William McKelligott, Karim Attoumani. If I can also please remind everyone to state their names before they speak for transcript purposes, thank you.

Alan Greenberg: Thank you Gisella. The first item on the agenda is the update from the data collection subteam. Since the data collection subteam is meeting tomorrow morning I don't think there is anything substantive to report. Does anyone else on the group have any comments?

Woman: (Unintelligible).

Alan Greenberg: That's Michael and James, if I remember correctly, plus staff.

James Bladel: Yes, Alan, this is James. And I was very confused to see that on the agenda since we are meeting tomorrow. So...

((Crosstalk))

Alan Greenberg: The update to the group is we are meeting tomorrow, which had been kept a secret from the rest of the group until now. I don't think there's anything else to report on that.

Mike O'Connor: Hi, this is Mikey. You want to predict your results

Alan Greenberg: Since there'll be three people on the call predicting results, it may be difficult. Each one of us independently could predict our own results.

All right, the next item is review what further information or discussion is required to fulfill requirements of the charter. The first sub-item is pursue the availability of further information from ICANN compliance staff. And we just had a document that came in from William today, which augments the study - - excuse me -- the study they did earlier this year on number of compliance issues.

I gather William is not on the call. Is someone else from policy staff going to take us through those?

Marika Konings: I just pulled up the email in Adobe Connect. You know, I can't answer any specific questions on it, but I think basically overall, this is a - the email that William sent to the (list) is (in order that) - I think the results haven't been officially published yet but I think they're supposed to be out shortly.

But they reviewed whether registrars have a fee posted for recovery in RGP as is required under the EDDP posted on their website. And I think there is a large number of registrars posted -- 500 of them -- posted information on the website in relating to recovering domain names that are in RGP, which either did not mention fees or mentioned them but did not specify any amount.

And he notes that compliance will be issued in an advisory and reaching out to registrars to make sure that they understand that the requirement is to post the actual fees charged to the registered name holders for recovering domain names that are in RGP.

There was as well an exchange on the mailing list between Jeff and William on specific provisions. I don't think Jeff if you have any further questions or...

Jeff Eckhaus: Yes I did. I actually had just one - and I know William's not on the call, so I'm not going to ask any questions directly.

Marika Konings: Yes.

Jeff Eckhaus: Yes, but I just had...

((Crosstalk))

Marika Konings: ...questions and I can take them back if you want...

Jeff Eckhaus: Oh yes...

((Crosstalk))

Jeff Eckhaus: This way we don't have to go through the...

((Crosstalk))

Jeff Eckhaus: The first one was - I guess this is just in general. When you were saying that he's going to post these and make them public, I was curious if there were going to go through - I don't know, maybe some of the other - like the methods of the audits. Because I did have some questions there. So I don't know if that will be posted or if it's possible to maybe some of the - I guess maybe not publicly but to the registrars that were, you know, that were there.

Because some of them I'm a little confused about, because the statements in the RAA and expired domain solution policy states that this is for registrars that offer registration services through their website.

So I wanted to make sure that - because there's a lot of registrars have credentials, including ourselves, where we don't offer registration services through the website through that credential, but do have the ICANN (pop) requirements of the WHOIS services and the agreements, but don't offer registration services through the site.

So of course - so then we don't have the RGP fees because we don't offer registration, so I wanted to make those were excluded and to see sort of the accounting of how the compliance - the audit was done.

Marika Konings : Okay I'll take that back to William and ask him to respond to the mix there with an answer to that question.

Jeff Eckhaus: Oh that would be great. Thank you.

Mike Palage: This is Mike Palage. Can I have a follow up question?

((Crosstalk))

Alan Greenberg: Yes Mike go ahead (unintelligible).

Mike Palage: Thanks. Jeff, on - with your interpretation of having - I believe your interpretation was not offering registration services through the website. Is that - was your...

Jeff Eckhaus: Well, yes. No, my interpretation was actually just reading the document where it says if the registrar offers domain registration through the website then it must post the fees on the website.

Mike Palage: So let me ask you a question. Is - and perhaps this is a point for further clarification, but let's just suppose there's a registrar who reading that says, "Well I don't offer registrations through the website, but I provide an API for resellers." Would that then fall under your definition, or do you have an opinion on how other registrars might interpret that obligation on the resellers?

Jeff Eckhaus: I don't have an opinion how other registrars would interpret, because I can only say how I would interpret it. But I know on ours for eNom we offer domain registrations also where we have the API, so we do comply on that

area versus the one - the only one I can discuss are what's under, you know, eNom and my purview.

And those are - there are ones that we do not offer registration services through that credential and it is - and those are the ones where we don't post the fees, because we don't offer any registrations - any prices for any domains there.

Mike Palage: But do those registrars sponsor names?

Jeff Eckhaus: No. They're used for domains in expiration for when domains become available.

Alan Greenberg: I - it's Alan. I'm confused because the question Mike asked and the one Jeff answered. I thought Mike was asking essentially what happens in the case where a registrar does not sell domains directly but does through resellers. And...

Jeff Eckhaus: I can't...

Alan Greenberg: ...do you have an opinion on....

((Crosstalk))

Jeff Eckhaus: Yes, I could just say the answer of - I can only say the opinion for myself, which is what we do, which is for eNom we do offer - there - we don't have a credential where we offer through resellers and not domain registration through an API. So I can't answer that on what we do, because we offer both in that piece.

So - and I'm - personally I'm not sure there's any registrar that through an - through their credit registrar credential offers domain services through an API only or exclusively and not through their website.

Alan Greenberg: Oh there is at least one. Go - Tucows doesn't offer registrations directly other than through a sister company.

Jeff Eckhaus: Oh okay. I mean...

((Crosstalk))

Man: That's moot in this particular case.

Jeff Eckhaus: Right. Exactly. I think that might be directed - I thought they do through a different retail brand but under the same credential. But that's a question for Tucows that I cannot answer.

Alan Greenberg: Yes, I don't know either. I think technically they're a reseller, not (unintelligible) but I don't know the corporate structure well enough to say that. And it's not really up to either of us to hypothesize on that.

((Crosstalk))

Tim Ruiz: This is Tim. I can tell you that Wildwestdomains.com is a registrar that does not offer retail registrations period. It works solely through resellers. However the information is posted on the Wildwest site. You know, the situation may be that resellers mark that up. I guess would be the thing to - I can't tell you if that's true or not in that regard, but Wildwest -- what their price is is actually posted there.

And then, you know, just one other observation, which, you may or may not want to consider, but just something I want to throw out. And that is, you know, this issue of resellers has been coming up repeatedly and came up here. It's coming up here in the transfers working group.

My concern is that the - clearly there's an issue about resellers and how these things are enforced. My question is, do we want to deal with them on this ad hoc basis within - individually within each PDP, or is this something that maybe should be set aside and dealt with on its own, so that there's some sort of cohesive approach to how we deal with it?

And not, you know, an ad hoc conglomeration of different policies or recommendations or whatever that might come out of all these individual PDPs. Just a thought. Something to consider.

Alan Greenberg: Yes, I guess my short answer to that -- it's Alan -- is that we're already dealing with it in an ad hoc basis, because there were a number of specific explicit (unintelligible) statements about resellers in the new RAA, and so we're - we've already started down the line of dealing with on a somewhat ad hoc basis.

