

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

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<http://audio.icann.org/gnso/gnso-pednr-20091006.mp3>

On page:

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

Present:

Alan Greenberg - ALAC
James Bladel - RC
Cheryl Langdon-Orr - ALAC Chair
Ted Suzuki – IPC
Paul Diaz – RC
Berry Cobb – CBUC
Helen Laverty - Registries
Ron Wickersham – NCUC
Mason Cole - RC
Michele Neylon - RC
Alaine Doolan – IPC
Michael Palage – CBUC
Tatyana Khramtsova - RC
Shiva Muthusamy – At-Large

Staff:

Marika Konings
Glen de Saint Gery
Gisella Gruber-White

Absent apologies:

Margie Milam
Karim Attoumani – GAC
Sergey Gorbunov
Mike O'Connor – CBUC
Jeff Eckhaus - RC

Coordinator: Thanks for standing by. I would like to remind all parties today's call is being recorded. If you have any objections, please disconnect. You may begin at this time.

Alan Greenberg: Thank you, could we have a roll call?

Gisella Gruber-White: Absolutely. Good morning, good evening to everyone. On today's call we have Alan Greenberg, Michele Neylon, Helen Laverty, Cheryl Langdon-Orr, Ron Wickersham, Tatyana Khramtsova, James Bladel, Siva Muthusamy, Ted Suzuki, Mason Cole, Paul Diaz, Alaine Doolan, Barry Cobb. From staff we have Marika Konings and myself, Gisella Gruber-White. And apologies, we have Jeff Eckhaus, Sergey Gorbunov, Mike O'Connor. And if I could just remind everyone, please just let the names when they speak. This is for the transcript purposes. Thank you. And I believe Michael Palage has just joined as well.

Alan Greenberg: Great. Thank you, Gisella. All right, I decided to add to the agenda a review of the agenda, which we haven't had before. I had actually hoped to have a change for today but I wasn't quite ready to do it but I think it's good form anyway. If there are no comments on changing the agenda, I'll give you three seconds to speak up.

We will just continue. We were partly through reviewing the public comments in our last meeting. Marika, has the form substantially changed for the part we already did to warrant going over things at that - this point or should we just continue where we left off?

Marika Konings: This is Marika. The only thing that has changed is I have taken out the ICC comments, where they kind of goes together with the other constituency statements. They did confirm that that was their constituency statement. And I've added some more general comments, like, you know, needs further discussion or some of the comments that were received during the call.

So that's for people to review. And if they feel I haven't capture construction accurately, you know, you can just send a message and we can update that. But I'm not really sure what we need to go over because there are no conclusions being drawn or, you know, agreement reached on any of these questions yet.

Alan Greenberg: Okay, thank you, Marika. If I remember correctly, our general rule of conclusion on most of the items was there was enough disagreement between - in the comments that went along, in fact, with the discussion we had that all of the items do merit significant discussion by this group. And I don't think - although the public comments have added some particular issues and examples, they have not indicated any reason why we should omit one of the items.

My recollection is we got all the way down through Question 5 because the last one we had not started on the general comments. Is my memory worth anything?

((Crosstalk))

Woman: I was going to say, I needed a fix I my, Alan, which I think worthy.

Alan Greenberg: Okay. Marika, you were going to say something, I think?

Marika Konings: No, I was just going to say that you were correct, that we left at the general other comments section.

Alan Greenberg: Then I will turn the microphone over to you and to continue the review of the end of the general comments area.

Marika Konings: Okay, so then basically all these comments are all individual comments or statements that I had difficulty placing in any of the other categories. So I

propose we just go sort of one by one and see if there are any particular comments people would like to make or feedback people would like to give.

So the first one related to ICANN's responsibility to insure that registrars provide care information regarding the expired registration at the time of registration as well as using warning reminder services as the expiration date approaches. ICANN should take responsibility for implementing the grace period by reserving expired domains for a minimum period.

Alan Greenberg: Okay. Any comments on that? That is essentially saying that we should explicitly identify some minimum period at which things can be renewed and essentially requesting specific consensus policy on this. Any thoughts?

None? I think this is basically in line with what the original request for an issues report was requesting and everyone seems to think this is a good idea in the absence of any other comments. Okay, let's identify this as something worthy of significant discussion and the direction we want to go in.

Marika Konings: So the second comment here basically proposes to use a term of negative registrants, (unintelligible) registrant prior (unintelligible) expiration, that's one of the areas I think the group has already covered with the RAE or RAE concept that the group developed at the beginning of the working group.

Alan Greenberg: Unless I hear strong support for this in lieu of RAE, RAE, then we'll continue with what we decided. Next.

Marika Konings: The next one is a comment pointing out that domain name warehousing is on the list of topics in the RAE which consensus policies can be developed, making the point that there should be no ownership by registrars, the right to hold and the right to scuttle names away on that. LES's expression of opinion that any person that has lost - domain due to expiration should be able to reclaim these names (unintelligible) ICANN policy.

Alan Greenberg: Comments? Is everyone on tranquilizers here?

Gisella Gruber-White: No, we're using a whole computer to try and get back into Adobe Room but I'll make loud noises if I disagree with anything.

Alan Greenberg: Thank you. Paul, you have your hand up.

Paul Diaz: Just a quick question, Alan. Any of these comments, our purpose now is just to go over them because they're going to get included into our first draft report? That was some confusion last week, that in some cases where we're trying to divide input or intent on the part of the person. You know, we had difficulties. Are we just going to ultimately paraphrase these - let's take the very last comment, you know, the person is talking about what could potentially be a consensus policy about warehousing.

But there's nothing now that's not in our mandate. So we couldn't necessarily make - I'm not just sure what we're trying to do in going over all these comments right now.

Alan Greenberg: Well, these comments are to see if someone has great wisdom that we have missed or if there are issues that we haven't considered to date that members of the public feel are warranted. I'll take a moment before we go on to the next speakers on these items. On this particular item, I see two distinct statements.

One is a statement about warehousing pointing out that something which could be eligible for consensus policy. And the second is that people who have lost domain names should be able to reclaim them. I don't necessarily see those as overlapping at all. I think those are two completely separate issues and I think will have to be looked at in their own right.

The first in my mind is not necessarily - although it could be construed as part of this PDP and the second definitely is. But we're going on to speakers - James?

James Bladel: Yeah, hi, Alan, this is James and I just kind of wanted to echo some of Paul's questions. I'm not really clear what we're doing in terms of if we're reading through the comments, I understand we're not - this isn't really the time to dive into these issues directly. But if we're attempting to categorize them somehow or map them to the charter questions or perhaps it's identified if we left something out of our initial discussions. So how are we dispositioning each of these comments?

Alan Greenberg: I'll give you my answer and I'm not sure it's the definitive one. My answer is I think we need to have gone through the comments in a conscious way so that later on as we're deliberating, we are moderately familiar with them, can go back to them as necessary. And if anything major is referenced in them that we haven't put in, this is an opportunity to think about it.

So I don't think we are trying to do anything specific other than make sure we're aware of what the comments are and try to categorize them in our minds if not formal. I'm not sure how - whether that makes it clearer or not. Helen?

Helen Laverty: Yes, I just wondered if we could clarify a little bit in term any person that had lost a domain due to expiration should be able to reclaim these names in a clear and concise ICANN policy. Are we specifying the number of days after expiration or are we saying that the registrar should go ahead and delete the name as soon as it becomes expired? Currently registrars have a variety of different policies. Normally they will give 30 to 45 days to renew the domain. In some cases they will give the registrant 30 days and then say they have the opportunity to sell it and auction it, which sometimes happens.

