

**Registration Abuse Policies Implementation Drafting Team  
TRANSCRIPTION  
Monday 25 October 2010 at 14:00 UTC**

Note: The following is the output of transcribing from an audio recording of the Registration Abuse Policies Implementation Drafting Team on Monday 25 October 2010, at 14:00 UTC. Although the transcription is largely accurate, in some cases it is incomplete or inaccurate due to inaudible passages or transcription errors. It is posted as an aid to understanding the proceedings at the meeting, but should not be treated as an authoritative record. The audio is also available at:  
<http://audio.icann.org/gnso/gnso-rap-20101025-en.mp3>

On page:

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

Present for the teleconference:

Mike O'Connor – CBUC – Drafting Team Co- Chair  
Greg Aaron - Registry Stakeholder Group – Drafting Team Co- Chair  
Berry Cobb – CBUC  
Faisal Shah – Individual  
Elisa Cooper – CBUC  
Joi White - Intellectual Property Interests Constituency  
Lisa Rosaya - Intellectual Property Interests Constituency  
Fred Felman –Individual  
Mary Wong –NCSG  
David Donahue – Individual  
James Bladel - RrSG

Apologies:

Philip Corwin – CBUC

ICANN Staff

Margie Milam  
Marika Konings  
Glen de Saint G ry  
Gisella Gruber-White

Gisella Gruber-White: Thank you. I'll do a quick roll call for you. Good morning, good afternoon to everyone. On today's RAP Implementation Drafting Team on Monday the 25th of October we have Mike O'Connor, Joi White, James Bladel, Faisal Shah, Elisa Cooper, Frederick Feldman, Berry Cobb, Lisa Rosaya. From staff we have Glen de Saint Gery, Marika Konings, Margie Milam and myself, Gisella Gruber-White.

And I don't have an apology sent in from everyone. Could I please also just remind everyone to state their names when speaking for transcript purposes?  
Thank you, over to you Mikey.

Mikey O'Connor: Thanks Gisella. I do have apologies from Phil Corwin so we can...

Gisella Gruber-White: It will be noted, thank you.

((Crosstalk))

Mikey O'Connor: ...on the list. First off is the call for updates to your statement of interest or declaration of interest. Today we're going to be ranking the recommendations. Is there anybody that wants to alert us to anything on that front before we get going?

Okay and then the other sort of housekeeping item is that next week people in Europe will have daylight savings time - or will not have daylight savings time while people in the US will. So if - depending on which side of the ocean you live on pay attention to the UTC.

We'll stay on the same meeting time UTC next week and then switch the UTC time the following week when everybody's back on synchronized time. So just pay attention if you're in Europe it'll be an hour earlier for you.

Okay so today after several weeks of sort of getting to know these projects a little bit better and so on today is the day that we're going to try and put them in sequence. And I think that the way we'll do that is we'll go from project - to get the numbers open here - we'll go from Project 1-11 today.

And then if we have time we'll tackle the last five but 1-11 projects are the ones that we really reviewed intensively and those are the ones that I think we need to really concentrate on.

Looking at the sheet that's on the screen in front of you in Adobe but also at the sequence tab in the spreadsheet that I just emailed to the list the color coding is that the blue ones are considered large scope-wise and complicated and resource-intensive whereas the green ones like Projects 3, 6 and 7, we thought were pretty small, pretty fast, pretty low resource wise.

And I think what we'll do is - unless people just howl I think what we'll do is tell the council look, those green ones are ones that you can probably kick off pretty much right away because they don't take much time or resource.

And for a while I thought about not including them in our ranking discussion but I think it's easier to do the whole ranking and then we'll just pull them into piles and put the green ones on a pile and say look, council, why don't you go ahead and do these right away and then having done all the ranking we can cogitate about what we do with the medium ones versus the hard ones later.

So if you look at the page that we've got what I did is I took everybody's response, there's a column there for James because he joined us after we did this exercise. But for the rest of us what we did is we went through and we did a ranking ourselves already. And I put those rankings side by side on this last page, this sequence page.

And the first two columns right after the description of the project is just a simple average of those. And the next one is the standard deviation which is an indication of dispersion or disagreement. So the larger the standard deviation the more we disagreed in our ranking.

And the first two rows are a good example. The first row we have rankings ranging all the way from 1, from Berry, all the way to 11 for Joi, Lisa, Mikey. So, you know, we have a lot of disagreement on where this one falls in the ranking whereas the second one - the standard deviation is much smaller and you can see from the responses that the range of answers is quite a bit narrower. So that's the way you read those numbers.

Then the final column to talk about is the calculated rank. And basically what that is doing is just putting in rank order based on the average the projects as our first cut; nothing more nothing less just purely mechanical thing, it's not a recommendation; it's just an analysis of the data.

And I think what we need to do is if we can push all the way through all 11 of these and have a discussion about where we think they should be in rank sequence and, you know, in the case of the first one, for example, I think we need to have a conversation as to why some people think it's Number 1 and some people think it's quite low in the ranking and see if we can come to some sort of agreement. That's the goal for today.