And the question is, do we want to continue that way until there is a more generalized policy, or do we want to discard any discussion of it until it's a generalized policy is the way I would phrase it, because it's a little bit differently from what you said.

Mike Palage: This is Mike Palage. I do think Tim does raise perhaps a broader point that the council may want to address. You know, since this reseller issue is the (whackamole) is popping up in different PDPs that are currently ongoing.

That being said, going back to the principle which I've been trying to articulate from the beginning about openness, transparency, and predictability for the end registrant, I don't - I think that - those three factors apply and our recommendation should apply regardless of whether it's a registrar or whether it's a reseller. So from that standpoint, I think our end recommendations really should be registrar/reseller neutral. We should be looking at protecting the interest of the registrants through this process.

Alan Greenberg: That was certainly the intent of the original request (unintelligible) issues started this.

Tim Ruiz: But - so Mike, just so we understand, the - is one possibility then that we proceed - we may not be able to resolve the issue of how this stuff is enforced on resellers. But we proceed with, you know, the best course of action to protect the registrants, and then we look at, as a separate issue, how in general any of these things, whether it's - this one or transfers or whatever, how they are dealt with in regards to registrars as a later issue.

Mike Palage: Resellers you mean.

((Crosstalk))

Mike Palage: I guess the - Mike Palage speaking again for purposes of the transcriber. I guess what happens Tim is I would have to really go back - I have not yet had the time to really look at the new RA in much depth. Perhaps - I don't know of Margie's on the phone but, you know, perhaps she could talk about the flow-down requirements under the old and the new and whether that, you know, does potentially bifurcate the - an implementation or a solution.

So as I said, I'm not - again I think you are right that this reseller issues issue is a broader thing that probably does need to be addressed, but I don't want that to impede the work that is before us right now, which as I said, I think is independent of registrars or resellers.

Margie Milam: And Mike this is Margie, if I could reply. I mean I can certainly look at the issue if you - and work with our legal department to (unintelligible) what the (contract) says with respect to resellers. Can you Mike kind of repeat what the specific, you know, issue is related to resellers is that you'd like to have clarity on?

Mike Palage: Perhaps maybe Tim and I could talk offline and then send you an email so that there's clarity between Tim and I and then there's - it's - there's no confusion when you forward that request to DC.

Margie: Okay.

Man: I'd like to be involved in that too.

Mike Palage: Okay.

((Crosstalk))

Mike Palage: Sure.

Alan Greenberg: Marika, there's an earlier report that is pointed to in your agenda that was published I think last February or March on compliance.

Marika Konings: Correct. I'm just...

Alan Greenberg: Now that particular report said that of the 900 and some odd registrars, the - they were checking to see whether a policy is mentioned on the registrar's website. About 750 were not - were compliant, and about 150 they were unable to determine, and there would be follow up work with the registrars. Do we have any follow up report on what the outcome of that evaluation was, which was supposed to take several weeks after the publication?

Marika Konings: Yes, it was stated in that email as well -- this is Marika -- the Compliance team did some follow up. I don't - I need to check with William if they have already exact numbers, but I think the, you know, the idea is to repeat the audit at some point in time to see indeed if the number went down.

But we already estimated that the number of non-compliant registers - registrars had gone down 30 to 40% following the outreach of the compliance staff (did) and explaining the requirements...

((Crosstalk))

Alan Greenberg: So perhaps still 100 which were not compliant.

Marika Konings: Yes, I will follow up with William to see if has any other numbers on this, or further information as to when they might review this issue again.

Alan Greenberg: Okay, thank you. Any further questions on the compliance - two compliance studies that we are talking about at the moment?

Marika Konings: This is Marika. I mean another question would be if - for the question here is pursuit of (inability further) information. The question is, is there any other information that this group feels they would need or would like to see from the Compliance department in moving forward and addressing the charter questions.

Alan Greenberg: I think that's at the core of what we'll be discussing at the meeting tomorrow, is it not? We're looking at information that we believe is - would be helpful and that might from compliance or might be from some other source.

Marika Konings: Okay. Yes that's more on the data gathering, but this might be more related to enforcement and how current (unintelligible) are enforced.

Alan Greenberg: Well -- excuse me -- we've already asked for the - for information on the number of complaints related to its expiration, and I would hope that is going to be forthcoming in some form. That's a request we made at least two meetings ago I think. I don't think there's anything else we've explicitly asked for since then. Anyone else remember something that we missed?

Mike O'Connor: This is Mikey. Just to restate Marika's question, I don't know that that's what she was asking. I think really what she's asking is if there anything else that we as a group might want. And, you know, it may be useful to wait until the data collection meeting tomorrow, but it's certainly a valid question.

Alan Greenberg: No, I don't disagree, but I was saying I think the only thing we have already asked for was the (unintelligible) on the complaints received, and as a matter of normal course and a breakdown on how many of them related to expiration. We did get a breakdown of how many related to transfers, but we don't know which of those were expiration - transfers of expiration time, or which ones were not related to transfers but related to expiration.

Marika Konings: Yes. But I'm not sure -- this is Marika again -- I'm not sure whether that - I think William did say that that information might not be available. That...

Alan Greenberg: Yes.

((Crosstalk))

Alan Greenberg: I understand.

((Crosstalk))

Marika Konings: And yes, I think Mikey was following my question was related to this specific issue on - because I mean the - I think some of the work that Compliance has done in this area was of course inspired as well by the issues report and some of the questions raised there.

So, you know, one of the questions would be are there any other items that you feel Compliance should pursue or, you know, have a similar audit on that our current provisions unrelated to EDDP or the RA that are required to inform this group and (as) part of the deliberation.

Alan Greenberg: It's certainly a valid question. I don't know the answer and we can - if you could you could pass that question on. Really...

((Crosstalk))

Alan Greenberg: ...other things that Compliance can verify through websites and such. Tim?

Tim Ruiz: I was going to say in regards to the compliance side, you know, what - however they can - whether they can or can't break down. Whatever complaint statistics we do get, wouldn't it be - wouldn't we need to understand how they relate to the overall picture?

So, you know, I don't know if it would be, you know, the number of expired domains per year, or for the period that the complaints cover, or (unintelligible) that nature, so we can see some sort of - get some sort of idea of what we're talking about, you know, the scope of it. Otherwise the number's just a number -- doesn't really relate to anything...

Alan Greenberg: I guess...

Tim Ruiz: ...as far as...

((Crosstalk))

Alan Greenberg: Yes (unintelligible) use those numbers would be nice to have, but since we have no idea what percentage of people have a problem follow the complaint process, it doesn't really tell us the size of the underlying problem. Interesting numbers nonetheless, but I'm not sure it will do - really give us a substantive feel for how large the problem might be.

Anything else -- excuse me -- on Point number 1? Okay, in the absence of any comments, Point number 2 of this item is to review the current domain name lifecycle with a pointer to (Rob Hall)'s presentation. Marika did you

have any thoughts on how we do this? Do you want to try to review it, or just...

Marika Konings: No, my - the (pointer) was - I mean the (pointer) was more related to that is the information we have. And the question for the group is, is there any further discussion or further information required to cover this item. So, you know, I would be hesitant to try to cover (Rob Hall)'s presentation, especially as it is recorded, and a (unintelligible) here on the (sides, and) would, you know, encourage everyone that hasn't done so yet to have a look there.

