

**Inter-Registrar Transfer Policy Part B PDP
Transcription
Tuesday 01 December 2009 at 15:00 UTC**

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<http://audio.icann.org/gnso/gnso-irtp-b-20091201.mp3>

On page:

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

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Participants on the Call:

Michele Neylon – RrSG – chair

Eric Brown - RrSG

Paul Diaz - RrSG

James Bladel – RrSG

Matt Serlin – RrSG

Barbara Steele - RySG

Chris Chaplow - CBUC

Berry Cobb – CBUC

Mike O'Connor - CBUC

Anil George – IPC

Kevin Erdman – IPC

Michael Collins – Individual

Staff:

Marika Konings

David Giza

Olof Nordling

Glen de Saint Géry

Apologies:

Tim Ruiz – RC

Coordinator: Thank you. The recordings have now been started.

Michele Neylon: Thanks.

Woman: Should I do roll call, Michele?

Michele Neylon: Please, please.

Woman: We'll do that. On the call we have Michele Neylon, Mike O'Connor, Barbara Steele, Berry Cobb, Kevin Erdman, Michael Collins, Eric Brown, Chris Chaplow and Matt Serlin. And for staff, we have Marika Konings and David Giza and Glen St. Saint Gery and myself. Have I left off anybody? Thank you, Michele, over to you.

Michele Neylon: Okay, thank you. Good afternoon, good morning - I don't know is anybody there in the evening already? No, okay. You should all have got an email within the last 24 hours from Marika with the agenda for today's wonderfully exciting meeting.

So we've had our roll call, it wasn't that great; and now we're going to get an update from the ICANN Compliance Team, I hope. I believe that would be you, David.

David Giza: It would be, it would be.

Michele Neylon: So do you mind if I hand over to you?

David Giza: Actually, not at all. I'd like to say good evening, good afternoon, good morning to everybody and what I'm going to do this morning is just provide a sort of a 90,000 foot view of IRTP compliance from ICANN's perspective.

And I think many of you know that on ICANN's Web site we have a dashboard and on that dashboard we have a link to contractual compliance and when you click on that link it will take you to our consumer complaints statistics dashboard.

And on that dashboard you would notice that for the first ten months of this calendar year, ICANN received approximately 2,000 transfer-related complaints from consumers and if you do the math that comes out to roughly about 50 transfer complaints a week.

And so as our Compliance Team was preparing for today's meeting, you know, I asked my colleagues, you know, number one, you know, how much time would be required to actually do a much more detailed analysis of those 2,000 complaints, approximately 50 a week; and in particular, you know, what percentage of those complaints pertain to the essentially the top five Working Group charter questions.

So what my team told me was that it would take approximately four weeks for us to do that analysis given the current manual state of work that's required to actually go into the database and actually examine those complaints on an individual basis in order to determine if the consumer has in fact properly described the nature of the complaint.

And so I asked my team to get started on that work and by the early part of January I'll actually have some statistical data that I can share with you that'll be much more precise than the information I'm going to give you this morning.

But as our team looked at that data and did kind of a sort of rough rule-of-thumb analysis, we found that there were essentially six reasons why consumers have challenges with the IRTP. And we do think that the largest or most significant reason quite frankly is that registrants just don't have the proper understanding or awareness concerning valid grounds for denying transfer requests.

We truly believe there's an information and education gap. We're not completely certain how to best address that in the policy but we do think that, you know, the Working Group should consider some training and education options that perhaps ICANN or others could put forth in the marketplace as a way to help educate and inform registrants regarding the grounds for denying transfer requests.

The second area that we think is essentially in play is wrongful denial of transfer, or in ICANN-speak, it's called wrongful NACing. And we think that that happens quite often but again, without doing the manual analysis on the complaints I can't tell you specifically the statistical incidence of occurrence.

Michele Neylon: Sorry, just one, just one question, just to cut across here and just being a nasty, horrible chair and just abusing my powers.

David Giza: Fire away.

Michele Neylon: With respect, okay the understanding, one I've no issue with, in respect to wrongful denial, are you sure that from what you're, you've seen so far that these are actually cases of wrongful denial or do you think that they're more likely to still be part of the misunderstanding? I mean do you have enough information to feel confident that yes it is a breach of their true policy?

David Giza: After we complete the analysis I can give you the specific answer but right now my gut tells me it's a combination of both. I think unfortunately consumers have difficulty reading -- if they do read the inter-registrar policy -- and then presuming they can read and understand it, I don't believe that they actually fully comprehend how it's applied by registrars in the transfer process.

So I do think that some of the wrongful denial of transfer complaints are in fact just, you know, again a lack of registrant understanding around valid grounds for denying transfer requests.