So I think what we'll do is we'll start at the top and work our way down. I think the thing to do first on this one because it's a big one, it's important, it's complicated; we need to have a discussion about why some of us ranked it very high and some of us ranked it very low and then see if we can learn something from each other and arrive at where we think it should be in the sequence.

So let me start since I'm one of the low ones. My favorite project was the next one, Number 2, the best practices one. And what I did is I sort of started pushing projects down one at a time on my list. And this is sort of where the UDRP project wound up for me.

I don't have super strong feelings about this; I could certainly be talked into a higher rank. Anybody else want to chime in one way or the other on this?

Lisa Rosaya: This is Lisa Rosaya.

Mikey O'Connor: Go ahead Lisa.

Lisa Rosaya: My view is just that, you know, this system has been in place and is working properly. And a number of the other issues we've discussed in this group appear to be the malicious use of domain names certainly and some of the other things appear to be issues that really deserve more attention than trying to fix something that ain't broke. So that's why I ranked it lower in the sequence.

Mikey O'Connor: Okay. Thanks Lisa. Anybody else?

Joi White: Hey Mikey, this is Joi. I agree with Lisa's comments. And I also want to point out that, you know, with the rollout of the new gTLDs the whole landscape surrounding the UDRP is likely going to change. And so I think it's a little bit premature to be doing - taking on an in depth analysis of the UDRP considering that those changes are going to be rolling out. That's why I ranked it low.

Mikey O'Connor: Thanks Joi.

Joi White: Yeah.

Mikey O'Connor: Berry, you're on the top of the list; do you want to tell us about how come you put it there?

Berry Cobb: Thanks Mikey, yeah, this is Berry. I actually kind of take quite the opposite view. While the UDRP is working several in the community question its effectiveness and certainly question its consistency. It's been a policy that's been operating for 10 years and hasn't gone through any kind of reform or change.

I'm not saying, you know, for sure whether this is any reform or not but I certainly believe that it does warrant attention. It was probably the one that the working group itself spent the most time deliberating on. And we walked

away with unanimous consensus across our multiple stakeholders so that tells me - that gives me a clear indication that this is important to address.

And in - just to kind of counter I think off what Joi said is yes the new gTLDs are rolling out but we still don't have a specific date. And I think, you know, at the very least it's going to be about a year and a half to two years before the first TLD is even delegated therefore UDRP is still going to continue in its same manner even probably a year after the first TLD is delegated.

URS and the other RPNs were still independently of the UDRP and not necessarily combined. So anyway for those reasons that's why I picked one, Number 1, because I think I'm really kind of using the working group deliberations as the most of my weighting for the higher one.

Certainly where the calculated rank lines up I'm definitely happy with this; this doesn't need to go off Number 1. Thank you.

Mikey O'Connor: Okay. James I see that you're in the queue.

James Bladel: Hi Mikey. So I wonder if I need to - since I'm coming to this group a little late I wonder if I need to be put on the spot here a little bit and I'll be happy to provide some rankings on the fly and as long as someone is willing to keep my honest with my numbers I'm perfectly happy to do that.

Mikey O'Connor: Okay.

James Bladel: I agree with, you know, overall I think this is probably - it's, you know, towards the top of my list but not the very top priority. I'd probably put it in the, you know, the same range that Greg or Fred have put it, at the four or five.

But primarily because I'm looking at this recommendation not as a - go off and reinvent the UDRP recommendation but more of a review similar to what the AOT review teams are doing, you know. Let's check in with this process,

how's it doing? Are there any, you know, structural problems that have been uncovered and, you know, are there, you know, what recommendations pertain to this if any should there be.

But I am cognizant that there is a lot of work in the pipeline. I'm, you know, participating in I think six or seven groups right now so I would hate to see this drop any time soon. So I would probably put in as a four or five.

Mikey O'Connor: So pick one of those two numbers and I'll plug it into the spreadsheet.

James Bladel: Okay let's do five.

Mikey O'Connor: Okay.

James Bladel: I'll save my four just in case.

Mikey O'Connor: Okay. Yeah that's great. Okay Lisa go ahead.

Lisa Rosaya: I just wanted to ask not to rehash the columns that we've already gone through but I know for Number 2 it was unclear what the PDP - if you had to have a policy coming out of the PDP. Certainly for the best practices we had a discussion that you don't need to have a policy coming out of a PDP.

So from this perspective and considering this UDRP and that Berry and James both think that the UDRP merits review is this going to be a PDP with just some recommendations or is a policy going to come out of this process?

Mikey O'Connor: The way we put it in the tab next door or the summary tab we called it a PDP. And so - and then what we said is request a drafting team to develop a roadmap for issues, reports and PDPs.

Lisa Rosaya: But I think we did that before we got to Number 2 where we had clarification on what can come out of a PDP if my memory is correct.

