Inter-Registrar Transfer Policy Part B PDP
Transcription
Tuesday 12 April 2011 at 14:00 UTC

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http://audio.icann.org/gnso/gnso-irtp-b-20110405-en.mp3
On page:

http://gnso.icann.org/calendar#apr
(transcripts and recordings are found on the calendar page)
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James Bladel - Registrar SG
Berry Cobb - CBUC
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Paul Diaz - Registrar SG
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Simonetta Batteiger - Registrar SG Rob Golding – RrSG Baudoin Schombe – At Large
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Anil George – IPC
Eric Brown – RY (all Tuesday calls)
Baudoin Schombe - At–Large

Coordinator: And this call I now being recorded. Please go ahead.

Gisella Gruber-White: Thank you (James). Good morning, good afternoon to everyone on

today's IRTP call on Tuesday the 12th of April.

We have Mike O'Connor, James Bladel, Michele Neylon, Kevin Erdman, Bob Mountain, Paul Diaz, Matt Serlin.

From staff we have Kristina Nordstrom, Marika Konings and myself Gisella Gruber-White.

Apologies today from Oliver Hope, Baudoin Schombe and Anil George. If I could also please remind everyone to state their names when speaking for transcript purposes. Thank you.

Over to you Michele.

Michele Neylon: Okay, thank you. As per usual, does anybody have an update to their statement of interest?

Going once, going twice...

No, nobody converted to communism? Okay, all right then. On the main thrust of today's meeting is looking at the emergency action channel proposal as developed by Mikey and James. And, first off, let's just take this opportunity to thank Mikey and James for having done this. Without their work a lot of this stuff would never happen. So I hope you all appreciate their hard work.

So, have you all had a chance - okay, let me rephrase that. Has anybody not red over the documents that were circulated a couple of days ago?

Marika, go ahead.

Marika Konings: Yeah, this is Marika. If I can just point out as well that I circulated a document earlier today and it's up in Adobe Connect as well in which I try to part out a different element of the proposal. And next to that on the right-hand side I've

listed the comments that were received on the mailing list as well as some comments I've received internally. So hopefully that will facilitate the review of the proposal and discussion.

Michele Neylon: Okay, thanks Marika.

Marika, just as a point of clarification, is - from the ICANN staff comments, is that from ICANN legal, compliance or where is that from?

Marika Konings: This is Marika. It's a bit of a mix. I've received some comments from compliance, some from services staff and I don't think I've received anything specifically from legal. But (I've) all grouped them together on there, ICANN staff, because several people did say like, oh, I agree with this persons comments. So, it's a bit of a mix.

Michele Neylon: Okay. And you sound like your throat is suffering. We'll try not to ask you too many questions.

Marika Konings: Thank you.

Michele Neylon: If you can work on sign language or something. Okay, all right then. Okay, the first comment that we - I suppose the comments from Mike and staff are the ones that we probably haven't seen apart from now on this document or at least I didn't see them.

I don't believe that they were circulated prior to the document going out earlier today.

Marika Konings: That's correct.

Michele Neylon: Okay. I'm trying to - you could have just put your hand up rather than getting you to talk Marika. I feel guilty now that I've made you talk.

So, okay, one of the first comments from ICANN staff is in relation - is a general comment. I've currently drafted the proposal. It sounds more like an industry best practice than a consensus policy. Only the latter would be enforceable by compliance.

The purpose of the (EAC) and how and why it differs from the current transfer contact in radar and the language in general should therefore be further clarified.

Does anybody - okay, Bob, radar is the system that ICANN makes available to all registrars where you can log in and you can see the contacts for your registrar and for a lot of the other registrars.

Okay, I've got a queue building up. I've got Mikey and then James. Go ahead Mikey.

Mikey O'Connor: Thanks Michele. This is Mikey. A couple of thoughts. One, Marika, it would be useful to run back to the folks who made that comment and get their suggestions on what they would see as examples of language that would move it from one category to the other.

And then I guess I'm going to respectfully disagree. My smart-alecky response is what is it about the word will that confuses people? It seems to me that this is actually closer to being a compliance enforceable policy than they seem to think.

So it would be useful to hear a little bit more about what this meant. Where there more comments that your summarizing Marika and if so could you maybe just - I know it's tough on your voice but if you could just expand this a little bit it would be helpful.

Michele Neylon: Marika, go ahead.

Marika Konings: This is Marika, as I said, I'm not in any pain. It's probably more painful for you to hear me talk like that but for me it's okay. As you'll see throughout, and I don't know if it makes sense to go there now or when we come to the different issues, you'll see that there's some items where there are specific suggestions to provide more details or recommendations on how it can be made more specific and more enforceable in that way.

And so maybe once we've gone through the document if you still feel that there should be further clarifications based on this first comment, I'm happy to take that back. But I think this was a general comment that was made and below that there were several other comments made indeed asking for specific details or recommending specific details that you'll find throughout the documents.

Mikey O'Connor: Okay, thanks Marika.

Michele Neylon: Anything further Mikey?

Mikey O'Connor: Nope, that's it for me thanks.

Michele Neylon: James?

James Bladel: You know Mikey pretty fairly - covered it fairly well. I just wanted to point out too, to the group and to ICANN, that this was something that Mikey and I discussed while we were drafting this language and we did endeavor to make it short and sweet and clearly compulsory.

So I guess I'm with Mikey. I don't really - I thought we hit it. So...

Michele Neylon: This is Michele. Just echoing that as well, I - it would be the choice of the (model) verb will. It's very, very clear as far as I'm concerned from a - there's no optional option in there. It's a very forceful intent. Some I'm a bit confused

as well as to why people would feel this is a best practice instead of being an enforceable consensus policy.

Just - I'm a big confused by that as well.

Okay, the first section. Registrars want to establish an emergency action channel for urgent communications rates and transfers. I have a comment from Paul Diaz. I would like to see the (EAC) contact data contained in radar that way only authorized points of contact can access it and ICANN will have a log file of who attempts to gather the info.

A comment from Mike and staff; to add features to radar such as response time, tracking and periodic testing would require extensive programming modifications.

After a brief review of the (EAC) proposal we believe such a use could be feasible or with an associated cost and time to implement.

James?

James Bladel: Real quickly, I'm not sure that we envisioned that the request and response would be tracked in the radar system, although the contact data would definitely make sense to be housed there.

But - you know, so I'm not sure. I don't think that's necessarily a bad idea but I don't know that this would require a massive rewrite of the radar system at least initially I think that that can be done on a (band).