Now there are other instances such as failure to provide a, you know, the (SOA) and actually having the authorization, you know, code that occurs but again we don't have the actual number surrounding the statistical occurrence and then we know that there are clearly failure to unlock domain issues. There's the infamous 60-day lock situation; most often complained about is how it's applied or interpreted by GoDaddy.

And then finally, there are reseller issues and we think there are a variety of reseller-related challenges but we actually need to drill down through the consumer complaint data in an attempt to separate and identify the, you know, perhaps the top three reseller-related transfer request issues so that we could then bring that information forward to the Working Group.

And so our goal, at this point, is to use essentially the next four weeks to complete our look-back on the ten months of data for calendar year 2009; and then provide a high level executive summary to the Working Group in earlier January.

And I think what we'll most likely find is that, as that data comes forward, I think some of the charter questions are clearly going to emerge as mission-critical going forward. You know, most clearly I think will be Charter Question C, whether special provisions are needed for a change of registrant when it occurs near the time of a change of registrar.

I think that we've seen already from the way in which GoDaddy's policy has been interpreted or misinterpreted that there clearly needs to be some special provisions in the policy going forward to describe the difference between a change of registrant versus a change of Whois information pertaining to the same registrant.

I think we're also going to find that the policy could be improved with respect to Item D which would be standards or best practices implemented regarding the use of a Registrar Lock status.

Here I think information and education and training would be useful, but I think quite frankly just some clear language in the policy written in plain English quite frankly I think would help registrants understand how a lock is applied, you know, when it can be or cannot be applied and ultimately what the impact of that application is on the registrant.

And then I think that really takes us then to the Charter Question E which would be how to best clarify, you know, the policy denial reason number seven, which I think for quite some time has been a, you know, a difficult, you know, reason for registrants to understand.

And we think once we get some statistical data around this we'll be able to help explain, you know, essentially how a domain name was already in lock status. And provided that, you know, the registrar provides this readily accessible and reasonable means for a registrant to remove the lock status, somehow if we can translate that into English for registrants, we think that that'll help clarify essentially the purpose of that specific, you know, transfer request denial.

So that hopefully, it'll begin to, you know, shed some light on the areas of the policy that are just clearly, you know, clearly not understood by registrants. And I think that that's what we've seen from the data that we've looked at so far is that the policy unfortunately was written by lawyers, you know, perhaps for lawyers.

It is written, you know, in very specific terms that are difficult for, you know, an average registrant to read through and understand and therefore we think it's difficult for a registrant to apply it, let alone file a complaint about it when the registrant clearly hasn't had enough information, education or training on the policy.

And so we're hopeful that the Working Group will recommend some sort of, you know, perhaps, you know, automated, on-line information, education or training approach to the IRTP so that essentially in the future, you know, a registrant could log on to perhaps ICANN's Web site and go through a 30-minute, you know, training module on the IRTP.

And that might be a wonderful way for a registrant to begin to get the basics of how the policy works, how it should be applied and ultimately, you know, how a registrant can file a complaint in the event that a registrar is failing to comply with the policy.

And so in a nutshell, that's about a ten-minute update on where contractual compliance stands at the moment and I'd be happy to entertain any questions.

Michele Neylon: Okay, people. Anybody have questions? Thank you, David, by the way for your overview.

David Giza: You're welcome.

Michele Neylon: Okay, while waiting for the people to put up their hands. Just based on what you've seen so far with the data, and I know that you haven't done an in-depth analysis, have - are there a lot of complaints related to smaller registrars or are they spread or are they seem to be related to very big registrars? I mean is there any kind of, any ideas that you can say on that.

I mean because the reason I'm asking is if ICANN compliance is already cracking down on non-compliant registrars and I see you sent three more termination notices yesterday.

David Giza: We did.

Michele Neylon: You know...

David Giza: I could tell you that, you know, the early pattern that I've seen looking at the data is that, you know, the large registrars, you know, generally tend to get it right more often than not and that's because they have sufficient staff and resources dedicated to administering the transfer process.

The mid size to smaller registrars unfortunately don't have the same level of resources to, you know, to facilitate the work that needs to be required. And so, you know, we believe that there are instances where, you know, mid to small size registrars just fail to follow through and complete all the steps required to correctly, you know, transfer a domain name. And we think that's in large part due to lack of administrative, you know, capability, you know, and/or resources to get, you know, perhaps the job done the way it's envisioned in the IRTP.

Michele Neylon: Okay, thank you. Michael Collins and then James Bladel.

Michael Collins: David, I apologize if you said this earlier but when might you expect this data, this analysis?

David Giza: We'll have that information right after the first of the year, so I'm thinking it would be available in the second week of January at the very latest and if there's a call before that, we'll certainly try to have the data in the first week of January.

Michele Neylon: James?