I don't know whether these are covered in this or are we going to say these should not be done - we don't actually do either - any of these. And I know a lot of registrars do that, so we'll factor registrars in that situation.

Alan Greenberg: My position is I - the statement is clearly unclear. And I think we've already determined in the extreme, zero days is not enough and 4,000 days is too much that someone should be able to come and - come back three years later and say, oops, I lost my name.

((Crosstalk))

Alan Greenberg: I don't - I wouldn't be surprised. And I think it's up to this group to determine what if any mandated minimum time there is. So I think that's perhaps the subject of the - the main subject of the debates we'll be having in this forum. James?

James Bladel: Yes, just a proposal or thought or suggestion would be that we perhaps take a look at these questions and try to map them to the different categories that are outlined in our charter. And if they're not mappable to that, then we can kind of set them into a category on their own and say that these are issues that came up during the comments that were not easily addressed by charter questions. I think we're missing an opportunity to maybe put some categorization around these comments.

Alan Greenberg: Okay, so you're specifically talking about the ones that Marika did not categorize, that we should do our best to categorize them or reject them as being out of scope?

James Bladel: I think so and I think for example, we - and this is James speaking again - I think that we have, for example, the second one where the commenter offers up a new definition. I think that we've gone over this fairly early on in our work and we've arrived at a definition to RAE. So perhaps as a group we can say,

no, we've, you know, we've touched on this, we have a working definition and we're going to stick with that for the duration.

And if there are any other like that that we feel either - or have been obsolete by our work to date or perhaps they're just not relevant to what we're trying to discuss. But if they belong in another category, then I think perhaps we should try and attach them to that at this point, while we're going through this initial read through.

Alan Greenberg: Your comment is well taken, that's why we don't only have one person on these calls. I think we should go back and do that for the first ones we didn't and then go back to the third one, Siva had his hand up first though.

Siva Muthusamy: Well, yeah, may I speak now?

Alan Greenberg: Yes, please.

Siva Muthusamy: This is on the (unintelligible), it's (unintelligible) domain name (unintelligible). (Unintelligible) too little time and does not work for everyone.

Alan Greenberg: I'm sorry, what are you talking about?

Siva Muthusamy: I'm talking about the time allowed to - time period for which the domain name is kept alive before expiring.

Gisella Gruber-White: Can you say your name, please?

Siva Muthusamy: This is Siva.

Gisella Gruber-White: Thank you.

Siva Muthusamy: Yeah, this is Siva.

Alan Greenberg: Go ahead.

Siva Muthusamy: Okay, the time (unintelligible) does not work for everyone. If we take an example, (unintelligible) some time back, three or four years back, which was the users to log in once at least 45 days. Otherwise, that (unintelligible) was temporarily deleted.

In Texas, this was - this affects several users, even the experienced users. Then when email launched its email service, it specified that this requirement was once in nine months. So this is a clear indication that (unintelligible) 45 days or...

Alan Greenberg: Okay, Siva, if I can interrupt. You're having this (subsident) discussion on what the delay should be which is not what we're doing right now. Right now we are just looking at the comments and deciding - asking what they mean and think how to categorize them. We will later go back and discuss what the act - what kind of policy we may want to come out of this PDP, if any.

Siva Muthusamy: Okay.

Alan Greenberg: All right, if we can go back and do what James suggested, which I think is a good idea. For the first one, the question is, does it fit into one of our particular categories or not?

Marika, would you - do you have any comments on why you didn't categorize it?

Marika Konings: This is Marika - because basically a very broad statement, I guess, that can, you know, relate to several questions because it talks about as well, you know, the warning reminder service that's related to the notice. It talks about the grace period which I guess relates to the question on whether there's sufficient opportunity to recover a domain name following expiration. So I guess this is a general comment that might fit several of the questions.

Alan Greenberg: Okay, so it's a global comment which covers many, if not all, of the agenda - of the charter issues.

Marika Konings: Yeah, I think at least Question 1 and Question 3 directly in my view.

Cheryl Langdon-Orr: Cheryl here, I'm not in the room so I don't...

Alan Greenberg: Okay, go ahead.

Cheryl Langdon-Orr: Have my hand up.

Alan Greenberg: Go ahead.

Cheryl Langdon-Orr: Thank you. Isn't there a - remembering the columns, if I can say them, can't we just categorize it 2, 1 and 3 then?

Alan Greenberg: We certainly can. Marika's problem was she didn't add categories, she put them in different sections of the spreadsheet.

Cheryl Langdon-Orr: Yeah, I understand that.

Alan Greenberg: And therefore (unintelligible). I think we can easily categorize it into at least 1 and 3 or simply global. James, you had - sorry?

James Bladel: Yeah, this is James. And just so I wasn't, you know, so Marika wasn't angry that I was creating or additional work or criticizing the categories, I'd like to offer that that particular question probably could be broken down into three component questions that could be added to Question 1, dealing with, I believe, adequate opportunity to recover, Question 2, dealing with visibility and the registration agreement and Question 3, which was, you know, discussing the notices and - of upcoming expirations.

So I think this particular example can live in those three areas simultaneously. And if we encounter one of those, you know, I think that the general rule is that these uncategorized comments either belong in one category, multiple categories or no category. And I think it's really the last case that we need to identify and determine what we're going to do with those.

Alan Greenberg: Okay, I - you're right and I don't think we need to worry about the formatting right now of do we break them into three sections and spread it over the others or simply annotate it as one two and three. For our purposes, I think they're equivalent. Barry?

Barry Cobb: Yes, I'll just kind of echo what James was saying. I'd even go to the point of breaking them apart as separate statements. Because, I mean, they are so broad and sweeping, there are three elements there that are not mutually exclusive. You know, they touched several boundaries across this whole element. So maybe we ought to look in breaking them apart and then it'd be easier to start classifying them as breaking out the categories.

Alan Greenberg: Okay, any other comments on this one before we go on back to the next one? Okay, with regard to the second one on the definition of legacy registrant, I think we have come up with an alternative term and this one is not - does not need to be considered because it was really just talking about the semantics that we're using in the term - in the PDP.

The next one has two different sections, one on the main warehousing and the ownership by registrars, so to speak. And the other is that someone who has lost the domain should be able to reclaim it.

The first one I would - well, okay, before I make comments, we have hands up. James?

James Bladel: You know, I'll go ahead and defer to Michele on this one, since I don't monopolize the conversation.

Alan Greenberg: Okay, Michele, go ahead.

Michele Neylon: Sorry, just put myself off mute. I mean, this - it's a very broad statement, it's the first thing I'd say. And again, sorry, any - again, I categorize, like the third part of it, any part of the domain due to expiration (unintelligible) clear and concise ICANN policy. Again, that's quite - I think that's repetitive of some of the other comments we've seen.

In this, there should be no ownership of registrars, was there further context to that or was that the whole comments?

Alan Greenberg: I don't have the original ones in front of me. I don't know if Marika does or not.

Marika Konings: Yeah, this is Marika. I don't have it in front of me but all these are abstracts or part of comments. So it's important as well to review the full comment. I've tried to take out, you know, the most relevant parts which were relevant to the discussion of the group. But I would recommend anyone that has any questions to look back at the full comments as well.

Michele Neylon: Okay, well, I guess I'll leave it be then.

Alan Greenberg: James, do you still want to get in?

James Bladel: Sorry, a little slow on the mute there. Yes, just really quickly, I would probably echo in some of what Michele has said. But I think that the second part is the comments, you know, in the absence of the contact but I trust the -Marika's synopsis here.