But again, this is trying to go through the list of items that were outlined in the charter for the group to review before moving into discussion of the different charter questions. So it's an attempt of trying to see where we stand and whether there's further information required before we can move to those charter questions.

Mike Palage: This is Mike Palage. Marika, I guess if you recall I had sent previously to the list how different registries actually had a different change in billing cycle. Obviously the (Affilious) and the VeriSign - those registries in which VeriSign and (Affilious) provide back end registry infrastructures, those registries automatically debit at the expiration date, whereas the registries provided by NewStar as well as .cat, they wait until after the 45th day until they do a debiting.

So I think (Rob)'s presentation, while an incredibly good first step in the process, I think we may want to supply that and show some of the different mutations or variations that take place. And then I think one of the other things that hopefully we'll find out through the survey that staff will be undertaking is, you know, some of those other different practices.

You know, are there registrars changing WHOIS data, you know, how that potentially impacts different things like that. So I think the presentation that (Rob) gave in Sydney was excellent. I found it very informative, but I think we

may want to provide some further delineations and not just use a broad brush stroke to say, "This is what happens in all cases," because again, that would - that's not the predictability that I think we're looking to get to on behalf of (unintelligible) registrants.

Alan Greenberg: Michael it's Alan. I have a question. Is there any evidence that you're aware of that says for any given registrar they follow different practices based on the different billing cycles?

Mike Palage: I...

Alan Greenberg: Because the...

Mike Palage: The billing cycle may - has impact on their finances and their cash flow, but does not necessarily - doesn't force them to present a different image to the end registrant.

As I said I've only - I started with the GoDaddy website with the information I was able to glean from that as a GoDaddy customer myself, have not stopped really going to any other registrars because there was I think the intent to allow staff to undertake that initiative in a more neutral fashion.

So the simple answer is no, because I stopped when - I stopped shortly after I started trying to ascertain...

Alan Greenberg: Yes, I - the reason I'm asking you is I don't think I want to - we want to spend a lot of time pursuing a particular line if there's no real difference presented to the registrar regardless of the financial model. We - this is - any of the registrars have any comments I'd appreciate...

James Bladel: Yes, Alan this is...

((Crosstalk))

James Bladel: ...James.

Alan Greenberg: Oh go ahead James.

James Bladel: Oh sorry Jeffrey. Yes I just wanted to point out that before we were to modify or alter any of the lifecycle (beds) described by (Rob) that perhaps that we can form that into a question, you know, for (Rob) or the other registrars as opposed to just modifying that lifecycle.

Alan Greenberg: That - the question I was asking is, at least anecdotally for the registrars we have now, is there really any difference in the lifecycle depending on the different billing cycles or billing methodology of the registry?

Man: And if I'm not mistaken, Mike, the ones that you're describing are - a lot of them are sponsored TLDs. So like travel and...

Mike Palage: No, no, as I said, it - right now the - it actually depends on who your infrastructure provider is, because (Affilious) VeriSign and NewStar that provide registry infrastructure services, have their software hard coded.

So for example .biz, which is an unsponsored reacts just the same from a billing cycle as .tel and .travel, which are both sponsored. But that is different from the way the (Affilious) and VeriSign registry infrastructure works. And again there's - it's not a sponsored/unsponsored. It really depends on who your infrastructure provider is, how the billing cycle takes place.

Now again, I think (Rob)'s - to date most of the discussion has generally centered on .com, because right now obviously that's intentionally one of the more lucrative ones in the secondary market. But again, sounding like a broken record, openness, transparency, and predictability on behalf of the registrants -- what is this going to look like when we potentially have 500 new TLDs or 1000?

You know, I don't know what an (OS) registry does. I have not yet looked into it, but I think these are real technical differences that impact - it definitely impacts a registrar's business model and their bank account, and I don't know yet if that impacts - if that has an impact on how a registrant goes about recovering their name. So it's just a question I'm asking.

Alan Greenberg: And I was asking for the small sample of registrars we have here. Do you know the answer to that?

Jeff Eckhaus: Yes it - Alan it's Jeff here.

((Crosstalk))

Jeff Eckhaus: Can I respond...

((Crosstalk))

Jeff Eckhaus: I want actually try - maybe actually tie both of your questions into hopefully one response. And the point being that Mike that as we - as you stated, there are different models, and I understand what you're saying between NewStar and the other piece.

And I think - and Alan to your question is as of now, since VeriSign and (Affilius) and the ones who debit right away comprise probably about 98% of registrations. And how it works, that - let's call it somewhere - I don't know, for email what it is, but I think in general it's somewhere between...

Alan Greenberg: Sure.

Jeff Eckhaus: ...somewhere above 95% that we do not change our model because of that small segment of that 1 or 2%. So we do not change it based upon that. We keep it the same for all the TLDs that we manage. We don't change it based

upon that expiration. And that's because we're not going to change it for a small slice of a certain TLD.

And to make it even more, you know, make it confusing to certain customers saying if you have a dot - a NewStar one, it's going to work this way versus if you have a .com it's going to work another way.

So everything - we keep it uniform. And as I said, one it's for the convenience for the customer. Two, we're not going to change our system for a registry or infrastructure provider that represents, you know, less than probably 3% of the domain regulation.

Alan Greenberg: I would think to reduce minimize confusion of your own staff also.

((Crosstalk))

Mason Cole: Alan this is Mason.

Alan Greenberg: Yes, go ahead.

Mason Cole: So I would agree with Jeff in terms of operations on our registrars. Really I - I'm lock step with Jeff on that. It's not at all worth the headache of trying to explain to a customer the finer gradations of operational changes. That - they're not in a position to understand it, and we're not in a position to try to orient our systems to try to make, you know, very fine changes based on those - on a very small slice of the marketplace.

So it's much easier for us and for our customers if we just present sort of a united front across the board on all TLDs.

Alan Greenberg: Okay thank you Mason. Tatiana you had your hand up?

Tatiana Khramtsova: And I'm represent (default) (unintelligible) (Russian) registrar. And we don't give different registries. It's our system (too). Also we have the unique uniform system for all the gTLD and CTLD domains. And not based on any billing procedures.

Alan Greenberg: Okay thank you Tatiana. Tim, did you have any comment on GoDaddy, or do you want to - (that's fine).

James Bladel: This is James.

Alan Greenberg: Yes.

James Bladel: Yes, I just confirmed that yes we do the same.

Alan Greenberg: Okay.

Paul Diaz: And this is Paul for network solutions. We're the same as the other registrars.

Alan Greenberg: Okay. We'll take all that into account when we have our meeting tomorrow. Any other discussion right now on the lifecycle process?

Jeff Eckhaus: It's Jeff here. I have one other point. I don't want to get sort of - I guess there's some points on there that in (Rob)'s presentation that I think that were (Rob)'s interpretation and maybe momentous, or his companies. And some of the figures in there, and some of the analysis of - and I guess even some of the conclusions by saying, you know, towards the end saying things about how much, you know, what it is - the thresholds that certain registrars use and that, you know, some of the claims that -- where was it -- oh, that saying hey no domains of value go through, but I, you know, I - that everyone has their own interpretation of what value is.