James Bladel: Hi, David, James Bladel from GoDaddy and thanks for that update. And I have a quick question and then possibly a suggestion.

The first question is are you - is your team looking to compile historical data to measure not only how the situation is today but also maybe how it has changed over the last 6 to 12 months?

And the reason I ask that is because knowing that we are a lightning rod with some of our policies regarding transfers, we have made some changes to that over the previous year, and I would like to see if there's any measurable impacts or improvement based on those changes and the outreach that we've done to help clear up confusion on that.

So I'm wondering if there's going to be any effort to go back into retained data from earlier in 2009 and see if we can't measure any changes over the year.

David Giza: Yes, that's a great question, James. You know, at the moment we've discussed that but we haven't formalized that as part of our action plan and I think many folks on the call know that Contractual Compliance is constructing an IRTP audit plan in our second trimester of ICANN's fiscal year.

And so what that means is by the time we get to Nairobi, you know, the Contractual Compliance Team should have a draft IRTP audit plan that we are going to, you know, socialize with the community. You know, for purposes of determining, you know, how to best perform an audit around the key elements that Contractual Compliance believes ought to be, you know, further investigated, you know, and/or enforced in the policy going forward.

So for example, at the moment we think there are probably four key areas that we will be auditing. You know, the first area would be, you know, essentially the clear ability to lock or unlock domain names. A second area would be the lock status due to a Whois change because we know that that's a reoccurring issue or complaint.

A third area we're anticipating auditing would be restrictions on transfers during the Redemption Grace Period and then finally, we think there's a large amount of confusion and/or just inconsistent application around the requirements of the (SOA).

And so we think that that's a fourth area that's ripe for audit but again we want to present that information to others who can help facilitate a more robust and comprehensive audit and so we are going to be, you know, seeking some feedback from the registrar stakeholder group in this process.

And I know that, you know, several members of the stakeholder group have already volunteered to, you know, to look at that draft audit plan and provide some comments so that when the plan is ready to be deployed next calendar year, which mostly likely would be in the summer of next calendar year, that we're in a strong position to actually perform a useful audit that'll provide both current data.

And then to your point, James, we'll do some sort of look-back here, you know, around that audit data and tie that into the statistical analysis that we're doing right now on the calendar year 2009 transfer complaint information.

James Bladel: Okay, thank you. And it would be interesting to see that historical data especially for maybe the last 12 to 18 months. The second item I wanted to raise was more of a suggestion which was something that we've encountered in some of the Security Working Groups.

And that is when, you know, compiling any sort of comparative analysis of rate of incidence per registrars and releasing that to the public, would strongly ask or encourage ICANN to express those rankings in terms of a ratio of either successful transfers, which is probably difficult to measure, or in terms of domains under management.

So that rather than saying GoDaddy's had X complaints and Blacknight had Y complaints, that you would express them as a ratio of complaints per domain under management.

And I think that the, you know, any of the math majors on the call would probably realize why I'm concerned about that is that, you know, when you look at just the raw numbers, we come up at the very, very top of every one of those lists. But we don't think that that's necessarily telling the true story when it's viewed in context of (unintelligible)...

((Crosstalk))

Michele Neylon: Mind if I cut across here?

James Bladel: Yes, go ahead.

Michele Neylon: I was, no I mean, I'm just picking up on your point. I'd agree with you wholeheartedly but also I think you'd have to put in a kind of a threshold somewhere as well because you're going to appear as having a disproportionately high number of complaints but as a percentage of the number of domains that you have, et cetera, et cetera, it makes sense.

But then for a registrar with only say 1,000 or 2,000 domains, if they have three complaints, are you going to say that's three times worse or five times worse than, you know, the 300 complaints against GoDaddy. I'm not saying that you've got 300 complaints against GoDaddy but you know what I mean as in terms proportionately.

James Bladel: Well, I think what we're hitting on here, Michele, is the old lies, damned lies and statistics.

Michele Neylon: Yes.

James Bladel: We can tell multiple stories with the same set of data, and it's just something that I would, and I think to Michele's point, you know, you make, raise a valid concern as well. But certainly our concern is that if just raw numbers are presented, you know, I would probably speculate that our level of incidence just in terms of raw numbers is higher than probably the next three or four registrars combined because that's just the universe of names under management.

Michele Neylon: I won't disagree there and the next person who had a hand up was Mike.

Mike O'Connor: Thanks, Michele; Mike O'Connor here. David, I have a question for you that's more operational and that is - and maybe a follow-up afterwards - but the question is, how automated is the process by which a person submits a complaint and, you know, judging from your answer it sounds like it's not terribly automated.

And then I guess the follow-up is, do you have any plans to improve that, partly so that you won't have to spend four weeks analyzing the data in the future but also because it seems like with some clever enhancements to that process you could build the education process into the complaint filing process.