The second part of this comment deals directly with Question 1, which is the adequate opportunity to recover. The first part, you know, domain name warehousing is direct in the RAE. I think that, you know, I would think that that is taking us down one of the - off the beaten path a little bit if we say that any attempts by registrars to, you know, make a name available for the RAE after a name has expired, you know, is that what is being swept up in the generic definition of warehousing?

Do we need to define that or is that just simply something that, you know, a tangent to the conversation that we're trying to have. And I pose that question to the group.

Alan Greenberg: I can try in the absence of any hands up, I'll try to address it slightly. The first statement is just a statement of fact. And I don't think we can argue with that. The next statement talks about ownership which of course is not quite the right word in regard to domain names but implies that registrars should have no rights to take control over domain names in the interim period which of course is not necessarily the same as warehousing.

And so I think the latter half of the statement of what rights do registrars have in the use of the domain name post-expiration is something we will be discussion, although I hope we will not get into the issue of warehousing as such because I think that is way outside of our domain. Barry, do you have a comment?

Barry Cobb: Yeah, I was just going to say, you know, my limited understanding of the entire market space across registrars and still somewhat limited in learning more everyday. But you know, I'm starting to understand that there are people out there that make themselves a registrar because they own a pool of domains and that's how they choose to manage that portfolio or something along those lines.

And I'm not saying whether this is the right or wrong way to go but, you know, taking that comment should there be no ownership by registrars or no right, wouldn't that be like a very large market space game changer for x number of registrars out there that are accredited?

Alan Greenberg: I guess it would be if we were to go in that direction. I mean, just like registries are prohibited from owning names other than the ones that they need for running their business. One could imagine that such a rule could be created for registrars. I think that's a little bit far out of the scope of this particular PDP.

Barry Cobb: Right, okay. So you know, I mean, then those kinds of comments should probably be scratched from however we plan to proceed with them because they're - that's a pretty big one there and I'm not sure I agree. It's just not really in the scope.

Alan Greenberg: I would tend to agree that the second sentence as phrased, part of it is - at least part of it is well out of scope. Ron, you have your hand up?

Ron Wickersham: Yes, this is Ron Wickersham. Could someone define in this context what is - do we know what the commenter meant by warehousing or is that a generally understood term here?

Alan Greenberg: I'll let the professionals in the business answer that. I know what my answer would be. But is there someone who's in the registrar business like to comment? Michele?

Michele Neylon: Well, that's the problem. I mean, it's I'm - the - some of the registries have definitions - I'm not talking about CCTLD registries would have definition of what they understand warehousing to mean. But that doesn't mean that a member of the general public would use the term correctly. I mean, we - I constantly see people referring to cyber squatters when the reality is that somebody just registered a domain before they got there.

So you know, without having a clear context of what exactly the person was referring to, I would personally think the term isn't that clearly defined. I mean, we could, as a group, could define what we understand warehousing to be. But that doesn't necessarily mean that the person submitting the comments have the same understanding.

Alan Greenberg: (Michael), I have a question for you. Are there any of the definitions of warehousing which you would think are clearly under our scope - within our scope?

Michele Neylon: To be perfectly honest, not really, no.

Alan Greenberg: Okay.

Michele Neylon: In my own personal - I can't speak for James, Paul, Mason or anybody else. Personally I think it's far too easy to - for us to end up in a completely distracted by things that maybe they might be worth of merit of discussion within the ICANN community. But they're not - this entire thing we're working on, my understanding is, make sure that normal registrants is not over - use simple, clear terms.

It's not screwed over by a registrar and that's their afforded fair and equitable chance to renew their domain name. And you know, that they don't lose their domain name through - if they lose a true - some mistake on their own part because they didn't bother paying the bill because they ignored all the things, none of us are going to change that.

But broadening the scope to include other topics that people may find interesting, I think is not going to help anybody. It's just going to cause headaches and distraction which need to keep the focus as clear as possible.

Alan Greenberg: I don't think anyone's arguing with you.

Cheryl Langdon-Orr: There's a virtual agree -if I was in the room, there would be an agree next to my name - Cheryl here.

Michele Neylon: Okay, thank you, Cheryl.

Alan Greenberg: Okay, I think that one could argue that if we could eliminate warehousing in its widest popular form, that it might - it would go a long way to fixing the problem we're looking at. But that's an awful wide broom to use to address the particular problem we are looking at. So it's a rat's hole which I don't think we want to go down. But I appreciate any other comments.

There were a bunch of hands that have since disappeared so everything has been said. Do I interpret that properly? Okay, so if I can try to summarize, the statement about warehousing being a subject eligible for consensus policy is true but not necessarily one that we want to do anything about.

The no ownership without qualification is too wide a statement. Again, it's not within our domain to say whether registrars are allowed to own or not. The second half of that sentence in the summary implying that registrars should have unilateral rights to own domain names post-expiration. It's something that we will be discussing. And last part of the statement essentially maps the Question 1 in that is there adequate opportunity to reclaim domain names.

Not seeing any hands and not being able to say that again, I'll take that as we all have the same understanding.

Marika, I can now turn it back over to you. This is going to be a slow day. It started off with two bad jokes and email and it's getting worse.

Marika Konings: I think someone just has raised their hand.

Alan Greenberg: Ron.

Ron Wickersham: Yes, Ron Wickersham. I think we can understand the comment towards position was not that - not to say as broadly as a registrar should not own their own domain names that they themselves registered. But he's talking about owning it in the post-expiration context. So to dismiss it as saying it's too broad, I don't think it covers what he intended to say.

Alan Greenberg: I don't...

Marika Konings: This is Marika, if I can maybe just read out - I have the comment in front of me, the specific part that relates to this. It might clarify something.

Alan Greenberg: Go right ahead.

Woman: That would be very helpful, Marika, thank you.

Marika Konings: He basically starts by saying - well, maybe I can just post it in the chat room. It may be easier than me reading it out.

Woman: No, no.

Marika Konings: I'll read it out as well but I'll put it there as well so those that are in Adobe can read it. It basically says, ICANN adopted statutes specifically directed at domain name warehousing 4.1 which don't appear to have ever been levied against any registrar. And he quotes, "the end of the redemption grace period is the domain name permanently removed from the registry database and made a part of the pool of available names" - end quote.

There appears to be no mention of the full expiration process, especially prior to the grace period. That's beside any continues going on about, you know, there should be - there would be no ownership, registrars should act transaction facility that are not banned from rental agencies in any manner.

So it continues. And many rates the ownership issue and the rest of it comments.

Alan Greenberg: Okay, to comment on Ron, I don't think what I said in my summary was the same as what you said. I said that the statement that registrars should have no ownership rights is too wide a statement for this group to look at. However, the second half of the statement in the summary on what rights the registrars should have post-expiration is something that we will be discussing.

Ron Wickersham: Good, thanks for that clarification.

Alan Greenberg: Okay. Helen?

Helen Lavery: Yes, I'm just wondering why we have the word ownership in. It was my understanding that nobody ever owns a domain name, even have rights to it for up to ten years. But ownership isn't actually...

Alan Greenberg: As someone who actually uses that term on occasion when I slip - and I do regularly - I think we - any time we use the word ownership we really mean to say is the registrant of a name.

Helen Lavery: Exactly. But I think it's confusing bringing in the word ownership and even the word warehousing is also confusing because it has different connotations. I'd really prefer to see both of those words removed and further actions will not come in from...

Alan Greenberg: To the extent that we cannot change the comment that someone made. I think in any public documents that we produce, we need to make sure that we don't use the word ownership.