((Crosstalk))

Mikey O'Connor: Yeah that's probably right, yeah that is correct Lisa. So where are you headed with that? If we were to come back and use the PDP process but do it in the context of the review that James is talking about.

Lisa Rosaya: Yeah, I still don't think it would be in my top rankings. I still think it would be in the middle to the lower end. But I would feel much more comfortable if that's what the outcome is going to be and not a policy of revamping the UDRP.

Mikey O'Connor: Well let's see what we wrote in our little note which is awfully small...

Greg Aaron: Hi Mikey this is Greg. I joined.

Mikey O'Connor: Welcome to the gang Greg we're...

Greg Aaron: Sorry I'm late.

Mikey O'Connor: We're working...

Greg Aaron: Can somebody let me into the Adobe Connect?

Mikey O'Connor: Oh I can't so Marika or Margie can one of you...

Greg Aaron: Thank you.

Mikey O'Connor: ...drop Greg in? There we go. Greg just to bring you up to speed we're working on Number 1 and I'm going to let you just stew in the background for a while; it's too hard to retrace all the conversations. But what we have been talking about is Number 1 is one of our more difficult ones because we're pretty dispersed in our points of view.



We have a series of pretty low rankings and then some in the middle and then Berry at the top. And so Lisa sort of back to you. What we talked about in the next step was to request a drafting team to develop a roadmap for issues, reports and PDPs.

Experience with RPMs and new gTLDs probably inform this. Notes, one, it would be helpful to see the effect of RPMs on the new gTLD space. And, two, there may be a dependency with the Whois studies although I think we've eliminated that one; I'm going to drop that off.

So I don't know that we can guarantee that the outcome will not be policy as you're requesting. But I think there is considerable latitude for the drafting team to work that through. Does that answer your point?

Lisa Rosaya: Yes it does.

Mikey O'Connor: Thanks. Marika, go ahead.

Marika Konings: Yeah, this is Marika. Just to confirm that, you know, the principal objective of a PDP is normally consensus policies or changes to existing consensus policies but it doesn't mean that, you know, there might not be other outcomes. But that said, you know, a review of a PDP on the UDRP I would envision that to take a similar kind of approach at what has been done, for example on other existing consensus policies like the IRTP, the Inter-Registrar Transfer Policy.

And indeed a number of areas are identified where then a working group, you know, looks at those areas in further detail and makes concrete recommendations whether these are changes to, you know, to actual language or clarifications or other kinds of recommendations that address those specific issues that have been identified as part of that overall review.

Mikey O'Connor: Yeah, I think the analog to the IRTP is the best approach. In fact I'm going to go to that. Okay I assume, Lisa, that that hand is old but Joi is a new one; go ahead Joi and then...

((Crosstalk))

Joi White: Oh I just had a question actually following up on Marika's comment. So is - considering that we are looking for recommendations and not a change in policy here is the PDP - is that really the best vehicle for this? I mean, I know we've got other options but I just want to make sure I understand that, you know, we're selecting the right option for what the group is recommending.

Marika Konings: I think on this one the working group did recommend a PDP with in mind that changes to the policy might be necessary or a potential outcome; that's how I understood the working group discussions on this issue. But I'm sure other members of the working group might clarify if I'm wrong.

Mikey O'Connor: Yeah and...

Greg Aaron: This is Greg. Marika is correct.

Mikey O'Connor: I also want to remind us that we don't want to redo the decision of the working group. I don't want to use this ranking process as a way to redo the discussion we had about this topic. We're simply putting them in sequence. And so what I'm getting is a sense that the people on the working group before are fairly comfortable with having this not be the first one in the sequence but somewhere in the middle, sort of the fifth mid-rank kind of thing.

And I really want to be careful not to try to essentially derail this recommendation simply by putting it at the end of the list. So I am going to do a little cautionary note there. Anybody else have some comments? I'm going to pronounce in a minute but I want to give people a chance to talk. Greg, do

you want to chime in at all on this one or do you want to stay in the weeds for a minute more?

Greg Aaron: I'll stay in the weeds.

Mikey O'Connor: Okay. Well I think that even though we've got a fair amount of dispersion in our results what I get is a sense that mid-rank in the fifth sort of sequence seems to work okay for folks if Berry is comfortable coming down a few notches as long as we don't lose it.

But I do want to go to Joi, Lisa and - I'm perfectly comfortable to move mine up to the fifth ranking but Joi and Lisa I want to get a sense from you sort of last call on this before we move forward.

Joi White: Mikey, this is Joi. I just - I really don't think that it even deserves middle ranking. I'm just having a hard time with that.

Mikey O'Connor: Okay.

Joi White: Mid to low I would be okay with but middle?

Mikey O'Connor: Okay.

((Crosstalk))

Joi White: ...because I think it works and it just seems like there are other things that are more important on this list.

Mikey O'Connor: Okay thanks Joi. Fred, you're in the queue, go ahead.