So that when a registrant is thinking about filing a complaint, they get help right when they're filing it rather than the prospect of a half-an-hour in front of an interactive education screen which doesn't show me much and I imagine most registrants wouldn't sit still for it either. So it's kind of a blob of questions for you.

David Giza: Sure. First, we do have a consumer complaint ticketing system that is automated and accessible through ICANN's Web site, and that system does allow us to collect consumer complaint data by virtue of a form that is filled out online by the consumer. And the consumer uses a drop-down box to essentially describe the nature of the complaint and then there's a dialog box that allows the consumer to describe with more, you know, specificity the actual nature of the complaint.

That information goes into our system and our system unfortunately is not extremely robust, you know, data warehouse that would allow us at the moment to run, you know, multiple reports off of that data.

And so that's why we have to perform a manual analysis for the data right now because quite frankly we don't have a software tool available or the

programming available to run an automated report off the data given the way that the data is structured in the database.

Now we do have a plan to improve that, and that's one of the IT requests that the Contractual Compliance has put forward as part of our operational strategy for this year. And if that request is approved, we're hopeful that by the end of this fiscal year, which would be June of 2011, that we could see some improvements in the C ticket system.

However, if our request is not approved, then the C ticket system, you know, might not be, you know, further enhanced or automated until the following fiscal year, which would start in July of 2010.

And I do think that there is an opportunity to do more information and education through the C ticket system. Quite frankly, we haven't done enough of that.

And, you know, perhaps as part of a further enhancement of that system we could, you know, put some frequently asked questions, we could put some examples, you know, quite honestly of when registrars get it right. Because there are many instances where registrars do get this right and we tend to focus on the negative more often than we do on the positive.

And I think we ought to focus on those positive incidences where we're seeing compliance with the policy and use that, you know, perhaps as a teachable moment that would help a registrant understand how the policy does work.

And when, and unfortunately in those incidences where we're, the policy isn't followed to the letter, there I think, you know, we can help begin to tell that story again more effectively through different, you know, information/education type tools.

So we're sort of making use of our Contractual Compliance newsletter which will be, you know, issued four times a calendar year, a way to tell this story and so in the next edition of the newsletter which will be released before Nairobi you'll see a section of the newsletter now that's going to be dedicated to IRTP.

That's going to be a standard section in the newsletter and so each and every edition we'll have information pertaining to IRTP as a way to again further inform and educate the community.

Mike O'Connor: This is Mike again. Just a thought and that is the description that you just gave is a description of a system that is primarily oriented towards your staff as its customer.

David Giza: Correct.

Mike O'Connor: A suggestion for the designers of the new system would be that they orient the system so that the registrant filing the complaint is the customer of the system. Because I think that what a registrant could use would be almost a diagnostic series of questions where the registrant says, I can't get my domain, it's stuck, I don't know why.

Well, is it one of these three things. Yes, it's this thing. Well, which of these things have happened? Well, these three things have happened, so on and so forth.

So that part of the process would be a registrant learning during the course of filing the complaint that in fact their situation is normal, and then the opportunities for further action at that point but not necessarily filing a complaint which would thin out the number of complaints that are in fact spurious and thus serve you as a customer - but at the same time, and more importantly from my standpoint as a registrar, make tools available at the time that it's needed to the registrant that has the problem.

One of the problems with your approach of newsletters and training is that the typical registrant is never going to read that stuff. The only time that they're going to be interested in this is when the house is burning down, when they have an acute problem.

And so to the extent that this design could be oriented a little bit more toward registrant as customer and less just a simple online form filling out basically front end to what sounds like a really fragile database, I think that you would get a lot of kudos for that.

David Giza: Yes, it's a great suggestion and I've made a note here to, you know, discuss it with our IT staff and determine again, you know, what would it take to, you know, to enhance the existing system to do essentially what you've suggested. And you know, I'll be happy to, you know, report back to the group after I get some feedback from our IT team.

Michele Neylon: I mean, David, just cutting across there, you know, as registrars we deal with complaints, queries, support stuff for thousands of clients on a day-to-day basis.

So I mean if you talk to some of the registrars, I mean, please talk to me and I'm more than happy to talk to you about it and I don't know about the other registrars, I can't speak for them, but you know we're used to dealing with large volumes of customer service issues.

So, you know, we have plenty of software out there, I mean it sounds to me like if you go, have to go up to the IT Department, I don't know them. And so I mean, hopefully they wouldn't be offended, it sounds like you're making, it sounds like it's going to become a very complicated process for something that shouldn't be.

I mean there are plenty of support desk solutions out there. Some are open source, some are commercial, some don't cost you anything more than the hardware you shove them on, others cost thousands and thousands of dollars, but you know there's plenty of things in between as well.