Michele Neylon: Marika?

Marika Konings: This is Marika. I think it needs another - as of course the proposal was - it would be general to start off with a thing to really assess a need and what is

required in the cost. It would be helpful to get specific requirements or expectations of what radar will do.

And, as James said, it would only be to host a contact information and that sounds like a relatively simple procedure. But if you want to add additional features which, from a compliance perspective, might be helpful or an easier way to track then there might be additional steps or costs that are associated with that.

So maybe once we've had this discussion it's worth, as well, to have a more detailed discussion with possibly IT staff, I presume, to see what is reasonable and efficient for what we're trying to do and how could that work in practice.

So that might be a step forward.

Michele Neylon: Paul Diaz and Mikey?

Paul Diaz: Okay, thanks Michele. It's Paul. James already made my comment in the chat in that something tracking within radar could be a phase two exercise or something (envisioned) in the future.

I just wanted to - I made this recommendation simply because I want to make sure whichever points of contact a registrar offers that that information is, for a lack of a better term, guarded.

You know, what we've discussed in previous calls, we don't want just anybody being able to use this particular channel for whatever their current ailment is. It's very narrowly intended use and by containing that information in radar, radar automatically tracks who logs in and looks up information. And that way we can assure ourselves that it's only being used for its intended purpose. That's all I was looking for.

Michele Neylon: Mikey?

Mikey O'Connor: This is Mikey. I like James' idea and Bob's. Bob's - James' idea being maybe changes could be phase two. I really don't want ICANN's IT staff to be a dependency in implementing this because this group knows we've run into issues with that before.

But, at the same time, it would be good to have a fairly robust way to track this stuff. The way that James' and I wrote it, I think it's efficient especially for phase one where we require that both sides of the call keep track of them.

But it would be a nice addition to add it to radar somewhere down the line. But I really don't want a dependency in implementation hinging on ICANN's IT staff.

Michele Neylon: Great. James?

James Bladel: Yeah, I just wanted to point out that the document retention requirements that could be written into this would be no - this is to address Bob's concern. It wouldn't necessarily be any weaker than what we currently require for (FOA)'s, F-O-A's.

So I think that definitely we should proceed and maybe look at that as a future enhancement to radar.

Michele Neylon: Okay, thanks. Just speaking on my own behalf, I don't - I mean we're trying to solve an issue that we shouldn't be restricted just because it might require some extra programming.

My understanding is that radar is something which was developed in-house by ICANN. So, surely they can extend it. They've already extended it in the last year as far as I know for adding extra contact points.

Okay, the next bit. Who can make use of it? (EAC) will be reserved for use by ICANN registrars, (GTOD) registry operators and ICANN staff, or put another way, contracted parties.

And comments from ICANN staff? The proposal does not specify what information an (EAC) requestor must provide. If this proposal is intended to undo a transfer resulting from a domain hijacking wouldn't the burden of proof be on the (losing) registrar?

Follow-up comment, would the same requirements, response time type failure to response apply to registry operators and ICANN staff as the other users of (EAC)?

Mikey?

Mikey O'Connor: I - this is Mikey again. I think this is the subtlety of this that people keep missing. So, it may be that James and I need to stick another sentence in here just to make this clearer somewhere and that is that the only actionable part of this whole policy is if the gaining registrar does not respond, that's all.

So the content is irrelevant because there is no judgment being made. This is the whole issue that blew it up the first time which is there is no way that this is intended to be a dispute resolution process and the only thing that triggers an undo is the lack of a response.

And so there's just confusion about this that we need to either surround this with language when we introduce it to the community or maybe embed something in the language itself that makes it clear that the very narrow focus of what we're trying to do here.

Michele Neylon: Okay, anybody else?

Okay, next part.

The (EAC) may be - I'm sorry. Marika, go ahead.

Marika Konings: This is Marika. Just in relation to the second comment, if the requirements are also intended to apply to registry operators and ICANN staff.

Mikey O'Connor: This is Mikey again. Let me just dive in as long as I was onboard. No, this is strictly in terms of this policy, the (EAC) was created primarily to establish communications between registrars. So there's no requirement on a registry. There's no requirement on ICANN staff.

Michele Neylon: Anyone else?

Man: Yeah, just - let me play devil's advocate for one second because I'm sure that when we put this out for comment we're going to get this. So if I'm a registrant of a domain name and I feel my name has been hijacked and my only course of action is to go to the registrars and let's just say for (given sake) both registrars are unresponsive and don't respond to me within 24 hours, what's our response to that situation in saying that this is only available to registrars?

And, by the way, I'm not arguing that it shouldn't only be available to registrars, I'm just saying, I think we need to be prepared for having a response to that when it comes up because undoubtedly it will.

Michele Neylon: (Unintelligible) just before Mikey and Simonetta...My personal take on this would be that as the registrar is not - as none of the registrars are being responsive, surely that's a matter for compliance. That's just my own personal view.

Mikey and then Simonetta?

Mikey O'Connor: You said it Michele. That's what I was going to say too. It's a different transaction. It's a different problem. It's not the problem that this policy is trying to solve. If you're current registrar, if you're the registrant, is non-responsive, that's not something that this chunk of the policy is intended to address.

James Bladel: Yeah, no, I agree with you. I just think that if I'm putting myself in the average Internet users shoes that's got a problem and if both of those registrars - so, I guess the answer is that ICANN is the escalation point in that situation.

Mikey O'Connor: Yeah, exactly.

James Bladel: Is that essentially correct, right? Yeah, okay.

Mikey O'Connor: Yeah, I mean, one of the things that we may want to add to this is the notion that existing channels of dispute resolution and escalation still apply.

James Bladel: Right.

Mikey O'Connor: And that may address that, you know, in peoples minds.

James Bladel: Yeah, I just think that - I just think undoubtedly it will be raised and that we are not allowing individual registrants access to these contacts and, you know, I'm just kind of trying to get us ahead of that criticism so that we're in a position to respond to it.

Because, like I said, I think what we've - I think it's the right thing to do. I don't think we should open this up to the whole world because that would be a nightmare.

Mikey O'Connor: Well and...

James Bladel: We ought to be able to speak to it.

Mikey O'Connor: We actually put that in the policy. It's a little bit further down, it's on the next page, but, you know, we made it clear that this is available only to...

James Bladel: Contracted parties, as we've said. Yeah.