Frederick Feldman: Yeah, I just had a question which is you said earlier that the green ranked items might bubble up to the top. Are you thinking like mid-rank after the green items?

Mikey O'Connor: I'm going to suggest that we rank them all and then pull the green ones out and see what that does to our ranking. I don't think it's going to make any difference. But, you know, mid-rank including the green ones right now. You know, so of the whole pool of 11 mid-rank is what we're saying.

And so what that will tend to is it will tend - when we pull the green ones out and say look these are low hanging fruit that's going to tend to drop this one a little bit back towards the back of the line.

Frederick Feldman: That was helpful, thanks.

Mikey O'Connor: Lisa go ahead .

Lisa Rosaya: So in effect this would - if the low hanging fruit is going to be ranked at the top this wouldn't be grouped in the middle of what's left; it would be towards the top of what's left. And for that reason...

((Crosstalk))

Mikey O'Connor: No it would tend to be put at the end of what's left.

Lisa Rosaya: ...other reasons that were discussed I agree with Joi that I think this one needs to be pushed down lower in the rankings and not five.

Mikey O'Connor: Okay. Anybody else got any comments? I'm going to say that we have rough consensus; we don't have unanimous consensus with this ranking.

Greg Aaron: Well Mikey, this is Greg. I think also one of the overriding pieces of information is whether the RAP group had consensus on something or not.

Mikey O'Connor: Yeah.

Greg Aaron: So that's - that column is important.

Mikey O'Connor: Yeah. Yes, that's another one after we do the ranking that I think goes into the slicing and dicing for the final recommendation. That's where you're headed, right?

Okay, you know, noting the time, noting the amount of time we spend on this one - this one I think was the hardest one but I am going to move ahead and if I change mine to five - I'm going to leave it at the calculated rank of five dully noting Joi and Lisa's objection.

But, you know, that's the way this works is that people get to talk; we get to listen and then we get to decide. Fred is your hand up from before or is this a new one?

Frederick Feldman: It's old, sorry.

Mikey O'Connor: Okay. Berry, go ahead.

Berry Cobb: Thank you Mikey, this is Berry. Just for the sake of time I'm going to offer up this quick proposal; I suspect it'll get shot down. But I personally am kind of satisfied with the calculated rank. And I certainly don't want to have us not go through these individually. But when I start to look at it, you know, it's pretty clear malicious use, the next one that we're about to discuss is going to, you know, is looking to go off first.

If you look at the Whois access they cluster between, you know, they're at second and fourth which is really second. The third which was the most surprising me to is the uniformity of contracts that we don't have consensus on and then that kind of moves cyber-squatting into fourth.

So, you know, the four big ones are the first five that are calculated rank here. And I guess I'd just throw out the, you know, the proposal that we kind of

cluster them that way and move from there because, you know, again malicious use of domain names first, Whois access there's two recommendations there, are two and four kind of really second.

Third, uniformity of contracts, fourth is the cyber-squatting and then just move from there. Just a proposal. Thank you.

Mikey O'Connor: All right that's a pretty neat proposal. What do people think of that? It would certainly get us through this list pretty quickly.

Berry Cobb: Mikey this is Berry. I guess I should ask the group is everybody - is anyone dissatisfied with the calculated ranks as they kind of stand right now?

Mikey O'Connor: Give people a chance to contemplate that.

Mary Wong: Hey Mikey and everyone this is Mary Wong. I just want to apologize for the static stuff on my line. But I've actually lost my Internet connection and I haven't been able to get back on so I'm not quite sure how much I can contribute. But I wanted to let everybody know that I was here even though I dialed in late.

Mikey O'Connor: Well it's great to have you here Mary. And the document that we're working on is that spreadsheet that I sent to the list a while ago in case...

Mary Wong: Yes.

Mikey O'Connor: And so you can certainly follow along on the spreadsheet on your computer if you...

Mary Wong: That's what I'm trying to do. So I just thought I'd take the chance while people are thinking about their comments to let you all know that I'm on and to apologize, thanks.

Mikey O'Connor: Okay thanks Mary.

Greg Aaron: Okay.

Mikey O'Connor: Greg, go ahead.

Greg Aaron: Okay. So is this a question about the calculated rank column?

Mikey O'Connor: Yeah.

Greg Aaron: Okay. Yeah, I do see a discrepancy which is that uniformity of contracts would be number - is currently Number 3. But it's lower in level of consensus from the RAP group. And I think that is a discontinuity that might even constitute a problem.

Mikey O'Connor: I think the problem is the blank that your column is getting on that one, Greg. Can you throw out a quick rank?

Greg Aaron: You mean out of - 1 out of 16?

Mikey O'Connor: Yeah, 1 out of 15. Because what happened I think is the arithmetic failed on the response that you put in which wasn't a number. And so it's probably...

Greg Aaron: Okay.

Mikey O'Connor: ...calculating on your cell. And...

Greg Aaron: Let me check. I think I sent you that separately. Let me check my emails.