David Giza: Yes, that's a great point. I would certainly, you know, prefer to find a, you know, commercial off-the-shelf solution that could be deployed, you know, quickly and effectively, you know, at a very reasonable cost. And that's where I would, you know, seek the assistance from our IT staff in securing, you know, that type of software tool as opposed to, you know, the make-buy decision where we're actually taking our system and actually enhancing it through a variety of what I would say rigorous programming changes which can be both time consuming and costly.

So I'm with you, I'd much rather use existing solutions that are available in the marketplace so long as I can get the assistance from our IT team to evaluate them and then identify the most useful and cost effective solution that would, you know, would address not only the needs of registrants but would also help ICANN, you know, facilitate its compliance work.

Mike O'Connor: This is Mike again. I guess I just want to amplify something that Michele just said which is you have on, even on just this call, a couple of registrars that have an awful lot of experience in dealing with exactly the same kinds of customers and customers who have exactly the same kinds of issues.

And so in addition to talking to your IT team, I'd just like to amplify Michele's point that you should bring some registrars into that conversation because they can tell the solutions that work and the ones that don't probably based on their experience.

David Giza: Yes, we will absolutely do that. In fact, even, you know, as we started, you know, planning for the audit, you know, we reached out to, you know, some of the registrars, you know on this call and others. And quite honestly we will

continue to do that, you know, particularly here, you know, as we discuss, you know, improvements or even just, you know, complete outright change to our consumer complaint system, so we will definitely do that.

Michele Neylon: Just going, can I just go back to the queue there. Marika had her hand up and I have my own hand up. I'll let Marika go first, she's much better looking.

Marika Konings: This is Marika. I mean I took my hand down because I thought I could take that offline and talk with Dave. Because one of the things I just want to comment from a policy perspective and from the policy team, you know, we've been trying to advocate as well to have more data internally available as we believe that it will greatly help to inform policy discussions and decisions.

And our hope would be that, you know, any new data gathering system or, you know, how to manage complaints and track those would not only be limited to the Compliance Team or complaints that I receive through the online form but would also extend to, you know, for example, phone calls that I've received at the front desk or through the registrar or registry liaison teams. So we really can get an idea of, you know, where there are issues so that we can actually make informed decisions and focused efforts there where change is needed or required.

Michele Neylon: Okay. Mike, is your hand back up again or is that from before?

Mike O'Connor: Yes, it is. It's my third hand of the day. See how many hands I wind up during the course of the call. I guess where this is headed for me is that perhaps one of the things that we want to include in the recommendations that we develop on this Working Group. And Marika's comments really sort of sparked this, which is this notion that one of our recommendations ought to point, you know, rather than simply passively accepting David's comments about new systems, we might want to actually make a recommendation about those

systems or, and, you know, I'm not sure what the scope of that would be but, rather than just...

Michele Neylon: I don't think that's within the scope of this Working Group, to be perfectly honest.

Mike O'Connor: Well, I think, that given, I think the way that it gets into the scope is that clearly one of the themes that's been evolving is education of registrants.

Michele Neylon: Oh, I don't disagree with you that the community shouldn't be making recommendations but I wouldn't want, I don't think it's within the scope of this particular Working Group for us to focus a lot of attention on this. I think it's something that maybe some of us should take up with David offline, if you don't mind.

Mike O'Connor: I think I'm going to push back on that because I think one of the opportunities here is if we have a recommendation about registrant education as it pertains to IRTP...

Michele Neylon: Are you talking about registrant education or are you talking about the reporting system for complaints?

Mike O'Connor: Oh, no. Only to the extent that education be delivered at the time of the complaint being filed.

Michele Neylon: Okay, at that, I don't have a problem with. I'm sorry, I just had, I didn't want us to get into, turn this Working Group into being a software analysis team.

Mike O'Connor: No, no. I agree with that, but I think that to the extent we can identify the notion that education delivered just-in-time is a good idea and that then that does touch the system that gathers the complaints. Now, no I agree, we don't want to get into a software selection, make-buy, packaged, open source (unintelligible).

That's way outside our scope but I think that we could recommend that whatever systems are used to collect the complaints deliver education during that process so that the registrant in the case where they're in error in making their complaint can learn instead what they ought to do and who they ought to call to do that thing.

Michele Neylon: Okay, so would you, are you looking for something whereby instead of having a simple form that the, the registrant has to go through a kind of a wizard which asks some questions about the complaint?

Mike O'Connor: Yes. I think, I mean I'm not sure that that's, again we're getting into software design, but...

Michele Neylon: No, no, no. We're talking about practical implementation of something.

Mike O'Connor: Right. I mean certainly something like that is kind of appealing to me because that way if I'm a consumer, I learn that, oh, this really is a valid thing, this is a serious problem; or no, actually that's normal, you shouldn't file a complaint. Here's who you ought to take that up with and here's...