Helen Lavery: Yes, thank you.

Alan Greenberg: I'm afraid in conversation we will likely continue to use the word. I'm not sure we can change that.

((Crosstalk))

Alan Greenberg: Yes.

Helen Laverty: But what you said about the documentation is exactly what I'm concerned with. We should avoid those words in documentation which other people may misconstrue.

Alan Greenberg: And we trust you'll keep us honest.

Helen Laverty: I'll try.

Cheryl Langdon-Orr: Cheryl, the reason I put my hand up in a virtual world.

Alan Greenberg: You can. James is first then you.

Cheryl Langdon-Orr: Thank you.

James Bladel: Hi, Alan, this is James. I just wanted to say that was that the previous speaker, Helen, I agree with that suggestion that we - while we should not be editing comments, perhaps if we do detect something (unintelligible) terminology is stretched a little bit, we can put the original word own or ownership in brackets because we kind of know that's probably a misappropriation of that term.

And I think that we could probably say the same about warehousing because we really don't have a definition as it pertains outside of the RAA or as it is applicable to this particular group because to me, warehousing is not to a small number, warehousing is also not a temporary steppingstone into

disposition of a name that has expired, whether that's to be RAE or to another part.

So I just feel like I'd like to agree with Helen's suggestion and suggest also that until we have a better understanding of what the particular commenter was looking for, we should also put the name warehousing in quotes because I'm not sure how that applies here.

Alan Greenberg: Okay, we will seek counsel from those who have done this before more than I certainly have on how to handle these semantic issues to make sure that we're not passing on any incorrect connotations in our reports.

Cheryl Langdon-Orr: Cheryl.

Alan Greenberg: Yes, Cheryl.

Cheryl Langdon-Orr: Thank you. A perfect segue into exactly what I wanted to say, having been doing this in a CCTLD environment for some time now, where we constantly need to retrain and reeducate and nurture our understanding from the registrant's point of view of the whole landscape.

Two things came to mind; first of all, that we need to be extraordinarily careful of what gets (pulmugated) in documentation. So, you know, in absolute agreement. And of course, the use of the glossary and some definitions as a main part or a standing part of any documentation that comes from the work group is the way I would be proposing we approach it.

And the second one is put on the potential to-do list to - as I think, (Michael) has done is that a number of times, you know, somewhere in this process we need to do some education, who does it how, when and why of the Internet end user who becomes a simple Internet user who wishes to become a domain name registrant and help them learn what the hell they're actually contracting to do with people which is license something.

And that license needs to be maintained under certain criteria, including accurate who his information and contact, etcetera, etcetera. So that sort of needs to be on the back burner and may or may not be something we have a comment on. But we have to be real careful about making sure we use proper words and glossaries and meanings and just keep pushing out the correct information because the only way you change people's usage and understanding. Hand down.

Alan Greenberg: Michael Palage?

Michael Palage: Yeah, just with regard to changing the commenter's wording and stuff like that. I agree on the legal definition of ownership and, you know, but I still think we need to caution before we start changing people's words because there are some people who have argued in court, for example, in the www.sex.com case in which the (non-circuit) said it is possible for their to be an ownership.

So before we start changing people's words, I just want to urge caution on that. So I would argue that not only with the ownership but also with regard to the warehouse. If that is what the commenters have said, you know, I think we need to have the record reflect what they said before we start imputing different interpretations on their comments.

Alan Greenberg: And I would suggest we may need a very small preamble to these comments when we publish them. Marika?

Marika Konings: Yeah, this is Marika. My suggestion would be something we've done as well in some of the previous comments, like to have in the third column the opportunity to make those kind of notes, saying well, the working group questions whether ownership is an appropriate term or not, the working group discussed, you know.

What the definition of warehousing would be in this context as the commenter did not provide any definition to raise those issues in this document so that it is documented that, you know, it will raise some certain questions on the different comments but not necessarily changing the comments that people have made. Because I agree there with Michael, this is what people have put in. I don't think it's for the working group to change those. They can question them and discuss them and maybe put them in context. But I think we should be careful in trying to change people's words.

Cheryl Langdon-Orr: (Unintelligible) again, there's no way you can change people's comments. Their comments are their comments are their comments. All you can do is establish clear and agreed guidelines in the (unintelligible) with a set of understandings or definitions associated with it.

James Bladel: And this is James, I just want to clarify that for Mike and for Cheryl that, you know, I think I used the word, you know, let's put them in brackets or parentheses or something to call attention to the term but not necessarily make any edits or revisions to the original comment. I just wanted to be clear.

((Crosstalk))

Cheryl Langdon-Orr: In reply to that, there's nothing faster to get someone's back up than telling their wrong, they don't understand what they're talking about or they don't know the language they should use. So the comments are simply individual's comments. And however they are listed and (pulgated), you know, people can look up the archives and their raw data will be there.

What I'm saying is, the output of the workgroups needs to be clear. It's always real handy to have proper definitions or agreed definitions in documentation.

Alan Greenberg: I would suggest we understand the issue right now, we don't need to come up with the details of how we format the final documents. And Marika has just volunteered to do a significant amount of work in creating the output of this workgroup and I think we should accept it and go on. Michael, you still have your hand up. Was that a remnant?

Michael Palage: That is a remnant, I will resolve.

Alan Greenberg: Okay, may we go on to Item 4?

Marika Konings: The next commenter suggests that resellers may have an incentive so that domain names expire since they have - or can get a cut from the option proceeds.

Alan Greenberg: Which applies I would think to the statement of adequate opportunity and perhaps adequate notice.

Marika Konings: That may be as well. Question 2, whether the provisions are clear enough?

Alan Greenberg: Yes, certainly. Helen?

Helen Laverty: Yes, I think as far as resellers, didn't we already discuss this was really beyond our scope, that we fell into jurisdictions of the registrars and the registrars are ultimately responsible for resellers.

Alan Greenberg: We did say that. This is a statement - that comment was made and I think it falls - if you group the resellers as an arm of registrars, which may not be legally the case but in terms of the process, then the statement applies to registrars.

Helen Laverty: But are we going to give resellers a legal distinction from the registrar they're under?

Alan Greenberg: They already have a legal distinction in that they are now referenced to find and referenced in the current RAA or the new one that came into effect in May. So the concept of a registrar is enshrined in the ICANN contract, including a definition of it and with explicit responsibilities for resellers, which may have been implicit in law anyway but are not being made explicit.

So we might in the end recommend that additional things be made explicit for instance.

((Crosstalk))

Helen Laverty: The registrar is not responsible for the accident of their reseller.

Alan Greenberg: No, the current RAA - I wasn't part of the current negotiation team on that. Maybe someone who was could comment. I know (Tim) isn't on this call, Mason is. But my understanding was this - the inclusion of the reference to resellers was not necessarily a change in law for a contractual requirement. But make an attempt to make things more visible and make it clearer that resellers are not exempt from those terms. And there were some people who were claiming they were.

Helen: Okay, I just wondered whether it was appropriate for us to consent on this because it's...

Alan Greenberg: I think - there's a precedent now that resellers are allowed to be mentioned. It would not be inappropriate. James?

James Bladel: Yes, thanks, this is James and I'm just trying to get my mind around how this could be possible and how this would work in practice. And then - I guess I'm asking the, you know, the folks who, you know, part of the at large or even some of the other registrars on the call. I mean, do we know how this could work or...

Alan Greenberg: Can you just - can you define this - I'm sorry.