Mikey O'Connor: Okay. If you can come up with a number then I think just put a number in there real quick and see what happens.

Greg Aaron: Okay.

Mikey O'Connor: Yeah and that...

Greg Aaron: It'll take me a minute. Let me see what I sent to you.

Mikey O'Connor: Okay.

Greg Aaron: It'll take a minute.

Mikey O'Connor: Okay.

Berry Cobb: This is Berry. I'll withdrawal the proposal and I guess let's just go ahead and move forward with the next one.

Mikey O'Connor: Well let's sort of bear it in mind and see how we do. The next one is the Proposal Number 2, the nonbinding best practices one. It came in Number 1 in the calculated rank and it's got pretty - it's also one of our least - well it is and in fact our least dispersion one.

So I would go ahead and leave the calculated rank Number 1 unless somebody wants to argue against that. Everybody put it pretty high in their list.

The next two, fake renewal notices, seem to come somewhat lower. Again a little bit higher dispersion; some people put it very low and some of us put it pretty high. I actually put them two and three I think because I thought they were easy and by being easy represented low hanging fruit. That's what I tended to do is put the low hanging fruit pretty high in my rankings. So I'd be willing to come down a bit.

Let's talk about these two together since the answers tend to run together. See if we can figure out for example maybe one way to do this is do we think



that this slides in front of cyber-squatting one or behind it? Again recognizing that at least - check something.

I think Number 4 is dependent on Number 3. Yeah, so these two are really - they're put in the right sequence in the calculated ranking; the first one has to - three has to happen first then Number 4. And I think that probably what we did is we said well Number 4 is an actual project whereas Number 3 is low hanging fruit so we should go ahead and get that one out of the way.

And then really think about where we want to put the - let's see - clients departments opinion regarding Recommendation Number 1 above. That - Marika, can you help me with which Number 1 we're referring to? I don't think we're referring Number 1, cyber-squatting, are we? We're referring to the recommendation...

Marika Konings: Sorry can you just - which recommendation are you...

Mikey O'Connor: And so I'm working on Number 4 and I'm reading the text in there. And I don't - what it says is the following recommendation is conditional. The working group would like to learn the ICANN compliance department's opinions regarding recommendation Number 1 above. Actually that's Number 3...

Marika Konings: Right, right it's related to recommendation one is the fake renewal notices category. So because in the report the recommendations for groups under different headings so the recommendation one was in that specific section. But you're right...

Mikey O'Connor: Yeah.

Marika Konings: ...it just refers to recommendation three, one just above.

Mikey O'Connor: So let's have a conversation about whether this one goes before or after cyber-squatting as a pair. In general - in eyeballing the answers there are

more people putting this one after cyber-squatting and I would tend to agree with that, that this is - subsequent or a lower sequence or later in the sequence than cyber-squatting. What are other people's views?

Agreeing with that idea? If so we'll sort of leave the calculated ranks for now alone unless there's a howl of protest. I'm seeing very agreeing - Greg I assume your hand is up from before and if I'm ignoring you feel free to chime in.

The next one is the Whois access ones. And we all ranked those pretty high. We have a little bit more dispersion because Berry put them a bit lower in the sequence. But what I was hearing you say, Berry, was that you'd be okay with that relatively high ranking in the calculated rank, is that right? So we can just go ahead...

Berry Cobb: Yes this is correct. The only reason I had put the numbers in there that I had is, you know, I just still have this question of real implementation to move it forward. But yes I'm happy with the calculated rank.

Mikey O'Connor: Okay. And I think that probably what we need to do - okay I think we'll leave it like that. Just check the dependency on those two to see if - dependant on the other. No we don't - think so. Okay so I think we'll leave those calculated ranks alone which gets us to cross-TLD registration scam.

Calculated rank puts this one pretty close to the bottom of the list even though it's sort of low hanging fruit. It's not real hard; we basically just send a letter on this one. Oh no this was one where we launched a drafting team to develop the approach to monitoring all that. But we put it pretty low in our rankings.

I had it higher. I think again I was doing my - do the easy work first thing. I also note that I have two Number 5s in my rankings. Clever of me to reuse a number like that. So I would be fine with having it fairly late in the show.

Anybody opposed to the notion of having this calculated rank of 11 be our placement of this one? Okay.

Now we get into a series of larger efforts. And I also note that the first one, uniformity of reporting is one that Greg didn't sequence which may throw the numbers off just a little bit. But, you know, sort of eyeballing the numbers we all seem to have this sort of in a middle rank. We had a few people put it pretty low, Joi and Eliza put it pretty low in the sequence.

How are people feeling about that calculated rank of 12? That sequence seemed to work for folks? It would put it towards the back of the bus. It would put it after UDRP for example. And it would certainly put it after malicious use fake renewal notices. How are people on that for placement?

Greg, you didn't comment on this one; do you have a feeling one way or the other?

Greg Aaron: Number 14...

Mikey O'Connor: No, Number 8. This is the uniformity of reporting.