Michele Neylon: Oh, okay. So you can direct them to a more suitable source during...

((Crosstalk))

Michele Neylon: ...process, okay.

Mike O'Connor: Maybe not specifically but you know, take it up with your gaining registrar, take it up with your losing registrar, you know, sort of generic stuff but deliver the education about this complicated process at the time that the person needs it, which is the time where they feel like they need to file a complaint.

And I think that that also ties into another one of the recommendations that at least I've been lobbying for -- we'll see if it gets through the whole Working Group -- which is the circuit breaker that says, that, you know, in the case of a non-responsive registrar or, you know, whatever, that there is some mechanism for the registrant to jump to a place that they can get help.

And again the information about that process being delivered at the time that they're filing a complaint I think is a useful thing.

Michele Neylon: Okay. David, would you like to chip in or come back on this?

David Giza: I would. I would like to cut across on that if I have a moment here. Mike, I understand what you're saying and I see the value of providing that on-the-spot education or outreach, especially if it's targeted to an issue that is first and foremost in the registrant's mind and, you know, we have the opportunity to clear up some confusion, we should, you know, strike while we have a receptive audience.

However, I see a danger to that and the danger is this kind of slippery slope where ICANN becomes a pseudo-support or support escalation resource to, you know, to the registrars and other service providers.

So I think that that's something that should be stayed away from, as well as I can see us debating for days, if not weeks, on how those documents if they're structured or how those scripts if they're actually human beings answering the calls would be designed so as to ensure that ICANN was not interjecting any degree of judgment into those incidents or leading the registrant to believe that certain methods were acceptable and certain methods were not acceptable or something like that.

So I think that there's, I get a little nervous when I think about all the potential downstream implications of what you're suggesting without, you know, that

said I do think that there is some value to it. I just think it might be something that would have to be very, very cautiously undertaken.

And perhaps the best way is upon receipt of complaints or any type of a notification issue, you know, I'm sure there's some sort of a confirmation email that goes out from an automated system. Perhaps there can be some links to resources and further reading material contained in there and that might be the safest way to ensure that we're providing that on-the-spot information without affecting the quality or the veracity of incidents that we're trying to collect.

Mike O'Connor: This is Mike. Let me jump back in here and then David you can have a crack at this. I don't, that's part of the reason why when Michele came up with the idea of a wizard, I sort of backed off. I'm not sure that I know what the right approach is and, James, I think yours might be a lot easier to implement and a lot easier to police and I also agree that I don't really want ICANN to become the adjunct to registrar or registry support.

But I think that the notion that we're edging towards in a lot of these conversations is education and I think to the extent that we can deliver it at the point in time that it's needed, that's my main thrust here. David, do you want to take a crack at any of this?

David Giza: Yes, I'll just try to make my comments brief. I do think the Working Group should, you know, separate those recommendations that clearly result in changes to the IRTP as a policy document, and then those recommendations that, you know, flow from the policy that affect the operational requirements let's say of ICANN and/or Contractual Compliance. Because I do think we don't want to get down that slippery slope and find that we're in a place that, you know, ICANN can't fully support in the future without, you know, sufficient resources dedicated to that task.

But I do believe that, you know, information/education is critical and I do think clearly one thing that, you know, could be done is something as simple as just providing a plain English translation or version of the IRTP.

There's already a Working Group that suggested that such a document ought to be constructed for the registrar accreditation agreement. This might be a perfect opportunity to do the same thing here with the IRTP. And then starting with that document, there may be ways to include that into an improved or enhanced, you know, redesign of the C ticket system or using some other software to, you know, to begin to crawl before we walk and then to walk before we run in this direction of informing and educating consumers, you know, more effectively than we do today.

So if we just keep that in perspective I think that will help make the compliance work that we do, you know, much more effective and meaningful for the community.

Mike O'Connor: This is Mike, one last thought. I think James has got a real good, real inexpensive, real quick suggestion that you all could probably implement right now which is if you don't today - I've never filed a complaint, I've never walked through the process. But if you don't include a link to the current policy and any plain English versions that come up in the response email because presumably you do send a response email.

David Giza: We do.

Mike O'Connor: You know that would be I don't know a five to ten minute change in the email template that you could do this afternoon and I think that incremental changes that are easily done are always low hanging fruit that you should go after where ever you can.

David Giza: It's noted.

Michele Neylon: Okay, Anil George?

Anil George: Hi, I think the emphasis on education is definitely useful. I'm presuming that's meant to be a suggestion that's sort of simultaneous with our efforts to hopefully avoid or address situations of hijacking. Because if you look at the SSAC report there are probably some registrants who if they were educated may still be in the same situation so I just want to make sure that it's not a substitute for addressing something where education may not be able to resolve, you know, the malicious factors.