And I kind of - I - some of those terms I think, you know, if we're going to use this as a - what happens (unintelligible) a large lifecycle to sort of take out

these terms that are, you know, I don't know, that are - I don't say pejorative or influential, but sort of just stick to certain stacks versus some of the claims that are in there if we're going to use it in the working group as sort of a statement of fact.

And the other piece on that is I'm just going to say it to the group, but I - it's (unintelligible) towards Paul and network solutions is that there were some claims in there for network solutions that I think that have changed since then. So you might want to take a look at the presentation for what happens in the domain lifecycle so this way it stays current.

Paul Diaz: Yes, thank you Jeff. This is Paul. And both the presentation did and then the transcript we're going over right now in fact, because there are some things that have been changed in time.

Alan Greenberg: Okay.

Mike Palage: This is Mike Palage. And I think if we are on a fact-finding mission here, would it not be important to document those changes to see kind of where again where the changes are, where they're happening?

So if we're just looking at this snapshot today and not what it was say six months ago, I think we need to look at that, because if there beginning to develop best practices or recommendations that might help increase the predictability for the end registrant, I think that would be very important to document in our end report.

Alan Greenberg: Certainly...

Woman: Can I be in the queue?

Alan Greenberg: Yes in a moment. As soon as I get one sentence out. I think anything that any of the registrars in this working group can contribute to give us examples of

what happens, I think that will be significant benefit. And I suspect that's one of the things coming out tomorrow. Marika?

Mike Palage: One good question. Alan, should we send that to you or to Marika to collect that? I guess Marika I'm - you'll hopefully respond to that now.

Marika Konings: Yes, because my proposal was - or I presume this group would like to document the domain name lifecycle as well in their report. So my suggestion will be to try to transcribe (Rob)'s explanation in a more neutral way. And of course this group then will have an opportunity to review all the statements and all, you know, any missing information that is in there.

So it can be presented in a neutral, accurate, and up to date fashion. So it's more - I think the reference here to (Rob)'s presentation is more for the understanding of this group, and you know, (absolutely) (unintelligible) for their nuances or things that are his view or from his perspective. But I think it would probably be good for the report as well to have a description of the domain name lifecycle that, you know, is supported by the group and, you know, has all the elements that everyone feels comfortable with.

Alan Greenberg: I support that, and I would go a little bit further. And one of the things I got out of (Rob)'s presentation - and I'm excluding the specific (hard) examples of, you know, the example he gives towards the end -- but one of the things I got out of it is there's large variation among registrars. And in terms of the registrant's experience, it's highly dependent on the individual practice of the registrar. And as a few people have pointed out in this call, even for any given registrar it changes over time.

So I think one of the important things to come out with is not necessary to say what a specific registrar does, although that may be interesting, but to try to give the range of business practices among a large group of registrars.

In terms of the question of who to send it to, unless you figure - feel this (unintelligible) proprietary that you wouldn't want to send to the list, I would send it to the whole list.

Mike Palage: Yes I assumed if I was going to send it to Marika that it - or to you, Alan, that it would be - I'd send it to everyone so that it would be posted to the list. And I agree with you completely that there is - the thing I got out of it is that there are some big variations of different registrars that I think that would be great if we could post the different variations of what goes on. I think that would be helpful.

Alan Greenberg: To quote Mike Palage of what we want is both transparency and clarity for the registrant. And I think is - should be one of the outcomes of this working group is to try to make sure that when we finish, we have that amount of clarity and transparency.

Man: Fully agree.

Alan Greenberg: Any other comments on the lifecycle presentation? To summarize, we are going to be - we are soliciting now, but probably will out of the data collection meeting tomorrow we'll try - we'll be soliciting information on the range of experiences that registrants have. And then trying to summarize them in some neutral way, omitting statements which may not be statistically valid, such as no domains of value ever go into the redemption grace period or things like that.

Clearly we're not in a position to say no, but we can trying to understand what a moderately large group of registrars (unintelligible). All right the next item, which I think we've already started talking about, was review current registrar practices regarding domain name expiration renewal and post-expiration recovery.

I think in fact we have - I'm not sure there's a need to have more discussion on this particular call on that in that we've already said we are asking those registrars present to give us whatever information they can. And we will probably be soliciting more based on the data collection subteam. Is that a reasonable statement? An unreasonable statement? Is there anyone still here?

((Crosstalk))

Alan Greenberg: All right you're saying it's the chairman's call whether it's reasonable or unreasonable.

Mike Palage: This is Mike...

((Crosstalk))

James Bladel: Alan this is James. You know, I just wanted to mention that it may be difficult to get all historical revisions practices over time, especially when some of them may have occurred within the context of different policies on this, that, you know, that (sever) the lifecycle. So I think that, you know, getting what we can...

Alan Greenberg: I - since you general...

((Crosstalk))

James Bladel: You know, I think the most recent, you know, I think would be reasonable and, you know, getting everything that we've ever done I think is probably less reasonable.

Alan Greenberg: Correct me if I'm wrong, but most registrant agreements say that as the registrar changes the rules, they change implicitly, typically without notice. So do we really need to look at anything other than the current ones?

James Bladel: I think that's probably a more reasonable approach.

Alan Greenberg: I mean there may well be some registrant agreements would say the rules enforce when you signed the original according to that they enforce. I haven't seen one of those.

James Bladel: No, and we don't keep millions of revisions in effect (unintelligible) all times. It's (unintelligible) I think just logistically that's correct.

Alan Greenberg: The statement is often made the registrars and registries are the only ones to sign agreements, which can change, but in fact every registrant typically does.

James Bladel: And I was speaking more of just internal practices okay?

Alan Greenberg: Yes. No, no, I...

((Crosstalk))

James Bladel: ...together they're reflected in the agreement. The internal practices change. I don't know that they change all that frequently, but if they change based on some internal or external context that is also changed, you know, it would very difficult to gather those going back.

Alan Greenberg: Is there anyone on this call that feels we need historical views?

Mason Cole: This is Mason. No, I don't know that that would necessarily be helpful. I mean if you're trying to address the situation as it exists today, then no it looks like current - whatever's happening currently would be the thing to examine.

Mike Palage: This is Mike Palage. And not to sound like an attorney, but it depends. And let me explain why I think it depends, is if we find that there were certain

practices that was negatively impacting the registrants and the industry voluntarily have abandoned those practices, right -- which it would be a good thing, right -- we may want to document those bad practices as a way of prohibiting some new actor from transgressing or going back to something.

So I - again I don't think we should spend a lot of time, but if in the course of our research we have some anecdotal evidence where registrants were harmed by a specific practice, we may want to document that practice and perhaps in our recommendation say, you know, this should not be done. So, you know, I just offer that as a basis for why...

Alan Greenberg: Okay. You're...

Mike Palage: ...you may not want to discard that.

Alan Greenberg: You're saying we should consider such things if they come up, but we're not actively soliciting past histories from registrars.

Mike Palage: I think - yes I would say that I think that's a fair assessment. Again, we have a narrow - I think we have a narrow timeline to get this work done, so going on a fishing expedition I don't think is in anyone's best interest.

Man: We have unanimity. I think we need to stop talking about it before we change.

Alan Greenberg: Okay. Excuse me. I just came off of 35 hours of flying, and my throat is still a little bit dry. Okay the next item we have, if time allows -- and time is certainly allowing at this point -- the - to actually start looking at the charter question of - the charter questions, with number one, whether adverse event opportunity exists for registrants to redeem their expired domain names.