Mikey O'Connor: Contracted parties and ICANN staff. Well, it's actually the one we're talking about right now.

James Bladel: Yep.

Mikey O'Connor: And, you know, if you're a registrant and you have a problem with your existing registrar, that's a standard path. That's not one that we want to change.

James Bladel: Yep.

Michele Neylon: Simonetta?

Simonetta Batteiger: After that I think we had already somewhere in there that we want to promote the other options of things that you can do immediately like you can go to court and you can complain to the existing dispute resolution mechanisms anyway. And maybe just having a phone number somewhere that you can call at ICANN to say, okay, my registrars are not responding. I want to complain or whatever, however, that process works just to make that clear in the same place where you provide information about what can I do when my name has been hijacked?

I think that might be a smart thing to do.

Michele Neylon: Mikey?

Mikey O'Connor: I agree and I think that this might be the clause to insert that language. Maybe another sentence right after that sort of highlights the options language that we talked about in the documents that led up to this. But that particular clause didn't make it into this one. And I'd take that as a friendly amendment if James did.

If James has a problem with it then we need to talk more.

Michele Neylon: James are you happy with us? He has no issues. He's happy.

Okay, what does it consist of? The (EAC) may be designed as an email address, telephone number or some other real-time communication. And the comment from ICANN staff, the current proposal (envisions) that a registrant may designate a specific telephone number as the (EAC). But if parties are required to retain evidentiary documentation should demonstrate compliance, shouldn't there be a requirement of both request and response be inviting?

James?

James Bladel: Yeah, you know, I suppose that's - we were trying to make it as least burdensome as possible but I think that ICANN staff has a point here. If we're going to retain documentation then it can't just be a note that someone called today.

You know, we were thinking in terms of like, for example, a chat transcript or something but I think it's probably going to be email or fax unfortunately.

Mike, your thoughts?

Mikey O'Connor: I defer to you on this one. This is where the operational side of things is something I don't know much about. So whatever you think is fine with me.

James Bladel: I don't know. Does anyone have any compelling objections why we would, you know, limit this just to email and fax? Because I think that ICANN staff has a point here. If you're being accused by another registrar of not being responsive and you feel like you should be able to demonstrate that you are, you're going to need a paper trail.

Simonetta, go ahead.

Simonetta Batteiger: I agree with the paper trail idea. I think it might be helpful to also, at least, publish a phone number that you can call because just practically thinking if something happens in the middle of the night somewhere else in the world that contacts not going to read their emails when you are trying to reach them. But if you have a phone number you can call you might still be able to resolve a situation without having to wait that much longer.

So for the person who's name has been hijacked to be able to give them a quicker resolution, it would be nice to have both. So maybe it could be something that you need to put it in writing but you also have the option to actually call and follow-up on something that you have put through an email or fax channel or some other way.

Michele Neylon: This is Michele. I mean - I agree with you Simonetta as well. I mean, I think what some of the registry operators are present, you can ring them but they will still confirm a change via email before they actually (action it). And even with our own support staff they will ask for confirmation via email before they make a significant change that could break somebody's Web site or domain.

So I think maybe some tweak to the wording so that people can telephone but they need to confirm or follow-up via email or something.

Any other folks on this? I see a few comments in the chat. James agreeing with Simonetta, Berry. All the document components is why we try to leverage (TGRP). And I agree with that for (all openings) to happen in writing.

Okay then, response type. Message sent by the (EAC) must generate a non-automated response by a human representative of the registrar. This human respondent must be capable and authorized to investigate and address urgent transfer issues.

Any comments, thoughts, reactions?

Okay. Response time? I'm sorry, I'm just trying to move this thing in Adobe Chat and I just lost (a) page.

Bob, go ahead.

Bob Mountain: Yes, sorry, this is Bob. I guess the question would be would that apply to both - I assume that applies to both registrars both on the losing and the gaining side?

Mikey O'Connor: The response time?

Bob Mountain: Messages sent by (EAC) must generate a non-automated response by a human representative of the registrar and that applies to both losing and gaining or are you just specifying one part of the equation?

Mikey O'Connor: We were thinking in terms of the gaining registrar presumably the losing registrar would be initiating this and so...

Bob Mountain: Right, okay.

Mikey O'Connor: And so we weren't thinking that...And the thing is that from a policy standpoint this policy is immediately done the instant that the gaining registrar responds. So there isn't a requirement beyond that initial response. The whole point of this is to get that conversation started but it's not to monitor the conversation.

It's not to describe what it should look like, it's not trying to resolve disputes it's just trying to get that first response.

Bob Mountain: Okay. I just - a very minor point then, it might help just to clarify and just be specific on which registrar. But just - that's all.

Michele Neylon: All right, thanks Bob.

Mikey O'Connor: It's so - maybe say of the gaining registrar.

Bob Mountain: Yeah, that's it.

Mikey O'Connor: Yeah. I agree with that.

Michele Neylon: Okay then, response time. Responses are due within 24 hours of the initial request although final resolution of the incident may take longer. And some comments here from - I think that's all from ICANN staff.

Okay, 24-hour response times could be problematic. The current (rap) states responses are due within 24 hours of the initial request. So if a registrar in LA sends a request on Friday, LA time, to a registrar in Sydney, Australia or other parts of Asia, the recipient registrar is already well into the weekend and is unlikely to respond within 24 hours.

And I'll take that one first. Paul?

Paul Diaz: Thanks Michele. You know, it's kind of funny that ICANN staff is making that argument but the community in the public comments that have been received have all rejected that.

24 hours is not an unreasonable burden. You know if it's a one or two person operation they're going to have to step up. This is just a unique circumstance. Hopefully it doesn't happen a lot but when it does anything beyond 24 hours

is very, very detrimental to the losing registrant. And I don't think we should be carving out longer timeframes for, you know, these sort of, well, if in this time zone scenarios.

Twenty-four hours is what everybody has agreed to so far. Heck, some people want even less than 24 hours. I think a day is reasonable.

Michele Neylon: Thank you Paul. Mikey?

Mikey O'Connor: Agree 100% with Paul and would only point out that it's actually not a huge burden even on a very small organization to buy a pager and trade it around amongst the one or two person staff.

I ran an (ISP) with one other guy for three years until we got big and hired a bunch of people. And we just took turns on pager duty. So, you know, I don't think that this is an unreasonable requirement and I'm one of the ones on the shorter interval side of the argument.

Michele Neylon: James?