Michele Neylon: Well, with due, with all due respect, I mean, if ICANN Compliance staff is spending a lot of time chasing registrars around the countryside who aren't actually breaching anything, surely that's a waste of resources and is actually playing into the hands of people who are actually doing things that are malicious.

Anil George: Yes, I agree but the SSAC report seems to focus on people who are actually doing bad things, not people who are not guilty of things, right?

Michele Neylon: Yes, but this is not a Working Group about the SSAC report. This is a Working Group about the IRTP.

Anil George: It's a Working Group about the IRTP that seems to have been spurred by the sort of things that were discussed in the SSAC report, so I don't know that you can exclude that as kind of a relevant document to our group.

Michele Neylon: I'm not excluding it. I'm merely stating that the, from my perspective at least and I don't know about anybody else's, anything where end users are better educated and are, have a better understanding of what rights and obligations they have and what rights and obligations registrars have will reduce the amount of spurious complaints being sent both to registrars, registries, ICANN and everybody else.

I'm not discounting for a moment anything about bad actors. I'm talking about the fact that if you were, if somebody knows for a fact that, you know, you cannot transfer a domain within the first 60 days of its registration, then that will immediately stop a certain number of complaints.

Anil George: I, we're in agreement on that. I'm not discounting that in the way you're saying it, that education's helpful. All I'm saying is that it won't resolve all the problems here.

Michele Neylon: Okay. I'm going to leave my hand up there because I wanted us to ask David one question. David, you were talking earlier there about your compliance checks. One thing that you didn't seem to mention and it's something which does concern me a small bit is Whois servers. Are you going, are compliance actively checking that registrars have functioning Whois servers out of those Whois servers who are actually putting out data that is usable?

David Giza: The short answer is yes. We've deployed this calendar year a Port 43 Whois accuracy audit tool review that we use randomly to check servers and we do have that data compiled and that data is actually going to be released in the next version of the ICANN Semi-Annual Contractual Compliance Report which should be available in January.

But I could certainly, you know, pull that data together and provide it to this group if the group would like to see it.

Michele Neylon: Well, I personally would because it's been a problem we've been having with some of our beloved colleagues in industry who have Whois servers on Port 43 but they give back such little information you can't do anything with it.

David Giza: Yes, and as you pointed out, the results are all over the board in terms of, you know, some of the, some of your colleagues who seem to do it right and others who, you know, I think for either just lack of understanding, lack of

resources or for some other reason, you know, choose not to comply with ICANN's requirements.

And so we're collecting the audit information right now in an effort to determine, you know, what sort of action plan we should establish to correct the reoccurring problems that we've identified in the audit. But I'll have our lead auditor, William McKelligott, you know, compile the information ahead of the Semi-Annual Contractual Compliance Report release and then I'll send it over to you.

Michele Neylon: Okay, thank you.

Mike O'Connor: This is Mike. Could you, maybe Marika could facilitate this, Greg Aaron in the RAP Working Group is also very interested in precisely this data and we started a little sub-team to start collecting it ourselves and then discovered that you were working on this, so could, Marika, could you pipe this conversation over to Greg to tie that one off?

Marika Konings: Yes, I'll do and I can meet as well with William if he has an updated, if he can also provide them to the Registration Abuse Policies Working Group.

Mike O'Connor: Terrific, thanks a lot.

Michele Neylon: Okay, does anybody have any more questions for David? David, have you been, do you feel you've been well and truly grilled?

David Giza: I do, I do.

Michele Neylon: Good.

David Giza: And in about 15 minutes of time here, I think we have truly covered the waterfront and beyond and that's good. It's the kind of dialogue that needs to take place. And again I'm a permanent member of the Working Group, so I

will be on all the calls going forward and, you know, will continue to provide this information to the Working Group. And you'll get the data from us in January and then you can use that data to constructively address, you know, the five questions here in the charter.

Michele Neylon: Okay, thank you. Marika, I think we worked, how are we doing for time? We sort of got another few minutes, haven't we?

Marika Konings: Yes, well, we have eight minutes until the top of the hour and then it's a question whether people have time to continue for a little bit more.

Michele Neylon: Okay, I think, (unintelligible), we should actually put that to the people on the call but let's try a whole new thing for me, bit of diplomacy.

Lovely people on this call, would you like to take advantage of the extra half hour that we could use or would you prefer that we wrap up on the hour?

Man: Wrap up.

Michele Neylon: Okay, that's one wrap up.

Man: That's two wrap up.

Michele Neylon: Two wrap up. Okay, I'll rephrase the question. Does anybody want to extend beyond the hour? No, you all have lives, okay. Okay then.