Again, I think part of this is going to come out of the information we are seeking in the data collection subgroup. And part of it come - I think was presented by (Rob) in the expiration lifecycle saying that it is certainly

possible that virtually no time exists at all, based on the registrar practice, if a domain is particularly interesting it could get auctioned or sold almost immediately after expiration.

How do you - how do people want to go about trying to address this question in a more formal sense?

James Bladel: Alan, this is James.

Alan Greenberg: Yes.

James Bladel: Before we dive too deeply into this, I think that we probably should have an understanding of what is adequate. You know, is that a measure of time, is that a measure of - I notice one of the other charter questions discuss this frequency of notification.

But I think that, you know, we should probably get on the same page relative what's adequate. I mean GoDaddy has 12 days. Is that adequate? Someone who's used to dealing with a registrar that provides less time, that would probably seem more than adequate. So, you know, I think that we should probably get synchronized as to what adequate means.

Alan Greenberg: Well I think adequate time - we need to define adequate time or we need to come to closure on what the group believes is adequate time. And we also need to come to closure on what we believe is adequate notice. In other words let's...

((Crosstalk))

Alan Greenberg: ...a domain which expires but how the website behaves, how the domain name behaves does not change. Is that adequate notice for instance?

James Bladel: Well I think is notice covered -- and I don't have the charter questions in front of me, apologize -- but I thought that notice was covered with one of the other charter questions -- notifications. Is that correct?

Alan Greenberg: I think they cross over. Marika, you wrote it. You may give us your opinion of it. I would think opportunity implies two parts. One, you have to know that something exists, and then do you have the ability to do anything about it.

James Bladel: Okay. And then adequate could mean more than just timeframe for example. If, you know, GoDaddy allows you to come in and renew it as if you were prior to the expiration date versus we could, you know, conceivably design a process that would call folks to contact support and fax in all kinds of documentation. And, you know, that's, you know, I'm trying to understand what's meant by adequate.

Alan Greenberg: Marika?

Marika Konings: Yes, in response to that question, I mean there are two different questions in the charter. One that immediately speaks about the notices and if there's sufficient notice provided to registrants when the domain name expires.

And I mean in my interpretation but - as my personal interpretation, this was related (unintelligible) this Question 1 is sort of related to the opportunity to recover names after they have expired and not specifically linked to notices received.

Because as well another question on what should happen when a domain name has expired. You know, is it sufficient what - is the current practice or should there be other measures in place?

So of course all these questions in the end are related. And, you know, I think the idea would be that an overall policy or a recommendations come back

that address all these issue in one coherent, you know, policy or best practice or whatever comes out.

So I think it's unavoidable that those questions will be taken together in times, but it might be helpful to look at them one by one and then try to, you know, bring them all together. Again, I mean the group might prefer a different approach and throw it all in one pile and try to do everything at the same time.

Alan Greenberg: Yes I just think we're - they are so closely linked that I'm not sure how we can completely separate them.

Man: You've got hands up, Alan.

Alan Greenberg: Oh sorry. Go ahead Tim.

Tim Ruiz: Jeff can go first.

Alan Greenberg: Oh okay.

Jeff Eckhaus: I had a...

((Crosstalk))

Alan Greenberg: I need to find the right window.

((Crosstalk))

Jeff Eckhaus: Thanks Tim. Question I had Alan. You just mentioned - you said - I just wanted to make sure I heard what you said. That - you said that domains that have value do not enter the expiration period? Is that something you stated?

Alan Greenberg: The redemption period is one of the things that (Rob) said.

Jeff Eckhaus: Oh the redemption period, not the - so there is time - so you're saying that they do go through - they do flow through the - so the person doesn't renew, it flows through the expiration period, whatever that time may be...

((Crosstalk))

Jeff Eckhaus: ...you're saying but then...

Alan Greenberg: My understanding of the current rules and from what (Rob) said, the practices, is that a registrar - if the registrar has terms in their contract which says they can change - transfer the ownership immediately upon expiration, then indeed they can do that. And they can sell or auction that domain immediately with virtually no time between the moment of expiration and the time domain is transferred to someone irrevocably.

Jeff Eckhaus: Right. So...

((Crosstalk))

Alan Greenberg: I'm not saying that happens every day, but I believe the current rules allow that to happen.

Jeff Eckhaus: Right. So I just want to be - the difference though, because there was two different things stated there. So you're saying - but I'm - I don't think one leads into the other, which is stating that if that provision is in there, then the previous registrant does not have a chance to renew?

I just - because I, you know, these terms are being thrown out. I just want to make sure that there is, you know, or that it is - that there's evidence of saying here's specific cases or here is people that specifically do that thing.

The - they - their - they have the right - the registrar has the right to transfer ownership, and then this registrar that does that, does not offer a chance for the previous registrant to renew the domain. I, you know, because it's being thrown out that these happen. I just - I'd love to see evidence of this or just stating that versus people claiming that it does happen if it's possible that we can show this.

Alan Greenberg: I'm - whether we can find examples or not, I would be hesitant to allow rules to go forward which allow a registrar to change their internal practices and allow that to happen, even if we don't have cases of it happening today.

Mason Cole: I'm sorry. Mason with a question. I'm sorry, there are hands raised ahead of me, so...

((Crosstalk))

Alan Greenberg: We've got a lineup first.

Mason Cole: Yes, yes. I'll raise my hand. Sorry.

Alan Greenberg: Tim first.

Tim Ruiz: Hey Alan I'm going to put my hand down and just - I'll just wait for others here.

Alan Greenberg: (Mikhaili)?

Michele Neylon: (Far as) just taking myself off mute. Okay there's been a lot of backwards and forwards about things, and some of it I can see it going to be a bit controversial.

Just coming back to the - to two things regarding notifications, one area that we've seen has been a source of confusion is in relation to American - well

North American-based registrars who use American date format in notifications.

Now this may seem like a silly problem, but for Europeans - that can cause confusion. (Unintelligible) which it might be worth looking at is that a source of confusion that people think that domains aren't going to expire when they've already expired because the date format in the notifications that they received is ambiguous. It doesn't state clearly it is American date format or anything along those lines.

And the other one which I think might upset a couple of my colleagues in the registrar constituency -- but I've been asked to raise this -- is one of the issues that we've seen happen regarding our clients -- I'm not going to get into registrants and shoppers and all that, but just refer to people actually pay us money -- is because of the way some domains never fully expire in that they're picked up again by somebody else without actually going through a full deletion process, that this problem arises that when - if somebody does a WHOIS lookup on the domain, still appears that it never actually was recreated. You follow me?

In other words, the domain was - might have been registered in 1999 as expired with Registrar A in 2007 was picked up by Registrar B or in...

Alan Greenberg: Right.

Michele Neylon: ...as this causes a bit of confusion for end users.

Alan Greenberg: That is in fact the norm right now I believe.

Michele Neylon: Yes. And it is a bit problematic for - and confusing. Just throwing that out there. And on that, just get back into the quietness again.

Alan Greenberg: Anyone else with a hand up?

Mason Cole: I'm trying to put my hand up, but I'm not successful here. So can I just jump in when available?

Alan Greenberg: Just jump in.