Greg Aaron: Okay, yeah, yeah, I mean, it's - I think it's not something that's exactly actionable and is going to lead to an improvement. It's more of - for me it falls into the more GNSO processes and improvements rather than a project to deal with domain abuse.

So, yeah, I think it's something that gets folded into something else. I don't think it should be a charter drafting team for that reason. And I don't think it's something that the council should, you know, this is an (issue) be doing all the time when they've instituted new policy rather than going off and having a working group and doing a project to do that.

Mikey, I'm forwarding - by the way I'm forwarding again my ranking about uniformity of contracts. I had ranked it on September 24...

Mikey O'Connor: Oh okay. Do you remember your number?

Greg Aaron: Yeah, I sent it - I had sent that up to the list. I had put it as a 14.

Mikey O'Connor: Get that in there. That drags - okay so we'll - I think we're on eight. The soliloquy you just went through Greg, sort of changes our approach to that one. In our - nature of the effort we call it a working group; we didn't call it a PDP.

Greg Aaron: Yeah.

Mikey O'Connor: But we said figure out a drafting team to include - to figure out what to do and we included review existing systems and conduct gap analysis in the instructions to the charter drafting team. Do we want to add anything to that based on what you just said or are you comfortable with that?

Greg Aaron: Oh I guess my question is when you draft - when you charter a drafting team what's the next step after that?

Mikey O'Connor: What we said was form a charter drafting team and...

Greg Aaron: Yeah, so what are you drafting? I guess my question is what are you drafting a charter for?

Mikey O'Connor: It's for - we called it a working group. We decided that it was not a PDP.

Greg Aaron: Right but you're still having a working group, a community working group/

Mikey O'Connor: Yeah, a community working group...

Greg Aaron: I don't even know - I mean, I don't want to predict what the council will do or say but it just to me seems weird to recommend that we should have a community working group on this topic. I think it might be something that the council works into its procedures because we're saying, you know, you need to track the results of what you're doing or the policies you institute.

Existing system - review of the existing systems and gap analysis I think makes total sense. But that doesn't necessarily need a community working group. So I - that could - again it could go that way but I don't know if that's the right thing to recommend that they do.

Mikey O'Connor: So would you...

Greg Aaron: I think I would prefer to let this one be a little - personally let this one be a little more open and say council here's a problem but you're going to have to decide what's the best way to go solve it rather than giving them a specific solution. That's all.

Mikey O'Connor: That's not a bad approach. How do people feel about that? Faisal, go ahead.

Faisal Shah: Why are we rehashing what we already discussed in the working group?

Mikey O'Connor: Well I don't think that we are. What we're doing right now is describing what the next step is. So we're describing the nature of the effort and the next step. So we're rehashing work that we did basically last week I think rather than...

Faisal Shah: Right last week. But didn't we discuss that we were going to have - I guess I'm comfortable with the drafting team.

Mikey O'Connor: Yeah.

((Crosstalk))

Faisal Shah: And it's not a PDP so I guess I'm - I'm still a little confused as to what exactly we're trying to accomplish now.

Mikey O'Connor: I think that we're just trying to nail down a hangnail on the next step. You know, I think it's okay to go back a week on this one. If we went back into the recommendation of the working group I'd be raising the same issue that you are, Faisal. But the recommendation is that we recommend that the GNSO and the larger ICANN community in general create and support uniform reporting processes but we don't in the recommendation specify how.

And what Greg is saying is maybe we shouldn't specify how, maybe we should let the council do that. Berry, go ahead. Nope, you're on mute I think Berry, I'm not hearing you.

Berry Cobb: Thanks Mikey, this is Berry.

Mikey O'Connor: There you go.

Berry Cobb: I tend to agree with Greg about, you know, how this is really going to be implemented. You know, this is kind of one of those things that you always wish you had but you never had the resources or time or effort to actually go do it therefore it never gets done.

The part that I don't agree with about just leaving it open and handing it back to the council is the fact that how they're going to probably determine what should be done here is to create some sort of team to go figure out how to do it so we're just kind of helping them along by saying that, you know, there's got to be some kind of team form to figure out what we can do here about it.

And it seems like really our only option is some sort of drafting to do that and figure out next steps. So...

Mikey O'Connor: What if we...

((Crosstalk))

Mikey O'Connor: What if we said that the nature of the effort is to be determined rather than working group and left the drafting team next step in place. Greg, would you be okay with that?

Greg Aaron: Absolutely and I don't want to be too much of an impediment here.

Mikey O'Connor: Okay.

Greg Aaron: Let's...

((Crosstalk))

Mikey O'Connor: Well let's do that, let's call it to be determined because I think that's an interesting point that you're raising. Okay so we're on eight. And given that I guess what triggered that conversation was Greg you didn't rank this one; you didn't put it in sequence. Do you want to lob a sequence number in now having had this discussion?

Greg Aaron: I don't know, 12-ish.