James Bladel: This arrangement of resellers getting a cut from auction proceeds by letting domain names expire. I just want to know, is this occurring?

Alan Greenberg: Well...

James Bladel: It just seems like a strange statement to make, that it's a hypothetical thing that could be happening or is it something that, you know, we, you know, it's notoriously a problem.

Alan Greenberg: In light of what Helen said, if we simply consider registrars an arm of resellers and in our minds rephrase the statement, it said registrars may have a vested interest in allowing domain names to expire because they make money off of it. And that in fact can be true. So whether it's the resellers who take a cut or the registrars who make a profit from auctioning and selling a domain name, that may in fact be true. I don't think anyone's denied that. But I don't know if that helps your question. Michele?

Michele Neylon: I'm just reading the full comments. The comments is from the register of domain name wire. The full comment is, resellers may have an incentive to let domain names expires since they can get a cost. It is normal practice for domain registrars to auction off expired domains and I have no problem with this. Most of these registrars still make that (unintelligible) to inform customers of renewal dates.

I do have some concern with resellers, especially since some registrars compensate them with a portion of auction revenue. I mean, that's the full context of the comments.

Speaking as a registrar and as a reseller, well, from our - as a reg - my registrar has - it's not something that would be of any interest - we wouldn't

have any interest in doing this. And with my reseller hat on, it wasn't something I ever had the opportunity to take advantage of.

Alan Greenberg: Is that sour grapes?

Michele Neylon: Being bluntly honest and just in terms of general business practice, it would - I would - I don't know if people do this. If they do, I don't know how they get away with this. I mean, from our perspective, every time a domain expires, the registrant didn't want to expire, it causes me massive headaches. So I can't see how any right minded individual running any form or business in this sector is going to do this.

I mean, okay, sure, there may be some nut jobs out there who do this and seem to enjoy playing with lawyers. But it's a strange one. The interesting - if there was more - if people had chance to approve or chance to make a comment - (unintelligible) even the wording, resellers may have an incentive. It's not clear whether they do have an incentive nor is it clear that it is actually happened. So I don't know. It's a very odd comment.

Alan Greenberg: Paul.

Paul Diaz: Yeah, this is Paul and I appreciate that Michele read the whole thing out because, I mean, (Andrew Oleman) is certainly a well noted and savvy observer of the domain name industry. So understanding the complete comment, two thoughts; one, for network solutions, he's actually got it all backwards. I mean, the way we do our auctions is that we make a portion of the proceeds of auctions available to the RAE.

So you know, this idea we don't incent resellers to withhold names from somebody and then - so we can cut them in. I'm unaware of the practice and, you know, would like to see an example, not that this becomes another urban myth that we're chasing after.

The other thing is very importantly, however we're ultimately going to recognize in our reporting the efforts that we're doing now, looking at all of these various inputs and totally agree from previous experiences. It's so important to make it clear to the rest of the community that working groups did fully take onboard all inputs.

It's very important that we understand the full context of what was said. Normally the summaries have been great. And Marika, it's not a dig on you in any way but this particular paraphrasing of the comment was actually somewhat misleading. And you know, I think we all kind of owe it to ourselves to separate overall to be very careful and certainly not to start putting words in people's mouths.

For instance, we can't say, well, we think he means insert registrars where he said resellers and therefore it's true. That's not what was said and not even was paraphrased. So let's just be very, very careful with this.

Alan Greenberg: I have a question before I go on. Given that you say that the author of the comment was well respected, would you have any problem with staff going back to him and asking if he has any particular examples?

Paul Diaz: I think that would be a great idea. I mean...

((Crosstalk))

Alan Greenberg: He may not be willing to put in public comment, being allergic to lawsuits. But nevertheless...

Paul Diaz: Sure. But in his connections within the industry, maybe he can highlight for us an actual example of this happening so that it is no longer an urban method or perhaps examples of other things as well. I think we should take that under advisement and see if we can do that in a proper and discreet way.

Alan Greenberg: Mason - I think Mason was next, I've lost track.

Mason Cole: Yeah. I just wanted to echo what Paul said. I think the statement that a reseller could and therefore a registrar could be incentivized to let a name go and therefore realize auction revenue shouldn't translate into would do it or is doing it.

You know, I - this question came up, I specifically remember as far back as about 2003 at a conference.

And I remember several registrars making the distinct point that - and I may have brought this up on another call - that the cost of pursuing and acquiring and successfully maintaining and servicing customer relationships on the part of a registrar, given that the market place is so competitive in terms of price for registrations, that as a general statement, registrars would be foolish to sacrifice a long term relationship for the sake of one-time, you know, one-time cut of auction revenue.

Now it may be that that has happened once or twice or maybe even more often. I'm unaware of it if it has happened. And I have no - I certainly have no objection to asking (Andrew). I agree with everyone else. I worked with (Andrew) often and he's very well informed and I respect him a great deal in his journalistic approach.

I want to be careful again that one example does not a trend make. But if there is a demonstrable trend or demonstrable trend that should be addressed, that's a different matter. So I want to make sure that we just carefully parse exactly what we're looking at and decide whether or not resource has to be devoted against something that is a once or twice occurrence or is a trend of actual harm that's developed or is developing in the market place.

Alan Greenberg: James?

James Bladel: Yes, just real quickly, I want to say that Michele, Paul and Mason either echoed what I wanted to say or even, you know, said it much better. But there was one final point that I wanted to throw out there with the idea that in order for a reseller to be as they're perceived to be, some sort of a middle man, there has to be some degree of control. And I think that there might be - this comment might be presuming that a reseller can block names - sorry - notifications from renewal from going out to the RAE or may be able to somehow insert themselves into taking control of that name before it goes back to the parent registrar.

And I guess I just don't see that as being the way that would work in the real world. And for example, I'm thinking of a hypothetically unscrupulous registrar who had probably - if they're willing to jeopardize their clients like that, they're probably willing to do the same to their retailers as well to some extent.

So I just wanted to put that out there that, you know, to be an effective middle man you have to have some degree of control or leverage. And I don't think that resellers have that to that extent. So I'll lower my hand down (unintelligible) point.

Alan Greenberg: I would say that there are examples of registrars who do give their resellers that amount of latitude. Helen?

Helen Laverty: Yeah, I actually just wanted to clarify my statement before. What was the suggestion that I meant to reword it by saying registrars may have the incentives and the main (unintelligible) instead of resellers. What I was actually intending to mean was that registrars have the responsibility to control their registrar. So the statement seems to imply that resellers, as James was saying, would not actually want to send that renewal notices to their registrants.

And as Michele was saying, that's a real headache. The name expires and the registrant didn't want to expire, you know, they get pretty livid. So you tend to want to make sure this happens. So if the reseller is not sending out adequate notices and the registrar finds out about it, the registrar will basically need to tell the retailer, get your act together or we will have to take over for you.

It's actually very important that registrants be informed of this information. So I'm just trying to make sure that we understand that the working was not saying that registrars may have this incentive. There may be some do but this is unrelated. I'm just saying that registrars would probably try to prevent resellers from making - doing that sort of action.

Alan Greenberg: (Unintelligible) did you have your hand up again or is that from before?

Man: Nope, sorry, I'll take it down.

Alan Greenberg: All right, a couple of comments, not wearing my chair's hat on several things that people have said. There have been a number of references to the statements similar to this or related to this have been made before and various people have stood up and said, I wouldn't do that, that would be stupid.

I would hazard to guess the people who do it don't stand up in public meetings and say I do it if this was deemed generally something which was shady and not the most honorable of business practices. You won't get a lot of people standing up and saying it. That's number one.