Mason Cole: All right, this is Mason. So I wanted to revisit Jeff's question about - or I'm sorry, James' question about adequacy -- whether or not there's adequate opportunity for a name to be - I think the charter question says -- if I'm not mistaken -- adequate opportunity to recover a name post expiry. Is that right, or is it an adequate opportunity to renew the name at any point?

Alan Greenberg: It's to redeem their expired domain names.

Mason Cole: Okay. All right, so I do wonder if it would be useful to define the process by which registrar - registrants are obligated to maintain accurate WHOIS data, including their contact information for the purpose of the registrar fulfilling their obligation to notify of an upcoming expiration.

And to document if possible, the level of effort put forth by a registrar to remind the registrant that a name is approaching expiration before we consider what happens - and not before, but as we consider what happens to a name post-expiry.

Because I can only speak for my own registrar, but we sent out at least 17 notices, both prior and following expiration. And I don't - and I can't speak for all registrars, but I would bet that most registrars have at least a double-digit growth number of reminders that go out to registrants.

So, you know, I do want to make sure that we consider this entire process in its totality before we make assumptions about what registrars may or may not be motivated to do post-expiration. Now I wanted to - I wanted also to say that with respect to immediately making a name available at auction, you

know, the day after expiration happens, I'm not aware of any registrar that does it.

That doesn't mean that there aren't any that do. But I mean I think that would be foolish for registrars to do for the reasons that I've stated before, which is registrars spend an awful lot of resource trying to get relationships with customers, and to sacrifice a relationship on the basis of a one-time transaction on a name is not very smart. And I'm not aware of very many who do that.

So if we're considering making rules governing behavior post-expiration, I, you know, I want to make sure that we don't do it on the basis of something that's not shown to be a problem. And if registrars aren't doing what it's feared they may be doing, then asking the entire lot to conform to a policy that's unnecessary I think may not be useful - a good use of our time.

Alan Greenberg: On the other hand asking registrars to comply with process they already follow is not particularly onerous.

Mason Cole: I don't follow that. I'm sorry. What do you mean?

Alan Greenberg: If we -- to be devil's advocate -- end up with a policy saying you must allow at least 15 days during which the registrar can redeem their name before it is irrevocably sold or transferred to someone else, and you already do that, it doesn't alter your - have to alter your practices.

Mason Cole: Yes, I get - I get where you're coming from, but I just - I think that no matter what rules or policies are put forth to registrars, it - I think it's only fair that the impact on registrar resources be considered.

Alan Greenberg: Indeed.

Mason Cole: Because, you know, even - I think assumptions are made -- and I'm talking about the broader community -- and now I am speaking for all registrars. I think assumptions are made that even small technical changes in processes are easy to implement or don't have an impact on resources, when in fact they do.

And to, you know, to sort of work all that work at the registrar's feet, it, you know, it's - I think it's easy for those that don't have to absorb the impact to minimize the idea that it is impactful. So I want a fair-minded approach when it comes to policy development that registrars alone are required to implement.

Alan Greenberg: Paul, (is) your hand up?

Paul Diaz: Yes, Paul Diaz, network solutions. Just a follow on what Mason is saying, and actually to highlight something that you offered Alan. Let's also remember that in these grace periods, some of them are - they're not all required.

And so using your example and said well for the registrars that are already doing things that might be consider best business practice, it wouldn't be onerous and this working group were to say you must wait at least 15 days. Let's not forget that those grace periods are not obligations. They are there...

Alan Greenberg: I would point out that you are correct. They are not obligations, which is why this policy development process is going on -- that this may choose to make some required process required delays. And that's the - one of the potential outcomes of this whole process -- to say that the rules in place today are not adequate.

Tim Ruiz: Yes this is Tim. I'd like to get in the queue with Alan.

Alan Greenberg: Yes. James was there first and then Tim.

Tim Ruiz: Okay.

James Bladel: Yes and I think that - this is James and I think that Paul is absolutely correct as well as Mason. You know, we have to be very careful with policy. If I'm a small registrar maybe I can't afford with these registries to pre-bill expirations. Maybe I can't afford to carry a name for 13 days or whatever the number is.

So I think that it - to say that certain things are because most people are doing them are transparent and have no impact other than what Mason described as resource impact. I mean they could have other impacts down the road, and I think that that's why we need to understand the problem and understand the consequent, you know, the cure is worse than the disease.

Alan Greenberg: Tim?

Tim Ruiz: Yes I think that my concern Alan with what you're proposing or suggesting is just that if we approach policy that way, then, you know, we could have numerous policy processes going on for all kinds of things. And I don't think that's really where we want to end up. You know, let's do a policy that, you know, 80/90% of the registrars are already doing (unintelligible) the policy in place to make everybody else do it.

I think the point is, is that if the, you know, if the market is competitive and registrants have choice, that we should - that should come into play when we consider policy. And I think that it's important that we have some sort of data to back up policy when we do implement it.

So if - and that's when I guess I was proposing that we trying to understand the relationship of the complaints to, you know, the overall activity. simply because if we find through this process that registrars that represent, you know, 90 plus odd percent of the registrations are already providing adequate opportunity, or that the complaints are some minute fraction of a percent of the overall domains that expire, I mean it - I just think it's going to be difficult

to support, you know, any significant policy that's going to affect, you know, such a small number.

And that could be resolved just through selecting one of the plethora of other registrars who are already providing adequate opportunity.

So that may be - may or may not be the result of all this, but I think that has to be considered. And that policy that takes away registrar's ability to differentiate themselves in different areas would be a disadvantage to the market overall. But you don't want to...

((Crosstalk))

Tim Ruiz: ...competition. You want to continue to encourage it.

Alan Greenberg: Just out of curiosity, would you consider that not changing what the registrars can do, but ensuring that they make it blatantly clear what they are planning to do, not necessarily buried 14 pages down in a contract, is reasonable? Again, I'm not...

((Crosstalk))

Alan Greenberg: ...suggesting that that's the outcome.

Tim Ruiz: No, I guess we can - yes.

Alan Greenberg: But...

Tim Ruiz: Perhaps. Then you'd only have to look at what's reasonable, and are we going to require registrars to do things that the rest of the - every other segment of the industry isn't required to do. And if we are, then why? You know, this has been an ongoing debate over software contracts --

shrinkwrapped software contracts -- (whatever) all kinds of things for a long time.

There really isn't, you know, any easy solutions to all that without, you know, taking away a business's ability to actually make decisions about what's best and how to best market...

Alan Greenberg: Okay let's not try to decide the outcome right now.

Tim Ruiz: Right. So I'm just saying though that that it's a broader issue than just, you know, what should registrars do.

Mason Cole: Yes if I could get the queue as well.

Mike Palage: Go ahead. I'll (wage) in the queue after Mason, please.

Mason Cole: Thanks Mike. I - yes, I have to agree at least some with what Tim says. I think if - I don't necessarily disagree with the idea that registrars need to be well informed about what could happen with their names.

If you look at the totality of things that registrars or anyone who enters into a customer/provider relationship -- a contractual relationship -- if you look at anything that's required to be disclosed, you have a pretty long document to start with. And I think we can thank all the attorneys for that.

So I think you know, if we take one section of an agreement and we say, "It needs to be more blatantly displayed," then, you know, I think there's the opportunity for the next organization with a - an issue of interest to come along and say, "Well if you're making that known, then we want our issue known and more blatantly displayed as well."