James Bladel: Yep, I think that it's already been said. I think that as far as the first part of ICANN sentence, my answer is that this is why we invented (UTC) to measure time from an agreed upon framework so that we can track things like 24 hours in different parts of the world.

And I agree with Mikey, you know, the (RAA) already has some requirements that can be considered much more burdensome than this. You have to incorporate, for example, as a legal entity and you have to have, you know, certain types of business insurance, for example. I don't think that this is a burden.

Michele Neylon: This is Michele speaking as myself. I'd agree as well. Compared to most of the other registrars who are on this working group we're tiny by comparison.

Yet we've had 24-hour cover for years similar to Mikey when we only had a couple of staff we used to just rotate a pager type number between us. Now we have somebody who's always on call 24 hours a day.

And as James has pointed out, there are other aspects of the (RAA) related to various services that we as a registrar are bound to provide. And if you're not going to be able to deal with those 24/7 then you have no real reason to be a registrar.

Next item. Form versus substance of response. The current draft states responses are due within 24 hours of the initial request, although, final resolution of the incident may take longer.

Arguably the recipient registrar can just state in the response something along the lines, request received and we are investigating while the matter remains unresolved for a long time.

This is unlikely to achieve the intended purpose which presumably is a transfer undo.

From a compliance perspective determine whether the delay is reasonable will depend on the circumstances and is often time consuming. So it is unlikely to be an antidote to an emergency.

Mikey and then James.

Mikey O'Connor: I'm going to repeat myself but it's a slightly different context. Once again, the only goal of this is to get a conversation started. And it's a conversation between human beings, and once it's started this process ends. So the only circumstance where transfer undo happens is if there is no response.

And again, I think it's just something that we need to figure out a way to be clearer on, and I'll drop off there.

Michele Neylon: Thank you. James, then Simonetta.

James Bladel: I see Marika is in the queue, I can defer to her. Just real quickly, I see where it says, "The intended purpose," which is presumably a transfer undo. I think I see the underlying misunderstanding with a lot of ICANN's comments here from ICANN staff is that that is not the intended purpose.

We tried the intended purpose of transfer undo and we got into a whole bunch of sticky disputes, resolution issues, and all kinds of other stuff. What we're trying to do, our intended purpose, is to establish communications, as Mikey said.

We've determined that this is a critical step in registrars working together to resolve problems in transfers, whether it's hijacking or fraud or whatever. So that's all we're trying to do is close this gap, bridge this loophole, whatever.

So I think that that's the issue, that sentence right there, is that that is not the intended purpose of the Emergency Action Channel. The Emergency Action Channel is to establish communications quickly for urgent issues.

Michele Neylon: Thank you. I'll let Marika go quickly. Go ahead, Marika.

Marika Konings: This is Marika, and I think to James point I think is indeed helpful to further clarify the intent. And maybe this is - then falls into that category that we spoke about before, like, other ways to address like if indeed, you know, the request you - or the response you receive you're not happy with or the registrar is, you know, responded by then is not helping out or being unreasonable or whatever, to outline, indeed, what the other options are that people can then take a need to go to court or, I don't know if there are any other avenues that can be explored.

But I think if we make that clear in this policy I think it better be clear as well for, you know, external parties to understand what the intention is of the Emergency Action Channel and what it's not intended to do. So I think that would really help clarify things.

Michele Neylon: Simonetta?

Simonetta Batteiger: I'm just wondering if we should be even more specific in what we really want to have happen? Because it sounds like the thing that really needs to happen is that if you are the losing registrar you really want to get the other side on the phone to speak to you.

This is really what you want to have happen so you can be on the phone with each other, look at each other's block files and information you have on the name in question to figure out with each other, does this look like it is a hijacked domain name on your end and on my end, too. Yes, we can agree this look like it's not legitimate, so let's reverse this and get this done ASAP.

This is really where we want to get to in case the name has been hijacked. In case two people get on the phone and they figure out, "Well, I cannot come to the conclusion that what you're saying, their losing registrar is what I'm seeing in my system. I don't - we can't resolve this." Then the ideal scenario is that they also quickly figure out that this is the case so it can be escalated in a real dispute resolution process ASAP.

And then also the moving registrar can get back to their client and say, "I've talked to the gaining registrar. I cannot confirm that this looks like it's been a real hijacking situation. My recommendation to you is if you feel strongly that this is the case, go to court, make sure you file the dispute."

I don't even know who would be filing this at this time. Maybe we can be a little more specific there, because we really want a phone conversation to

happen because the moving registrar isn't really helped if someone just sends a note back that says, "I'm looking into this." You still don't have a response to your client as the moving registrar. You still don't know what your next steps can be. So maybe we can be a little more descriptive there.

Michele Neylon: Mikey?

Mikey O'Connor: I'm on the fence on this one. One of the things that concerns me is that if we get too descriptive of what that conversation on the red phone looks like we slide down that slippery slope that we got in trouble on the first round. That's one of the things that we were trying really hard to avoid in this one.

I think that, however, a way to handle this, I've taken a few notes. One is to insert the other options for action language somewhere in this policy. We mentioned that earlier in the call, and the other thing to insert is a sort of statement of purpose for the EAC.

And I scribbled down James' words as best I could remember them. The purpose of the EAC is to quickly establish communications in an emergency. You know, we could stick a word in front of communications like "real time" communication, but I am very reluctant to step into the contents of that communication, because that's bordering on that dispute resolution stuff that we ran into trouble with the last time.

Michele Neylon: Thanks, Mikey. I put myself in the queue. I was kind of thinking about this whilst listening to everybody discuss it. I suppose for me what I'm seeing this as in many respects is a form of SLA. You know, as a hosting provider we provide an SLA on certain things for certain types of response times.

But it doesn't mean that you're actually going to resolve the issue underlying the call. If, for example, I'm trying to think of something, let's say, for example, if you have, in simple terms, a very, very large hard drive, which has an issue, and the data is potentially corrupted, there is no way that you can reasonably

move several terabytes of data onto a new hard drive in less time than it takes to move several terabytes of data onto a new hard drive, just to give a silly example.

I mean, the point being that within X number of hours the person who has contacted you has a response of some kind. Now considering that ICANN staff are the people who draft SLA's for various things to do with registries and registrars I personally find it a bit strange that they can't understand the concept of an SLA. And I find this entire argument about time zones and everything else to be completely ridiculous, being blunt.

Over to you, Simonetta.