Number two, we also make a lot of statements here on registrars and presumably resellers can have their own business models and that's all well and good. Well, everyone's business models may not be the same and there may well be people who have business models that - where their aim is to get

good names and then use them for other ways, regardless of how that upsets their - the customers who came up with the name to begin with.

So I don't think we can make generalizations that everyone is honorable and everyone thinks from the customer's point of view. The world just isn't quite that nice.

Any other comments on this point before we go ahead. I think the summary...

Cheryl Langdon-Orr: Alan, can I...

Alan Greenberg: Yeah.

Cheryl Langdon-Orr: Can I just put my hand up very briefly - Cheryl here.

Alan Greenberg: Certainly.

Cheryl Langdon-Orr: And just to sit in with what you just said but also to come back with something Mason mentioned. And that is, you know, one or two incidences is not a trend make. From my (unintelligible) experience, where we do have a domain name industry code of practice that was wrought from a shared experience between supply and demand side of our market. And it is an enforceable code of practice.

We have in fact gone back and changed the rules only once. And that was only because of what one black hat was doing. But it was giving the industry a little bit of a bad reputation and confusing and indeed misleading our registrants in our community within the dot (unintelligible) space.

And so it only took one incident - albeit a fairly wide and rather nasty one - for us to go back and change a loophole in what was an established industry code of practice. That simply makes everyone have greater faith, trust and

inherited set of security and stability in the code of practice and the industry within the space.

So sometimes it's not a waste of resource but we certainly do need to keep our eye on what this group is chartered for.

Alan Greenberg: Thank you, Cheryl. Michele?

Michele Neylon: (Unintelligible). I just, with all due respect, Alan, I mean, I'm sorry but the reality is this. Okay, there may be - the inside industry involves thousands of different companies of all shapes, sizes and they all may or may have different business models. The new version of the RAA has been designed by the majority of registrars which accounts for the majority of the main names.

As you likely pointed out, people who may be bad actors aren't going to stand up in a public meeting and say, oh yeah, I'm a really bad actor and I love to screw over my registrants. Obviously they're not going to do that.

However, I think there's a danger in entertaining a lot of oh, it could be possible, it might be possible, oh lots of things could happen. It's a bit - it broadens the scope of it far too much. And the reality is we can only deal - we as a group can only deal with things we can actually see and we have proof of them actually happening.

Secondly, if the - if you look at the registrars that are involved in this process and who are within the registrar constituency, they account for the vast majority of domain names that are registered on a day-to-day basis. So I go back to my main thing that I've said again and again, I think Cheryl's backing me up in this - (unintelligible) is probably the thing that people should focus on and worrying about, you know, a possible business model that may or may not exist is not actually going to help anybody.

Because until such time as somebody can bring us tangible proof of this happening, we're wasting time and energy looking at it, whereas there are things that could possibly come out of this that are going - that could be, you know, put out through large organizations such as GoDaddy, through the (unintelligible), whatever. And they would have a positive impact on the larger number of registrants.

And ultimately, that's all we can do. We can't expect to deal with every single possible edge case imaginable because to do that is beyond the scope of normal human beings. I'm sorry, I just think it's we need to focus on what we can actually deal with. I mean, this entire thing about people having an incentive to let domains expire, I mean, I find the entire concept laughable.

I mean, we spent - earlier this year we had a software issue involving CCTLDs that we deal with which resulted in a domain dropping for a client. It cost us thousands to get the domain back but ultimately we screwed up. And that's the thing. I mean, ultimately if we lose a client due to some kind of screw up, it's going to cost us a hell of a lot more than any possible benefit we could gain from getting involved in those types of things.

And I would say the same can be true for the vast majority of people. So really, it's just - I think it's just really a ridiculous thing to entertain.

Alan Greenberg: James?

James Bladel: Yes, thanks. And I kind of - I mostly agree with Michele and what he's saying. And I think that in this particular question, I would say that a bad actor registrar is just as likely to take advantage or exploit their reseller network as they are their customers because they probably don't make a huge distinguished differentiation between the two groups. So I wanted to get that out there.

And then the second thing is it's got - the different aspects of this particular question, how it might fit into our charter. Because I think when we go down some of these topics, we start to go - we start to color way outside the lines. And I just want to bring the focus back into those questions and whether or not this can be categorized as is someone receiving adequate notice and do they have adequate opportunities to recover a name once expired.

Alan Greenberg: I'm sorry, are you suggesting that we do categorize like that or we do not?

James Bladel: Well, I think that - well - and...

Alan Greenberg: I'm just not sure I knew what you were saying.

James Bladel: Yeah, I think we - there are elements of overlap between this particular question and those two charter questions. However, the commenter - I believe his name is (Andrew), I can't remember his last name - threw us a little bit of a curve ball here by introducing this idea that there are bad actor resellers which implies that bad actor registrars.

You know, while I admit that it's possible that they are out there, unless, you know, there's some quantifiable examples of, you know, that, I mean, I'm not sure how to go about solving something that I don't quite understand how it's happening. I'll just lay it out that way.

Alan Greenberg: Any other comments on this one? I will agree that I do not think that the rationale of why someone does this is a major factor in our deliberations. The real issue is, is it happening and do we need to stop it.

James Bladel: That's exactly right Alan - and this is James again. I think motivation is probably what's confusing me here. It could be negligence or it could be malice, you know, (unintelligible) what is or isn't happening as opposed to what is causing someone to...

Alan Greenberg: And I believe that is all we can do.

Marika Konings: So this is Marika. Just to confirm, would you like me to go back to the commenter asking if he has specific examples in relation to this comment.

Michael Palage: I think...

Man: Go ahead.

Michael Palage: This is Mike Palage. We have people that have commented. I think the - we want to find out, let's go back to them. They've already come forward. If they have examples that could help us continue with the fact finding or dispelling the urban myths, let's do it. I think that would be a constructive use of time instead of, you know, trying to go fishing. We have people that have stepped forward, let's go to them.

Alan Greenberg: I would see no reason to restrict it to just this particular comment. If he's someone who's well respected and has a good feel for what's going on in the domain industry, I think it's someone we should talk to and maybe the group wants to call him in general. But first of all, perhaps a conversation between Marika and this person should - would - should be the first step.

I don't see any reason to limit it to this particular question if the person is indeed knowledgeable and well respected. Michele, you have your hand up?

Michele Neylon: Well, at this time, Mason, for example, says he knows the guy. Marika may not know him - I don't know whether she does or not. A logical thing would be just for Mason to reach out to him if he's willing to do so. I mean, Mason, are you willing to do so?

Mason Cole: Happy to.

Alan Greenberg: I would suggest Mason make the connection but let the interview be done by someone who is not on either - on one side of this debate or another.

Michele Neylon: Well - but sorry, with all due respect, that wasn't what I was getting at. It was just simply a case of Mason - if Mason has a personal relationship with somebody, he can easily ask them to give some feedback. I mean, it's not a question of one side of an argument or another. I mean, it's just a simple question of, you know, if you have a relationship with somebody, it's easier to initiate a dialogue.

Alan Greenberg: Yeah - and my comment is that I would prefer that Mason does the introduction but the dialogue happen with staff.

Mason Cole: This is Mason, I'm happy to do it either way and conduct a - I'll do the outreach and I could even talk to him without biasing his opinion. But whatever this group more comfortable I'm happy to do.

Alan Greenberg: As far as - I don't think we're talking about happy. I think what we're talking about maintaining the neutrality of this and...

Mason Cole: I understand where you're going. Mike, I understand where you're going.