And the next thing you know, you've got, you know, I don't know how that would be done. You know, if one particular section of an agreement is more,

you know, is excised out of the agreement and presented to a registrant before a transaction is even made, or a - I don't know how that would be done.

You know, I can see a scenario as an alternative where a registrars would cooperate in some kind of education effort to make registrants better informed about the intricacies of the marketplace without violating their - whatever their anti-trust issues might be.

But, you know, Tim is correct. At some point, the , you know, ICANN set up a layer of registrars intentionally to introduce competition and innovation into the marketplace, and registrars are expected to go and fulfill that mission. And now that they have, you know, there's some - I - there are some understandable complaints about some of the things that may have happened. But we have to be careful about how we constrain registrars' ability to differentiate themselves. I just want to make sure that's understood.

Alan Greenberg: Mike?

Mike Palage: Yes this is Mike Palage. I fully agree with Tim's statement about differentiation in the marketplace. The only caveat I would say is that while generally differentiation is a good thing, there needs to be a caveat however when differentiation potentially harms a registrant or a third party. And I think that's what we're trying to look at here.

And to get back to the point that I believe (Michael) -- what is it -- (Michael Neelund) had raised previously about domains which are "expired and transferred to a third party," but in which the registration date -- the original registration date -- stays the same.

This practice potentially has the ability to negatively impact trademark owners and bringing a UDRP action, because one of the things that a trademark has

- one of the defenses is registration prior to a trademark owner's acquisition of rights.

Now for all practical purposes, we have heard that registrars will treat this as a deleted name and their services reassign this or reallocate it to a third party. Yet we're still seeing the same in the WHOIS the same original registrant with the original party. And when you begin to impact therapy right such as IP owners, I think this is something that needs to be looked at in the broader context.

Mason Cole: If I can join in the queue.

Alan Greenberg: Mason?

Mason Cole: Yes, thank you.

Alan Greenberg: Yes I think you're next.

Mason Cole: Okay, so I think if there - again -- and I come back to the question -- if there is existing evidence that can be pointed to, to say these harms are happening because of current practices, and they are - and they're, you know, they're evidenced as such, then we should take a look at them.

If we're looking at instances that might happen but certainly are not happening and haven't happened over the course of some reasonable amount of time, then I think we need to concentrate our resources where there actually may be a problem.

Alan Greenberg: Anyone else want to address this right now?

Cheryl Langdon-Orr: That was a very loud sigh from me, Alan sorry.

Alan Greenberg: Would you like to say some words, and not just sigh on the chat?

Cheryl Langdon-Orr: No. No, no. Not a (unintelligible). I'm just looking back at the mutual benefits gained from the results to both registrants and the domain name industry in Australia (unintelligible) a group of best practice agreements that's really (unintelligible) of a joint process.

And I think whilst it is painful, it's certainly (well worth) (unintelligible) we can (unintelligible) for a rather long time on these (unintelligible). And I'm sorry I've only got anecdotal information, but that tends to stop us moving forward, and I'm really (unintelligible) to move forward.

Alan Greenberg: Yes. I really would like to focus on the fact that in general, I would not expect the bad actor registrars to be participating in this process. So it's not...

Cheryl Langdon-Orr: Exactly.

Alan Greenberg: ...very surprising that the registrars were here can, you know, claim that their practices are reasonable. And I'm - so I'm not questioning that.

How - the question I'm asking the group is, how do we come up with hard evidence and numbers in the absence of anyone collecting any statistics on this kind of information -- either ICANN or the registrars producing any, or the registrar's constituency? I'm not sure how we come up with the kind of evidence that is being requested by the registrars on this call.

Mason Cole: Well if I could speak that, Alan, if I may. So speaking as chair of the constituency, I would say that I, you know, unfortunately, you know, I mean in any industry you're always going to have bad actors. And you're right -- they're going to hide under the rocks and they're not going to participate.

And as a constituency we don't want those - we don't want bad actors in our midst any more than you do. You know, eliciting, you know, of course the

participants in ICANN processes and constituencies on balance, you're going to find are the good actors.

Alan Greenberg: Sure.

Mason Cole: So agree with you there. I, you know, in terms of how we actually root the information out, I don't know. You know, as chair I'm not going to be able to compel a bad actors, if one is known, to come forth and say, "Well yes I'm a bad actor and here's what I do, and here's what you ought to do about it."

Alan Greenberg: Or to verify that they information that they gave to you was correct.

Mason Cole: Yes. So, you know, it - I can tell you in general that registrars usually hear of bad actors. And, you know, if they're known then, you know, sometimes we can lean on them a bit and, you know, get them to change their way so that they don't end up painting all of us with a - with the same black brush. And in the past, those kinds of things have been successful.

So, you know, I'm not trying to be difficult over the issue. I do believe that if evidence is not readily available, then there may not be a problem. I'm not - that's not to say that a potential problem may not develop down the line, but I don't know ICANN is in the business of preventing every possible that could occur, from occurring.

So, you know, I'm happy to lend the constituency's efforts to a reasonable degree to finding out if there is a problem, but in - if we search and search and search and search and don't find anything beyond the anecdotal, then my concern is that's a lot of wasted effort.

Alan Greenberg: Yes. I will point out that although there may be some people who want very problem to be fixed, every potential problem to be fixed, very, very few of them get to the stage of actually having a (PDP) in process. And so we're not talking about every possible problem that someone might...

Mason Cole: No, I know.

((Crosstalk))

Mason Cole: I appreciate that, but I mean I'm dealing - I'm being illustrative...

Alan Greenberg: I understand. But...

Mason Cole: ...by trying to say that, you know, we're not in - ICANN is not in that kind of business.

Alan Greenberg: Yes, but we've problem only had a half dozen or less of PDPs in the historically of ICANN related to registrant/registrar rules. So we're dealing with a very small subset, so I don't think we want to generalize too much. Okay we have some other hands up. I'm not sure who had their hand up first -- Jeff or James.

Jeff Eckhaus: I think it was me, and I just want to - it's - I was put it up before Mason spoke. I just - one of the things that just - Alan to answer your question about collecting data, as much as the registrar constituency would love to help, just as myself on the - right now the treasurer. And I've tried to collect funds and (unintelligible) memberships from some of these guys that, you know, that are bad actors -- because we want them involved so we can actually speak to them and tell them to change their ways -- they don't respond. They don't respond to us.

They - I mean we have customers just, you know, as a registrar we have customers that have issues with them. They don't respond to us either. So as much as we'd love to help, I think the data you get from the registrar constituency, which we'd love to, you know, from these - the people who are participants would show you the data that, you know, I guess that people are complying, and the ones you are looking at are the bad actors.

So I don't think it would be through the registrar constituency would be the right avenue. And it wouldn't be from, as you can imagine, just sending it out to any list to see. It would have to go through - probably my guess would be ICANN, but then I'm not even sure if they know which are those bad actors or bad people unless they have verified that...

((Crosstalk))

Alan Greenberg: You don't have to stress the case. I believe you 100%. I think...

Jeff Eckhaus: Yes.

((Crosstalk))

Jeff Eckhaus: I'm just trying to think of a way to collect the data. I'm trying to brainstorm on this. I think it's a major issue. I don't know how we do it.

Alan Greenberg: Yes. Thank you. James?