Simonetta Batteiger: I didn't want to, maybe that's a misunderstanding, like speak to what should be said in that conversation, but I do think that it would be in both registrars interest to actually have a telephone conversation happen within those 24 hours. This is really, I think, what the losing registrar needs. So if that's true, and that's maybe a question to James and Paul and the other registrars on the call, if that's true then we should put that in there that the goal of establishing communication is that you get on the phone with each other.

So very practically speaking, the losing registrar in their request of a response should be given the gaining registrar the phone number that they should be calling them back at to try and talk about this. And in that conversation they can either quickly establish that they're on the same page, then they can resolve it, or they establish they're not on the same page and at least the losing registrar knows what to advise his client to do next.

Michele Neylon: Simonetta, this is Michele, just one question. I understand where you're going with this but what is the point of having a telephone conversation with somebody if you don't speak their language? So, for example, if you are a registrar in London and the other registrar is in, I don't know, China, for

example, and none of their staff speak English how is getting on the phone going to resolve this?

Whereas the, you know, they might be able to communicate with - by written form. I understand what you're saying but I'm just wondering how would you handle this?

Simonetta Batteiger: You want me to respond? That's a good point, I didn't think about this. If you cannot communicate, I don't know how you would do that. I mean, how do you do this currently if you communicate with ICANN, do you - is there some - in the dispute resolution process is there a way to deal with two separate languages (and to end the mistake) or how does this work? I don't know.

Michele Neylon: Okay.

Barbara Steele: Michele, this is Barbara. I actually do have a comment relative to that if I could interject?

Michele Neylon: Oh, please do.

Barbara Steele: Here at VeriSign we actually have a service called Language Line. I mean, we staff a lot of languages here on site with our TSR's but if there are some obscure languages, I think they support about 150 different languages, and I'm wondering if maybe it would be an option for ICANN to enter into some sort of an arrangement with Language Line or a similar service that should translation services need, you know, should they be needed the registrars that are involved in it would be able to leverage that service.

Michele Neylon: Okay, thanks, Barbara. Anybody else? Mikey likes the idea. Mikey, go ahead.

Mikey O'Connor: I like the idea especially because I like Simonetta's idea. You know, I think that really does fit with the intent of what we're trying to do. We're trying to

establish a real conversation between two registrars and anything that can help do that I think is a good thing, and at the same time I agree with Simonetta that, you know, a live, real time voice conversation between two individuals is the goal.

And if we need to figure out a way to surmount barriers to that goal, you know, that notion of translation really works for me.

Michele Neylon: Paul?

Paul Diaz: Yes, thanks, Michele. While I'm intrigued by the possibility I'm going to be consistent with Network Solutions other comments in terms of I don't want to start larding this up and creating additional costs and whatnot, for ICANN.

I think ICANN's doing things that - or requesting things for budget that are beyond. I have a hard time believing that any registrar currently in operation anywhere in the world doesn't have staff that can communicate with somebody else in one of the five major U.N. languages.

And realistically, who doesn't have somebody who has functioning English? You know, I think if we start building into this a translation capability we're just, you know, kind of jumping beyond even Phase II into something that is well beyond what ICANN's prepared to do and, you know, God, do we really want to mandate that they incur all these additional costs and whatnot?

At a minimum, guys, I want to say this is a Phase II capability and hopefully even further beyond that. I really, really have a hard time believing that in any example, even with China based or Asia based registrars that you're not going to be able to find one person who can answer the phone, realize that there's a problem in English or in one of the major U.N. languages, and a resolution process can begin, even if it requires exchanging emails back and forth because you can translate it through Google Tools or something like that.

Let's not go for the gee-whiz, very expensive technologies when that's probably overkill.

Michele Neylon: James and then Simonetta.

James Bladel: Thanks, Michele, James speaking. Completely and emphatically agree with what Paul was saying. The RAA is governable in English as are most ICANN contracts. I don't think it's unreasonable to assume that for the purposes of this emergency contact that, you know, English can be used to exchange the initial messages.

And if both parties decide it's easier for them to communicate in another language after that that's certainly their option. But, you know, I think that I get very concerned when we try to introduce complexity where none is called for, at least initially. You know, let's have the problem first and then solve it as opposed to, you know, I guess trying to solve it in advance. So thanks.

Michele Neylon: Yes, thank you. Simonetta?

Simonetta Batteiger: I wonder how often it would actually happen that you cannot at least get an initial conversation started in English, and if it might be sufficient to just make a comment somewhere that, "Hey, if you cannot - if you're unable to communicate at all, here's what we suggest you do," and you can give a recommendation and then the burden is on that registrar that is incapable to communicate in English to find someone who can help translate, be on this call with them, to resolve the situation.

Because I think what we were striving to do in the very first place is help this person whose name got hijacked. And it is in that person's very best interest that two parties that can help him somehow get on the phone with each other and talk. And whatever it is that they need to do to actually understand each other on the phone, isn't that their problem?

I mean, the gaining registrar - what would happen if they just hide behind, "Oh, I don't feel comfortable picking up the phone and communicating in English." If they feel strongly that this name wasn't hijacked but is their current owner is the legitimate owner of this domain, their inaction to try and pull in someone that can help them translate would mean that they're losing a name. So they don't want that. They would - I would - if this was my business I would do whatever I need to do to make sure that my client's interest are served as well. I don't know if this is such a big issue as we're thinking it is.

Michele Neylon: Mikey?

Mikey O'Connor: I'm sort of taking notes and thinking, what about a sentence that says, "The purpose of the EAC is to quickly establish a telephone communication in English between the registrars in an emergency," or something like that, just sort of stick that "telephone call in English" clause into the purpose statement. Would that do it?

Michele Neylon: Anybody? I mean, Rob, I presume you're not dialed in, are you, Rob?

Rob Hull: I am, yes, it's just I'm a very bad line, unfortunately.

Michele Neylon: That's okay, mine is terrible, too. Go ahead and speak what you're thinking.

Rob Hull: Okay, I agree in terms of the communications. I mean, we've dealt with registrars, registrees, sooner or later someone can usually find somebody who can either use Babelfish or English. Does it have to be telephone? Are we actually explicitly stating that the initial communication should be by telephone? Or are we restricting ourselves too much by doing that?

I mean, I know some people have got very good live chat systems with very good people on the other end of them. VeriSign are a great example of that. As long as there is some form of instant communication, I'm not sure we

should specify it down to the level of which kind of technology is used to make that communication.