Michael Palage: And I just agree with Alan so...

Alan Greenberg: Helen?

Helen Laverty: Actually I just agree with Michele. I think if he knows Mason, Mason can talk to him and make the initial contact and see whether he can clarify it without going further. If he can clarify it easily, then I'm happy with that. If Mason thinks that he needs to bring this guy in to talk to the rest of us or to talk to somebody else (unintelligible) that again is something he can determine.

In other words, it might just be a simple question that he can clarify without going through this much trouble.

Alan Greenberg: Well I - my point was I think this is wider than just this particular question and this may be one of the - when we're in the process of defining how PDPs get carried out. And one of the issues that's been brought in and supported by everyone is should PDP working groups be allowed to go out - to outside experts and talk to them.

And there has been a strong yes. And I think we may have identified ones that expert which is why I was suggesting that we approach it from the point of view of the work group talking to them either on - either with the staff doing the contact or perhaps actually coming and talking to the work that we treat it more than just a clarification in this particular case.

Helen Laverty: Yes, that is a good idea, I agree with that. But my point was that Mason could talk to this expert and seek clarification and see whether he would be interested in participating further. He may say, I don't want to. And in that case, Mason can get back to us and say here's my clarification and he doesn't really want to get further involved (unintelligible) or something.

Alan Greenberg: And I think that's exactly the - a reasonable extension of what I said of Mason initiates the contact. If the answer is hanging up the phone, I don't want to talk to anyone, then so be it.

Helen Laverty: But he may be willing to clarify his point at the same time without saying he doesn't want to get any further. And here's my clarification, go ahead and use this as no, I don't want to get any further involved. And it may happen that way and it still could result.

Alan Greenberg: Okay, I think we're not going to come to closure on this and I don't think it's worthy of taking a vote on as a first vote in this group. So can we leave it to Mason and Marika to come up with some reasonable way to handle this?

Man: Sure.

Alan Greenberg: I'll be glad to be in the middle of that also.

Helen Laverty: I think we're happy with that.

Alan Greenberg: Okay, next point. We may actually get to four or five points before we finish the meeting. Marika, back to you.

Marika Konings: Yes, the next comment was made by (Priscilla Rosetta) and it's an issue that has been raised in the group before, discussed in the group before. She puts forward a scenario in which a registrant explicitly requested the consolation of a domain name, after which the registration was removed from the control panel of the registrant. But the domain actually was not deleted and (unintelligible) data was left unchanged as a result of which the registrant was contacted, I think, with (unintelligible) this order because he was infringing someone's right while in his view he had canceled the domain name.

So I think a question has been raised before, should this scenario fit within discussion of an expired domain name or is this something that lied outside of the group's (unintelligible).

Alan Greenberg: I believe we asked the question on the registrar survey about this, about whether registrars treat requests to delete as an early expiration or not. And I think we defer any further discussion of this one until we get an idea of what the answers are to that. If registrars all treated as a different type of occurrence, then an early delete - then an early expiration, then I believe it is not within the remit of this group and vice versa.

Any comments on that before we go ahead? Okay, next, Marika?

Marika Konings: The next one is a comment...

Alan Greenberg: Michele, did you want to get in - nope.

Michele Neylon: I mean, (unintelligible) leave us time.

Alan Greenberg: Okay.

Marika Konings: Okay, the next one is a comment made by (YPO) and there's some others made by (YPO) further down the list. But I thought it related to a certain extent to (Christina)'s comments because they basically indicate Whois records do not indicate whether a registrant has requested a deletion of a domain name which might mean a complainant in a (UDARP) proceeding would not be able to exercise its right under Paragraph 3.7.5.7 of the EDDP.

Alan Greenberg: Thoughts from people on how we treat this?

Michael Palage: Alan, this is Mike Palage...

Alan Greenberg: Go ahead.

Michael Palage: I previously raised my concern on numerous other calls regarding the inaccuracy of Whois data during this change of status and how that impacts a registrant's ability to potentially recover a name. And also potentially impede with the ability of third parties to enforce trademark rates.

So I would - I personally endorse and support WIPO's comment that was submitted and I believe it's consistent with points that I have articulated previously.

Alan Greenberg: If I can try to translate that in - if I remember the various comments, would you be satisfied with the situation where Whois reflects who actually has control over the domain name? That is, if the registrar has in fact taken control over it, Whois points to them. If it's the registrar still - if the belief is

that the registrar - registrant - the RAE still has virtual control over it, it should point to them. Does that address the needs?

I'm not saying whether that change should be allowed but would that address the needs in terms of accuracy of Whois?

Michael?

Michael Palage: Possibly. And again, Alan, what I want to do is I want to go back and this is maybe something you and I could discuss off line, you know, to allow this call to go forward. But the point I have tried to raise from Day 1 is, in order for a domain name to appear in a registry database, there needs to be a contract. And who is the contracting party with the registry that allows that name to exist and that's why I believe the accuracy of Whois records is very important and are tied to the ability of a registrant to recover a name.

So again, just to go through these scenarios, let me review some of the points that I've previously raised and perhaps this is something you and I could discuss offline. And perhaps next week - or not even next week - perhaps an email to the list we can clarify this point for Marika and the rest of the group.

Alan Greenberg: Okay, I'm willing to do that. James has his hand up?

James Bladel: Yeah, just real quickly, is this - I can't remember if this question or some variation of this theme was part of the registrar survey?

Alan Greenberg: Yes, we certainly asked extensive questions about when does Whois change.

James Bladel: Okay, so there's multiple - okay, so they - we could receive a lot of...

Alan Greenberg: We may...

James Bladel: A lot more information.

Alan Greenberg: Yes.

James Bladel: Okay.

Alan Greenberg: And we certainly know there are examples of a variety of combinations of Whois control and Whois says and who has the ability of actually making changes. And they seem to be mix and matched almost randomly. Helen?

Helen Laverty: Yeah, there seems to be some question as to why a registrant would want a domain deleted. Sometimes a registrant doesn't really understand what deleting a domain is. They just hear Web page. I need to take that Web page down because somebody's going to get mad at me or I don't want this to see. But if you actually cancel the domain and they're saying I paid for a domain for a year, why is it canceled.

So they don't really understand it. So you need to understand why this is happening. And in case of a legal situation, where there is a trademark situation, it does got to ULAP so you can't really delete it. And so if it's a thin registry, there's not much you can do except maybe put the main on hold. You can't really change the Whois unless you've stopped putting words in under the name and say registrant has held this because a person deleted it. You can't put that as a name of it.

So you pretty well have to leave it the way it is, under - you don't really want to be messing with the Whois because you need to show who the original owner is.

But the most important thing is that the Web page is removed, that is probably violated in the copyright and the people who are complaining about the copyright knows the process to go, if you are to delete the domain and then the domain will go for the whole redemption period and then may

become available for somebody else to get. So you need to resolve whether the domain is going to be transferred to the other complainant.

So it really has to stay active, although it may be under registrant hold or something to prevent a Web page from showing up.

Alan Greenberg: Yeah, I think the gist of this comment is if you look at it in reference to an example I sent out a few weeks ago - I'm not sure if you were on the list at that point. But it is archived of a registrar - a reseller in this case but that I don't think is relevant - who's contract says upon expiring we may change where the Web - where your address points. We may or may not change the Whois.

So they were including the option that was within their rights of how to point to a completely different site and yet from the point of view of someone trying to enforce a UDRP, the original person is still the owner.

Helen Laverty: Yes. But...