James Bladel: Well just to continue to belabor the point, I mean from transfers to security issues, registrars cannot expect cooperation from the bad actors registrars as well, so...

Alan Greenberg: And I think that's why we're in this (PDP) to begin with. Cheryl?

Cheryl Langdon-Orr: To belabor the point too, (unintelligible) (to say) a measurable (unintelligible) anecdotal information. In terms of the bad actors, one of the extraordinarily useful tools we found within the (unintelligible) TLD processes that we went through here in Australia is that the knowledge that a registrar or reseller who says here is the industry code of practice on their site -- and it's enforceable by (UBA) by the way -- is a simple check that our registrants can use to say (unintelligible) (potential). It's part of the education process.

Alan Greenberg: (Mikhaili)?

Michele Neylon: Sorry just getting off mute again. Just two things. I mean I would agree with Jeff as, you know, you're going to have a problem that - with bad actors.

I mean over here in Ireland, we had lots of fun trying to persuade companies to get involved with self-regulation. And you'll find that if there are 40 or 50 companies that provide a particular set of services that should be self-regulated, only a handful will actually opt in for the self-regulation.

In terms of the gathering of evidence, the call for public comments has been picked up by quite a few of the domainer blogs and (unintelligible). I posted I think one or two links to the list where people were discussing some of the things that they weren't actually submitting through the public comment channel.

So I mean maybe people spent a bit of time having a look at what people were saying and comments on blogs where they might (unintelligible) and get round to actually submitting a formal comment might be helpful.

Alan Greenberg: Yes, and I would agree. And on the users side get the message out, because there is a public comment period open. Is there anyone else who wants to speak to this? We have James.

James Bladel: Yes just very quickly, I'm wondering what role the ALAC can play in terms of an outreach and educational tool or channel to help registrants become better educated about not only how the process works and how the lifecycle works, but, you know, perhaps which, you know, who the bad guy registrars are.

You know, I think we can do that, but, you know, registrars that it - will always come to - in the form of marketing. And perhaps as a public service, some of

this information could be disseminated through some of the other organizations within ICANN.

((Crosstalk))

Alan Greenberg: And if you'd like to supply the ALAC with a list of the bad actor registrars we'd be happy to distribute it further.

Cheryl Langdon-Orr: Now, now, Alan. Alan, so - my (hand's to my heart). I'm taking a (tour) of the ALAC (unintelligible) firmly (on my head) in responding now. It's Cheryl here.

In fact, our at-large structures, which are out there working at the edges, many of them in general (unintelligible) advocacy and (unintelligible) information and education roles as (unintelligible) far beyond telco and communication and internet industry, let alone a subset of domain industry, use that as their daily bread. It's what their (unintelligible) and they are in a (unintelligible) position to (unintelligible) with the supplier side of this equation and do that effectively.

And given established trust relationship between the registrar/consumer and the person who's given them (unintelligible) given them the information (source). So absolutely it's why we need to be working much closer regionally, locally, with (unintelligible) and within the (unintelligible).

((Crosstalk))

Alan Greenberg: Okay I'm picturing an ALAC approved seal of approval that we could probably display.

((Crosstalk))

Alan Greenberg: (I'm not sure) ICANN...

((Crosstalk))

Cheryl Langdon-Orr: Well I think we're heading into murky areas of cost of compliance and maintenance (unintelligible) my personal perspective. I actually (think) (unintelligible) very useful within the Australian perspective is the cost of compliance and maintenance of a best practice mark. There's not (unintelligible) for a - an industry (unintelligible) regulatory approach.

What was (unintelligible) educating consumers to say you are safer with a registry than you are with a reseller unless the reseller leads you to the following larger pieces of consuming information. Beware, be careful, and (unintelligible) websites that give you choices and links and (unintelligible) registry.

You go to (unintelligible) registry, any potential registrant and there is a random rolling selection of (unintelligible) on the top of the list. If there is a (unintelligible) list of every accredited. And registrar and (unintelligible) we encourage them to have their resellers where possible is causing a trickle down of the industry best practice.

And people can certainly (unintelligible) to be under industry best practice and (unintelligible) along with our (unintelligible) our (unintelligible) regulator.

Alan Greenberg: I'll point out that we're embarking in parallel with this effort with the charter of registrant rights and responsibilities, which the current - the new RA will require registrars to point to.

Now it's not clear how this group is going to make clear statements about things which vary from registrar to registrar, such as the exact process of what happens at the end of expiration. But the challenge for that group is indeed to try to make it clear enough that registrants cannot say they didn't understand if they chose to at least look at this. So that process is going on

within parallel, which my address some of what we're talking about here.
(Mikhaili) you had your hand up?

Michele Neylon: No, just (unintelligible) quite a bit of what Cheryl was saying. Cheryl was talking about the Australian market. I can only speak about the Irish market. The (IE) domain registry publishes a list of its authorized resellers, which actually splits into two groups -- those of us with more than 500 registrations and those with more than 50 but less than 500 -- and the list is displayed randomly in random order. And if the company is not listed there, well then they're not authorized to sell.

And unfortunately there's no real - and (unintelligible) best practice or anything like that, so this (unintelligible) apart from this (unintelligible) provide the list they're not really doing anything. And (unintelligible) did introduce a code of conduct, which was optional for registrars to sign up to, so I'm not very clear on the level of success that's had. Maybe some of the other registrars on the call might have more experience (unintelligible).

Alan Greenberg: All right, we've got about seven minutes left. I want a few minutes to talk about future meetings. Is there anything else that anyone wants to address right now? There are no hands up in the chat room right now. No?

All right, we decided at the last meeting to schedule meetings on a weekly basis. I notice on the GNSO calendar they are not. There is one scheduled for next week, but after that, they're set as bi-weekly again. And I would ask - I don't know if Gisella is still on the call or Marika, to make sure that the calendar reflect that they are in fact weekly meetings.

Gisella Gruber-White: Hi I'm here and I'll do that straight away.

Alan Greenberg: Thank you. Other than that, I - we've had an interesting discussion. I'm still not quite sure of how we go forward and start the substantive work of deciding what if anything we start to look at regarding policy. We do have a

commitment to have something the Seoul meeting, which is something like six weeks away right now. But I think we'll go on in this process for another couple of weeks and see where we get with it. Any comments?

((Crosstalk))

Alan Greenberg: Go ahead.

Michele Neylon: I just want - I won't be available next week.

Alan Greenberg: That's unfortunate.

Michele Neylon: I think I'm in...

Tim Ruiz: This is Tim. Alan, I won't be available either.

Michele Neylon: You've got a much better reason (unintelligible).

Tim Ruiz: Yes, but - big vacation.

Alan Greenberg: We don't accept vacations.

Tim Ruiz: If didn't involve my wedding anniversary, I might, you know, I might decide for - try to still participate, but my marriage comes first I think.

Alan Greenberg: Enjoy yourself then.

Man: Smart (unintelligible), Tim.

Alan Greenberg: In the absence of any - of everyone saying they're not going to be here, we will hold a meeting next week. Hopefully we'll make some additional progress. Is there anything else we want to cover, or should we actually

adjourn early? In the absence of any hands or comments, I thank you all for your participation.

Man: (Unintelligible).

Man: Adieu.

Man: Thanks Alan.

Alan Greenberg: Bye-bye.

END