Michele Neylon: Okay, thanks. (Chris), you had your hand up?

(Chris): Yes, I was just going to say I think even in this Internet age the telephone is very important. And if I've got something important that I want to get somebody's attention, then I'll phone them just very quickly and then say, "Oh, I'll send you an email." And that to me makes sure that that subject gets high up in their priorities queue rather than just blindly sending out an email.

So it's the same here. If we're using the telephone route and it so happens in this extreme case that the two parties can't find a language to communicate in, then maybe they'll just carry on by chat or by written means, by email. But at least that initial telephone contact is, we hope, got the ball rolling and that's sort of the thing that we're trying to do.

Michele Neylon: Okay, (Chris), do you have any suggestion how we could word this to capture that (unintelligible)? Anybody have some suggestion how to word this? Mikey, go ahead.

Mikey O'Connor: This is Mikey again. I substituted the words "real time" back in. That was my original thought was to establish a real time conversation in English between the parties. And that way all sorts of options exist ranging from chat to VoIP to telephone. You know, again, the goal is to get decision making type people on the ends of the conversation simultaneously.

Michele Neylon: Simonetta has a very nice suggestion here. Rather than using English she's suggesting in a language both registrars speak. I'd tweak that, "In a language both registrars can communicate in," as a friendly (addus). Mikey again.

Mikey O'Connor: Sorry, it was old.

Michele Neylon: Are we talking - now I'll shut up. I'll behave, sorry. I'm tempting to say something there, Mikey, and I decided against it. Sorry, I couldn't resist, Mikey, I couldn't resist.

Mikey O'Connor: Everybody's always picking on me.

Michele Neylon: Well, I think you enjoy it, Mikey, which is part of the reason why we do. Paul is just reiterating the draft currently reads, "The EAC may be designated as an email address, telephone number, or some other real time communication." So therefore real time chat is definitely a possibility, reiterate that.

And also as a reminder, this call is scheduled for 90 minutes today, but if people need to drop off, that's understandable.

Okay, does anybody have anything further on this point? Barbara is deserting us.

Barbara Steele: Sorry.

Michele Neylon: That's okay, it's okay.

Barbara Steele: I just have an urgent issue I need to deal with. But I will check in with you all next week.

Michele Neylon: Okay, thank you.

Barbara Steele: Or before on the mailing list.

Michele Neylon: Thank you. Okay, then, moving on to the next item. Failure to respond. Failure to respond...

(Chris):   Yes, this need tweaks, isn't it. It needs tweaks.

Michele Neylon: Pardon?

Mikey O'Connor: (Chris), are you really intending not to be on mute?

(Chris):   Sorry, yes, got distracted.

Michele Neylon: Are you - (Chris), are you speaking to us or to yourself?

(Chris):   No, somebody came in the office and starts talking to me and I forgot I wasn't on mute. Sorry.

Michele Neylon: Okay, I was getting completely confused. Okay then, "Failure to respond to an EAC request will result in a transfer undo and may also result in further action by ICANN up to and including non-renewal or termination of an accreditation." Any comments on that? James?

James Bladel: Yes, so trying to borrow, or at least mirror, some of the language that's in other documents. What I really wanted to avoid with the statement, and Mikey, you can jump in here as well is, you know, some overly prescriptive escalating consequence path, you know, where, "If X happens then Y happens. But if X happens three times in one month then, you know, Y prime happens," and so on and so forth.

So we're just trying to say essentially leaving some room for, you know, for this to be used in conjunction perhaps with other things like failure to escrow and, you know, not operating a functioning WHOIS system, and just giving more ammunition for ICANN compliance to build a case against registrars who are not living up to their obligations.

And wanted to keep it as - what do I want to say here? Generic as possible without being over prescriptive and tying compliances hands. Thanks.

Michele Neylon: Okay, thank you. Anybody else have anything on this? No? Okay. Documentation. "Both parties should retain documentation of any EAC requests and responses and share copies of this documentation with ICANN upon request." Comment from ICANN staff: "Current proposal and visages that a registrar may designate a specific telephone number as the EAC," blah, blah, blah. This is what we had previously further up.

So if we add in something about confirming it via email or in writing would that solve this, do you think? Any comments? (Violence)?

Mikey O'Connor: Yes, I think there's agreement on that one, Michele. This is Mikey.

Michele Neylon: This is Michele just speaking as myself. Should we specify how long the documentation is retained?

James Bladel: I think there's an existing requirement in the RAA for things like WHOIS data and domain name data that it's retained for X number of years after. You know, it's in the RAA's data retention provision. So I think that we should possibly just lean on that.

Michele Neylon: Maybe some adding wording, something along the lines of retention period being similar to that as specified in the RAA for other provisions or something like that?

James Bladel: We can cite the section. I think it's RAA Section 3.whatever, whatever, and something like - I will find it while you address Rob's question.

Michele Neylon: Okay, go ahead, Rob.

Rob Hull: I just again agree that documentation should be kept in accordance with other parts of the RAA. So if we say, you know, "This evidence should be kept on file for ICANN review and reporting subject to the Clause Blah," and literally just about to do a search to look for the clause myself.

Michele Neylon: Okay, and James has found it. It's Section 3.4. Since you've probably got that in front of you, James, what's the actual period there?

James Bladel: Oh, yes, yes, yes, yes, yes. Just a moment, three years. So, "For the term of this agreement and for three years thereafter make these records available for inspection and copying by ICANN upon reasonable notice."

Michele Neylon: I mean, if we just said something like three years that would probably do it anyway, wouldn't it?

James Bladel: Well, yes, and I mean, then it becomes three years, but does that, you know, what if these guys are no longer registrars for the three years? I think for legal purposes I think, you know, just reference Section 3.4 of the RAA.

Michele Neylon: Okay.

Mikey O'Connor: Great, how about something like, "Retained in accordance with Section 3.4 of the RAA"? That way if they change the retention period it'll flow through to this one as well.

James Bladel: Exactly.

Michele Neylon: Okay, I have no problems with that. Are there any lawyers on this call?

Kevin Erdman: Yo.

Michele Neylon: Okay, is that Kevin or is that somebody else?

Kevin Erdman: It's Kevin.

Michele Neylon: Okay, so does that kind of work for you?

Kevin Erdman: No, that makes perfect sense to link it to existing terms that the subject parties are already - you know, have already agreed to and, you know, it happens all the time in other legislative context. So I think it would be appropriate here.