Constituency stakeholder group statements, as Chair of this group, I would like to go on the record to say that I'm not particularly pleased about the lack of a statement from the ISP constituency.

Even if they had given us a statement to say that they had no statement, I would be happy; I would accept that and go okay, they don't care or they

don't have anything particular to say about it. I'm not happy about the fact that they haven't given anything at all.

Marika. Marika?

Marika Konings: Yes, just a note that we still have Agenda Item Three as well, we were still reviewing all the public comment...

((Crosstalk))

Michele Neylon: I don't want to get into that in the last seven minutes, Marika.

Marika Konings: Oh...

Michele Neylon: Sorry, I'm being a totalitarian here. I don't, if we start going into the comments, we'll hopefully all start talking about them but, and we've got, according to my watch, we've got about five minutes, so I can't, I don't think it will be reasonable to start that. I just wanted to rant instead for a minute if you'd let me.

Marika Konings: Yes, go ahead.

Michele Neylon: The business constituency, what happened with them? Did they give us something in the end, Marika?

Marika Konings: Yes, they did and those comments have already been integrated as well in the grid that has been circulated.

Michele Neylon: Okay. Which constituency groups haven't given us anything at all?

Marika Konings: We haven't received anything I think from the NCUC and ISP.

Michele Neylon: Okay. The IP, IPC, registrars, registries, all those have; so basically we have, the non-commercial people who I would have thought had an interest in this and the ISPs who should be able to at least tell us that they've got the memo that there was a comment period.

Woman: (Unintelligible) resend very stern reminders to them right now.

Michele Neylon: If you wouldn't mind; I mean personally I would be happier just for us to be able to say, okay, we consulted everybody. Everybody was given ample opportunity to have input into this process. Some people chose not to.

Because I don't the want the situation arising like has happened with some Working Groups where there was plenty of comment periods and input and this and that; then you go to a public meeting at ICANN and somebody stands up and starts (wincing) and whining about a report and they've, and that person isn't an outsider. It isn't somebody who's never been to a meeting. It's not somebody who's popped from nowhere. It's somebody who had plenty of time to do so but just chose not to.

Does anybody have any problem with me taking that course of action? No, okay.

The next meeting, today is the first. We're heading towards Christmas. When are you people starting to break up for Christmas or are you all workaholics?

Man: We're workaholics.

Michele Neylon: Workaholics, okay.

((Crosstalk))

Berry Cobb: Well, some of us are retired and everyday's a Saturday for us, so it's all the same.

Michele Neylon: You're retired and setting back counting your money?

Berry Cobb: That latter part I'm not so sure about but the first part is true.

Michele Neylon: Well, you can always say you delegated the responsibility of the counting to somebody else. Okay. Okay, fair enough, Berry, I like that. That's a good one.

Okay, so we should have a meeting then, the last one before Christmas I would suspect would be the 19th. Is that okay for everybody or do people envision that as being a problem?

Marika Konings: Well, you mean the 15th?

Man: Fifteenth?

Michele Neylon: Oh, sorry. Well, I never was any good at math. Okay, the 15th, okay. So, the 15th and then we wouldn't have another one obviously then until sometime in the new year. Is that okay with everybody?

Marika Konings: This is Marika. Could you, could we maybe already check when people would like to start again in January? Would you people like to start on the 5th or the 12th?

Man: Twelfth.

Man: Twelfth.

Man: Now you're starting to run into some Bowl games, so.

Man: They play them on Tuesday?

Man: When you're in the BCS they do.

Michele Neylon: Okay, can we work on the basis that we're going to take a couple of weeks off for Christmas. Okay, 15th, last one before the new year and then we can start again on the 12th?

Man: Yes, I think the 12th.

Michele Neylon: Because I know that for me on the 5th, it will be the post-Christmas/New Year clean-up mess that always happens even though we're only closed for a couple of days. I can imagine that other people are going to be in a similar situation.

Man: And that keeps our Outlook agenda intact so we just dropping the 29th, then aren't we, (unintelligible).

Michele Neylon: Basically, yes, basically. I mean if you really, really want to have a phone call on the 29th, I'm sure we could facilitate it but I don't think, I think there'd be very few people involved and I would probably be not in the best of form. Not that I'm in the best of form now, but anyway.

Okay, then. I think we should just adjourn the meeting and pick it up in two weeks time. David, are you running off somewhere now?

David Giza: Actually, I'll be in the office probably in about 30 minutes. I'm just working from home at the moment.

Michele Neylon: Okay, I needed to catch up with you on one thing. Okay, then if people have any queries or anything else, please follow it up on the list and talk to you all again in two weeks. Thanks.

Woman: Thank you.

Man: Thanks, Michele.

Michele Neylon: Okay.

Man: Thank you.

Man: Thank you, David. Thank you, Michele.

END