Mikey O'Connor: Okay. By the way, James, I haven't been bugging you at all. Are you okay with how we're doing so far?

James Bladel: Yeah I'm fine so far.

Mikey O'Connor: Okay.

James Bladel: No strong opinions.

Mikey O'Connor: All right well, you know, feel free to charge right in whenever you do. Okay so then that would put us - that would rank it - if we put Greg's number in there that makes the calculated rank 13 which puts it pretty far to the back of the list.

Onto Project Number 9 which is the collection and dissemination of best practices. It's another one, Greg, that you didn't rank. It came in 10th in the calculated ranks again somewhat toward the end of the line. Everybody fairly comfortable with that as placement of this one?

This one I think we have sequence saying that we wanted to do Number 2 first as sort of a test run so this would naturally drop it in the right place in the sequence so that we would have already completed Number 2, our favorite project, and that would be something that people could learn from so that seems like a rational place to put in the sequence.

That brings us to Number 10 our second to the last, actually we're just chugging right along here folks. This one will be a little contentious. This is the uniformity of contracts one. We have pretty broad dispersion. Greg is at 14, Eliza, Fred, Faisal, Joi, Lisa are pretty high. I'm wishy-washy.

Let's have a chat about this one. This is the first also that we had - we did not have unanimous consensus within the working group. So, you know, partly what's going on here is we are rehashing the discussion we had in the working group. And I would caution us to try and avoid that.

Greg, you're the outlier on the bottom. Would you be okay with this one - with its calculated rank of 4 noting that, you know, there's a pretty strong support from most of the working - from most of this working group for that in the sequence?

Greg Aaron: Well I guess the - let's see - the first question is does that outrank anything that got uniform - unanimous support from the RAP?



Mikey O'Connor: Yes it outranks - if we did it at Number 4 it outranks everything except...

Greg Aaron: Malicious use...

Mikey O'Connor: Malicious use...

Greg Aaron: ...and Whois...

Mikey O'Connor: ...and the Whois. Yeah.

Greg Aaron: Yeah that might be a problem. What happened in the working group is we had - I forget what the exact split was...

Mikey O'Connor: Yeah, I do too.

Greg Aaron: We had basically the contracted parties very firmly against and we had the business and intellectual property roughly on the other side.

Mikey O'Connor: Yeah.

Greg Aaron: To rank it above anything that - substantial that received unanimous support I think is a problem for that reason.

Mikey O'Connor: Yeah, I think that's probably right. And so the lowest - this is where the numbers start to get very confusing for us because...

((Crosstalk))

Mikey O'Connor: Well let me just run through the queue. James, go ahead.

James Bladel: Yeah thanks Mikey, James speaking. And I'm just having a difficulty assigning a rank to this knowing that there are two views expressed in, you know, in the recommendation. I mean, am I ranking...

Mikey O'Connor: Right.

James Bladel: ...which view am I ranking? Am I just presuming that View A prevails and that I'm ranking this from my capacity as a member of UB in which case I give it a 15.

Mikey O'Connor: Yeah, I think that what we thought we would do - I'm sort of remembering that in the call last week I think what we were going to do is throw this back to the council, wasn't that it? Because when I look at the summary page, the one - the tab right next to it, what we're saying is in the nature of the effort we give both views.

We say View A is a PDP but View B is no action. And so I think what we're doing on these two actually, uniformity of contract and cyber-squatting is we're punting it back to the council and saying council you're going to have to choose because we in the working group did not arrive at a consensus.

And so it maybe that what we need to do is amp up our next step for both of these and say refer to the council for decision. People be willing to accept that as the next step? Faisal, I see your hand up.

Faisal Shah: Hey Mikey this is Faisal.

Mikey O'Connor: There you go.

Faisal Shah: So I guess the question I would have is are we going to keep the ranking we have now and then punt it back to the council to determine what next steps they want to take would be. So we're not going to pull it out of the ranking

right? I'd rather keep it at 3 or 4 where it's at as opposed to pulling it out and then punting it over to the council.

Mikey O'Connor: How about that Greg? Does that work for you?

Greg Aaron: Well I guess we're sending a couple of mixed messages perhaps. I just want to make sure that whatever we're telling the council is very intelligible to them. If we're ranking these things folks may say well we should do them in this order and that order indicates not only the order that we're going to do them in but also takes into account what the RAP said. We're going to need to give them some better instruction than just rankings.

Mikey O'Connor: Oh yeah I think that's right.

Greg Aaron: Yeah.

Mikey O'Connor: And I think that that's where in the case of the ones where we had unanimous consensus we can come to them and say look these are the ones - this is the sequence we think these should take. And then when we get to these last two where there isn't consensus in the working group I think what we need to do is give them a sense of urgency as to how soon they need to make the choice.

And I think that what the - I actually think the message that we're sending is fairly clear which is dear council there are a bunch of us that think that this is a pretty important thing but the working group didn't choose so you should pick up the question fairly soon rather than leaving it for a couple of years. And then whatever the council decides is what happens.