Michele Neylon: Okay, thank you. I don't have a law degree. I like to check with people who do from time to time. Okay, then so we're happy with that. Just need to scroll, so move them all away from my head. Compliance, "Uses of the EAC should report non-response of registrars to ICANN. Additionally, ICANN will conduct periodic tests, at least once per year, with no more than once per quarter, of the registrar EAC."

I kind of recognize that language from somewhere else of mine. Okay, from Paul Diaz, "Is there someway for ICANN to also track how long it takes to generate response? Perhaps a Web form of Radar protected by CAPTCHA that requires a respondent to login and note when/how they respond to the EAC request. My concern is that if all communications are kept outside of ICANN managed channels it will be very difficult to measure compliance."

And my comment was that the CAPTCHA needs to be non-hackable as well. What I actually meant really was it shouldn't be something that any half decent programmer can reverse engineer so that they can actually automate completing, is what I meant.

And from ICANN staff, "Periodic tests. It is unclear what tests and who the proposal envisages. Please clarify." Paul Diaz?

Paul Diaz: Yes, thanks, Michele. I just want to make clear that anything we're discussing here would be a Phase II. We've already noted that making things too complex within Radar is going to take time and cost. You know, we want to get this going and I guess we can discuss these more sophisticated, unhackable, etcetera, type things for - down the road. It's not necessarily something that needs to be done right up front at the beginning.

Michele Neylon: James?

James Bladel: I agree with Paul with one qualifier, which is I think that there does need to be a system for which a registrar can report where another registrar they're trying to contact is not responsive. I think that needs to be ready at the starting gate.

But otherwise I agree that the things like the CAPTCHA and the testing, you know, the automated testing systems and all that stuff are probably a Phase II. Although, it seems like a relatively straightforward proposition to put all of the contact data into, you know, a little tumbler and then pull out names randomly and just try the registrar's EAC channels and make sure that there's a response.

There is one thing that wasn't commented on that was part of the language which is that families of affiliated registrars can designate a single EAC. You know, that was put in there with compliance in mind so they would not have to manage thousands of EAC contact channels, that they could have, for example, one channel for - to cover both GoDaddy and Wild West, for example.

And I think that there's a number of examples that would even be more efficient. So I don't think that the testing should be that burdensome.

Michele Neylon: Okay, thank you, James. Simonetta?

Simonetta Batteiger: I'm just wondering if the non-responsive issue - we commented on this earlier, there's two situations of non-responsiveness. There could be that the gaining said registrar doesn't respond or a client could also have the issue that their losing said registrar isn't responding. And in both situations it would be nice for the person who's trying to deal with the issue of their domain name being hijacked to be capable to report them to somebody.

So that might be something to think about in this context. And it can be as simple as a phone number to call.

Michele Neylon: Simonetta, this is Michele. There's already a form on the ICANN Website where you can report if your registrar is not responsive in relation to any matters that the registrar is responsible for.

Simonetta Batteiger: Then the same thing could be used for this, right?

Michele Neylon: Well, my understanding of this is that we're trying to keep this as a - for handling the interaction for the registrars and possibly the registrees and ICANN staff. So the registrant still has the channel that's available to them at present.

Simonetta Batteiger: Okay.

Michele Neylon: Personally, my main fear is that if we try to expand this too much we're going to end up back in a world of pain that was the previous iteration of this concept. Okay, any other comments on this at this time?

Mikey O'Connor: This is Mikey; sorry I didn't get my hand up.

Michele Neylon: It's okay.

Mikey O'Connor: I'm making this up as I go. James, feel free to jump in with me on this. But periodic tests, you know, one way that we could clarify that language would be to say, "Conduct periodic test calls," or "test contacts," at least once a year, probably test contacts. James, go ahead and jump in here.

James Bladel: Well, one thought would be - there's a lot of requirements, for example in ICANN contracts and in the RAA's for things that ICANN has carved out the right or the prerogative for us to do but hasn't actually implemented yet. So

maybe that's something that we could put in here is that ICANN has the, you know, the discretion to test this if it believes that that would be - that there's a registrar out there, or something or, you know, ICANN can develop a testing process at some point in the future to make sure that registrars are responding to EAC messages.

But without prescribing how often they do it and all that other stuff. And again, the testing - the automated testing part, I think to go back to Paul's statement, can definitely be a Phase II enhancement. I think that the key thing that we want to get off the ground is this idea that you can report a registrar who's not responding to EAC messages.

Mikey O'Connor: That'd work for me but I'm multitasking. So if you could come up with that language my notes fell apart right there. Sorry about that.

James Bladel: I'll try and (gin) something (up feedback).

Michele Neylon: Okay, then we've gone through this. We've got a few bits of feedback, some possible tweaks. James and Mikey, can I ask you guys to circulate an updated version of this before the next call?

Mikey O'Connor: Yes, that's fine, this is Mikey. I've been taking reasonably good notes, but not perfect. The nice thing is that the transcript will pick up the stuff I missed.

James Bladel: Yes, and I haven't taken any notes at all. So I'm going to lean on Mikey's and then assist him as needed.

Michele Neylon: And also as well I believe Marika might be circulating the transcript of the chat as well to help capture...

Marika Konings: Correct.

Michele Neylon: ...because there's been a few bits and pieces that people have thrown in there that might be helpful. There's also been random rubbish that we tend to throw in chat but we'll work on the basis we're all mature enough to ignore that.

Okay, then, Marika, could you put up the public comments document, please? Okay, thank you. All right, then. Marika, go ahead.

Marika Konings: Yes, this is Marika, if I could just highlight that in this overview I've included the comments that were received as part of the public comment forum but also some of them that weren't covered in the public forum but were raised in one of the meetings in San Francisco.

And it also includes a couple of comments that I received from colleagues in relation to general proposals. And maybe also worth - that's all I wanted to point out.

Michele Neylon: Well, good, thank you. We hadn't really looked at these properly yet at all, had we? Or my brain is (fudge), as usual. Okay.

Marika Konings: This is Marika, we actually did start - we skipped the comments on the recommendation in relation to the Emergency Action Channel, but we did already cover some of the notes. If you move down to Page 6 and 7 you'll see that I've already started filling in there some of the notes based on our previous meeting.

And I think we left off on Item 51, ignoring the comments that were made on the EAC which I presume James and Mikey will have looked at in relation to the proposal, but we might need to go back to I guess at some point just to reflect that we have considered them and how they were incorporated into the updated proposal.