Alan Greenberg: And we know in cases that original person may no longer have control of the domain through their domain panel or whatever the mechanism is. So I think this comment is coming down to the authority of how does Whois reflect who is actually using the domain name?

Helen Laverty: But the Whois still shows the person?

Alan Greenberg: It...

Helen Laverty: I think we're kind of getting mixed up between actually putting a delete request for a domain name which is quite different and changing the status of the domain or even changing what's displayed. I used to consider it a bad idea to change the domain name on expiration. But it's actually a good idea sometimes and change the Web page that comes up and say this domain is

expired. And people who haven't bothered changing their email addresses actually notice the domain expired before it does go into deletion.

Alan Greenberg: I'm one of your supporters on that.

Helen Laverty: But again, we need a bit of clarification...

Alan Greenberg: Yeah.

Helen Laverty: Because registrants don't really understand what cancellation of a domain name is and deletion of a domain name. It doesn't necessarily mean the same thing to them.

Alan Greenberg: And in fact, people on this call sometimes use it in different terms.

Helen Laverty: And again, it's what should a registrar do in the Whois records. Should we be seeing in the Whois and saying, this domain doesn't belong to this person anymore or it just belongs to the registrar because we're talking about whether the registrar should have control over the main server. The main is expiring or if it might be transferred to somebody else, do we have the right to change the Whois?

Alan Greenberg: In my mind, ignoring the whole issue of the delete request, which confuses the issue even more, the fact that there is no clarity of who is controlling the domain name versus what is in Whois is one of the issues that I think we should be speaking to before we finish.

Marika, you had your hand up?

Marika Konings: Yeah, this is Marika - because I just wanted to - in response to James' question, this specific question is not addressed in the registrar survey. It asks more, you know, what happens to the Whois data after expiration. It doesn't specifically ask what happens if the registrant requests the deletion,

what happens to the (unintelligible). This may be a question that needs to be added or clarified.

Alan Greenberg: Marika, we don't use the term deletion but we do explicitly say what happens if the registrar - registrant says they do not want the domain name anymore which is not identical with deletion but from the registrant's point of view, it is close.

Marika Konings: Yes, correct. But I didn't interpret that as asking what happens to Whois details more an answer of, well, we treated it as a expired domain name or it's something completely different. So I'm not sure whether you'll get the details that....

((Crosstalk))

Alan Greenberg: If it's different, we ask for the full set of details though. I think.

Marika Konings: I don't think we do currently but I can follow up on that.

Alan Greenberg: I thought the question was worded such that if you don't treat it the same, then answer all the questions in Number 1. I thought that was in the draft, I may be wrong.

Marika Konings: But if someone specifically requests that they don't want to renew it, not if they specifically request that they want to delete it.

Alan Greenberg: That's correct. We do not use the term deletion. But we will not get answers with respect to deletion.

Marika Konings: We only ask if a registrant specifically requests to delete a domain name prior to the expiration, does the registrar treat it as an expired domain name or is it treated differently?

Alan Greenberg: Yes, correct, I understand that.

Marika Konings: Okay.

Alan Greenberg: Anyone else on this one? We have about five minutes, I don't know whether we have time to do one full one. Let's try and see if we can get it done in a minute or so. And if not, we will defer it to next time. Marika?

Marika Konings: The next commenter proposes that a system could be explored that would lead the duration of the auto renew grace period to the duration of the registration? I'm kind of, you know, customer program (unintelligible) registrar, the more time you'll get to recover it following expiration?

Alan Greenberg: Of - I think it's saying the longer the name's been registered, not with any particular registrar. At least your summary says that.

Marika Konings: Yes. But I don't recall if he made that specific...

Alan Greenberg: Okay.

Marika Konings: In the comment, whether it could be (unintelligible) registration or whether it was linked to a specific...

Alan Greenberg: It's suggesting that the time allowed to recapture it is variable with more leniency being given to someone who's owned the domain name for a long time. And I recognize that I just used the term owned.

I think we can factor this in as under our deliberations. I don't think we need to debate the merits of it right now.

We are four minutes before the hour. There is a call scheduled for next week, which I assume will be going on unless I hear otherwise. I would like to

discuss whether we think there will be a call the following week. The following week is on the 20th, just prior to many of us getting on planes for Seoul.

And the question is, given that we have different people on different weeks, do the people on this call think that we should schedule a call for the 20th or that we should cancel because many of you will not be there or will be too busy trying to clean up your office before leaving?

Any opinions?

James Bladel: Alan, this is James. I would vote for not having a call on the 20th just because I'm, you know, going through the routine of transplanting myself somewhere else in the world.

Alan Greenberg: Anyone else? That's certainly my inclination as well. But does anyone have any strong beliefs we should have the meeting then?

Marika Konings: This is Marika, no strong views on whether to have a meeting or not. But it would be helpful if the group could make some time on it's next meeting then to discuss what they would like to do in Seoul as we can put some substance to the agenda and make sure community knows what is going to be discussed at the meeting and who will be speaking.

Alan Greenberg: You read my mind, that was exactly what I was going to say next.

Marika Konings: Great.

Alan Greenberg: And we'll do it before we start reviewing questions, not after based on the rate we go through them today. Okay, there will be a meeting next week then. There will not be a meeting on the week - on the following week, on the 20th. Next week we will continue reviewing comments. But we will also talk about the session in Seoul first. And James had his hand up.

James Bladel: Just very quickly, we might also either at the next meeting or the one in Seoul discuss how we handle November 3. I'm not sure everyone will be back for - necessarily for that. I might also be...

Woman: Good point, James, I'll literally be in the air.

Alan Greenberg: That serves you right for taking a vacation afterwards. That was tongue-in-cheek. Yes, I think...

Woman: (Unintelligible) Alan.

Alan Greenberg: I think we should put that on next week's agenda to consider. Marika?

Marika Konings: Yeah - no, I just had one question on one of the other agenda items that we didn't cover. On the stages of additional constituency statements, Barry has already provided some feedback in Adobe Connect. But my question would be as well for the others that have not provided constituency statements, whether these are on the way and people need a bit more time or whether we shouldn't wait for certain comments to come in.

So far, we've received comments from the registrar constituency, the IDC, the BC is working on it. So the question remains, our NCUC, ISPs and - what am I missing - registries, are they planning to submit something?

Alan Greenberg: Marika, unless I'm misreading something, we are not likely to be discussing those in any substance until the very earliest November 10th.

Marika Konings: That's correct.

Alan Greenberg: And in fact, I will not be at the meeting on November 10th. But perhaps that's neither here nor there.

Marika Konings: I won't be there either.

Alan Greenberg: So we are talking about early or middle November before we're likely to do anything. And a week or so before that where you're going to have to summarize them.

Marika Konings: So give people an extension until then.

Alan Greenberg: Well, although I'm not sure we need to formally give an extension, there is no tight deadline.

Marika Konings: Okay.

Alan Greenberg: And we should make sure that at least informally people understand that the boat will not have left if they get it in a little bit later. If your belief is we need to give it a formal extension, we can again.

Marika Konings: It might be worth telling those that, you know, I can ask Glen to contact the different constituencies just to let them know because some might have given up on putting something together because they knew the deadline was, you know, coming up so quickly. Maybe if they know they have a bit more time, you know, they might be willing to put in the effort.

Alan Greenberg: There's also...

((Crosstalk))

Alan Greenberg: Yes, I understand.

Cheryl Langdon-Orr: Good-bye.

Alan Greenberg: Bye-bye. Cheryl was pointing out that both of us are late for another call now. I thank you all, we'll see you next week.

Man: Okay, bye.

END