So I think that the key to this is that the next step is refer to the council for choice or for decision rather than actually a project. You know, there is no project here, there is a decision that needs to be made. And I think that what -

that the working group that's drafting this group is actually coming up with a pretty reasonable statement which is make that choice soon rather than later.

Marika go ahead.

Marika Konings: Yeah this is Marika. Just to confirm as well when the council tasked this working group one of the items they included in, you know, the draft charter or, you know, instructions to the drafting team would be to provide guidance on how to deal with recommendations that did not receive unanimous consensus. So it's definitely part of, you know, the mandate of this drafting team to provide further guidance however the group might decide.

But a possible approach might be indeed to rank those that have unanimous consensus together clearly indicating that, you know, those were top priorities for the RAP working group as they all received unanimous consensus and then indicating those indeed that, you know, received lesser levels of consensus and pointing out I believe in also those areas that probably requires further council discussion to see whether those recommendations are supported.

And it might be worth noting as well of course in some of these items it doesn't require consensus of the council to launch those kinds of initiatives. They can look for example at a PDP that doesn't necessarily require full or unanimous consensus to move forward, it requires a few councilors to rate the issue.

But I think it would be very helpful if this, you know, the drafting teams could provide a kind of guidance to the council why they see items fitting and how the council might deal with those areas where there are spread opinions or a rough consensus.

Mikey O'Connor: Yeah. And this one - this one was pretty evenly split. I think that the question of us deciding is very difficult to support. I think all we can do is tell them how

urgent their choice making is. And so that's why I'm still sort of lobbying for the notion that this stays pretty high in the rankings, in the sequence, but the action is simply referring it back to the council to resolve.

Faisal, go ahead.

Faisal Shah: Actually...

Mikey O'Connor: You're the last one for the day.

Faisal Shah: ...my hand's up from before. Thanks.

Mikey O'Connor: Pardon me?

Faisal Shah: My hand's up from before, I'm sorry.

Mikey O'Connor: Oh okay. Well we're three minutes from the end of the hour. I guess I want to see how people want to proceed. If we wanted to cut through Number 10 and 11 with that same approach for both which is that we refer both of these back to the council because the working group - the RAP was split.

And then we use the calculated rank to say that the uniformity of contracts one is more - it should be taken up by the council sooner than the cyber-squatting one and eyeballing our responses that kind of supported with, you know, unfortunately much higher dispersion on Number 10. I guess it's back to you, Greg and James, because you're the ones that we would be ignoring if we did that.

Would that be all right if we just handed it back to the council and said here are two that we need you to make decisions on and this is the sequence that you should do them?

James Bladel: They're going to have to make decisions on all of them I suppose.

Mikey O'Connor: Yeah.

Greg Aaron: Yeah.

Mikey O'Connor: That's right. And I think that what we're - all that we're really indicating is, you know, just like in a working group like this one, you know, what order do you take the questions up? In my case I just took them from the top of the page. What we're saying is when you get to making choices about things make a choice about this one sooner than Number 11.

James Bladel: So the question is - and I think it's - this is James. I'm looking at Mary's question in the chat is what in addition to, you know, kind of a sequencing order or a pecking order what other guidance are we providing to council when we're doing this if any?

Mikey O'Connor: Let me take a stab at this. This is purely shooting from the hip but I think what we're going to tell the council is that we took a look at these projects and discovered a bit about their nature. So we're going to tell them what the next step is.

We're also going to tell them a bit about how easy and how hard the projects are. And so one of the things that we could recommend, I think this is probably a place to start at the next call, is we could say well the green ones are low hanging fruit; they're very easy to do, you should just go ahead and do those.

The rest of them aren't low hanging fruit and this is the sequence that we suggest you tackle them in. And these - there wasn't consensus in the working group and so those are decisions that the council is going to have to make. There's really, you know, I don't think that this drafting team can replace the council in making those Choice A, Choice B kinds of decisions but that's just my take on it.

And I think that's about it. I mean, you know, Chuck was pretty clear that he said that really what would be the most important deliverable for us is to come up with a sequence of events, you know, essentially a ranked sequence list of things for the council to take up. And we're very close to that right now I think. But we'll, you know, give them a bit more texture on the decision I think as well by describing what these projects look like.

It's one minute after the hour by my clock. I'm going to circle back around to James and Greg sort of one last time in terms of the treatment of these last two just to see if that approach of handing them both back to the council but handing them back to the council in sequence is going to work for you guys?

James Bladel: That's fine, Mikey. This is James. I have another call so I'm going to have to drop off.

Mikey O'Connor: Yeah, we're going to have to - yeah, we'll all have to wrap up. Greg, are you okay with that?

Greg Aaron: That's fine.

Mikey O'Connor: Okay. Thanks all. I know everybody's got tight schedules so I think we all deserve a pat on the back. And I will publish our results soon. And go rip out a beaver dam and see you guys in a week. Thanks a lot.

END