Michele Neylon: Since we now have a proposal for an EAC maybe it's the time to actually look at those comments which related to it specifically. Does anybody have any issues with that? No? Okay.

(Chat) Question A, "General support for the concept and intent of requiring an Emergency Action Channel," that's from pretty much everybody. So working group response noted. Thanks.

The - on 3 from the registrees, "A longer response time, up to 2 hours, may be necessary to accommodate smaller registrars that are not staffed 24/7." Noted and rejected.

Are we okay with that? That has been discussed. And question 4, the question from the registrees, "To what extent should registrees be involved in an EAC as in," I'll try reading this again, sorry. "To what extent should registrees be involved in an EAC? As in sponsored registrees the registrant may be known and the registree able to assist." Could we say that's outside of scope of the EAC? Mikey?

Mikey O'Connor: This is Mikey. Yes, actually I was going to say it a different way but, "Outside of the scope of the intent of the EAC," is fine.

Michele Neylon: I mean, I'm sure that we can word it more diplomatically, but I'm trying to be - what's the word? Economical, with my use of words. From the INTA, "Support for a development of a policy to accompany the EAC which takes into account criteria involving immediacy of harm to the registrant, magnitude of harm to third-parties, and escalating impact if the transfer is not reversed."

The - by imposing the 24 hour response time here, personally I think that would cover it. Does anybody have any other comments they'd like to add? Mikey?

Mikey O'Connor: Only...

Michele Neylon: James?

Mikey O'Connor: ...to restate that that's beyond - that starts to slide into the dispute resolution portion of this. That language is drawn from the SSAC report and SSAC said, "Please construct this in such a way that this process can't be gamed." And I think we've achieved that. And so I think that we can thank them for the comment but we feel that the scope should remain narrow and we don't want to build this portion of it.

Michele Neylon: Okay, James?

James Bladel: Yes, very quickly I think Mikey covered it. You know, magnitude of harm and escalating impact, I think that's where we got into trouble with all of our dispute resolutions because they required us to a process that would judge the different planes of harm.

                  And I think that's where we start to slide down a - into the quicksand. So, you know, I'm not sure what the proper response for INTA is except perhaps that this is an issue that we have wrestled with throughout the lifespan of the PDP and we wanted to take this first step with the EAC.

Michele Neylon: Okay, Simonetta.

Simonetta Batteiger: I think that might help with a lot of these items is to come up with some kind of a one page towards party who's freaking out right now which is that registrant who thinks their name has been hijacked. Is that one pager just lays out what they can do that will make them feel better, and that includes, "Hey, first of all, I'm trying to resolve this with the gaining registrar on your behalf right now. If you feel that this is not enough for you, you have the following two other choices," or however many there are, "You can go to court. You can start a dispute resolution process right away," whatever those choices are.

Maybe we could just put them on a one pager as a person complains to losing registrar and they just get this back and then in an email right away. This will make them feel better; they know what else they can be doing. They can get started on this right away. And if this is like major corporation having huge impact on them right now, this might be exactly what they want to hear, just to get started on that court order thing.

Michele Neylon: Mikey?

Mikey O'Connor: I agree, and in fact, one of my actions is to go back to the other options portion of the documents that led up to this and insert them into the policy so that when a person is in that - you know, a person or a corporation is in that circumstance it's right there in the policy that says some of the other things that they can do. Does that work for you or are you thinking of something that's more along the lines of an educational piece?

Michele Neylon: Simonetta?

Simonetta Batteiger: This is Simonetta; I think this would work for me. I'm just trying to put myself in the shoes of that person who's really panicking right now, and as long as I know what I can do, I'm feeling good about this.

Mikey O'Connor: Yes, I was thinking that that should just go into the policy early on. So let me take a swing at that in this next draft and see how we do.

Michele Neylon: Okay, we can come back to this next week anyway.

Mikey O'Connor: Yes, and I think in terms of the INTA comment, we could certainly allude to that and say, you know, we are going to sharpen up the alternate processes available, but we're very cautious about actually delving into the dispute resolution process, that's where we got in trouble before.

Michele Neylon: Great. Comment from the ICA, many important elements remain to be worked out, these attributable to systems with true emergency situations and not cause substantial potential disruption to the secondary domain marketplace. Mikey?

Mikey O'Connor: This is Mikey. Again, I think this is one where we - I haven't actually read their comments, I should probably go do that, but to the extent that they can take a really hard look at this draft and in fact, Phil's a member of the BC, I could forward this draft to him and ask him to review it. I think we've addressed most of the issues that he's describing and, you know, we could just confirm with him on that one.

Michele Neylon: Very good. Next comment is from the registrar stakeholder group. The (RTP) Part B Working Group remains responsible for the design and implementation of the EAC and as working group Chair, I would say yes for dealing with it.

However, not all aspects of implementation rely solely on us, we also need to work with ICANN staff to make sure that there's something that is workable. Any other comments on this? No?

Okay, next one. How can you ensure sufficient detail in describing the EAC without at the same time providing a manual to the bad guys on how to avoid getting caught or abusing the system? Mikey again? Mikey?

Mikey O'Connor: Sorry about that. I was very eloquently talking to a muted phone. James and I talked a fair amount about this and one of the things that we consciously did was we did not put a lot of specifics in about lengths of time and so forth for that exact reason.

We tried to craft this policy in such a way that we gave as few hints to the bad guys as possible and so we share the concern and we're hoping that this effort accomplishes that.

Michele Neylon: Okay. Simonetta?

Simonetta Batteiger: I'm having a hard time envisioning how a bad guy can game a system where you make two - two other parties talk and he cannot - I - you would have to have both registrars be part of the plot in order to game the systems. I don't really know what this is getting at in terms of like, description of how you can game the system.

Michele Neylon: This is Michele. I think the point is that they may have envisaged past the non-contracted parties could have been involved with this. If we keep the scope narrow so that the only people involved are registrars, registrees and ICANN staff, then, as you say, it's going to be very, very hard for anybody to game the system unless of course a scumbag becomes a registered registrar in which case, you know, that comes back to being a compliance matter.

Next one. Could existing tools, e.g. (Rage) or e.g. Radar or practices be used to model the EAC and worth saying that we - that's part of what we envisioned. Any other comments on that? No? Fine.

Has the working group gathered any data on how prevalent hijacking and/or unauthorized clawing back of names, e.g. as a result of seller remorse is. Any comments on that? Paul Diaz?

Paul Diaz: Thanks, Michele. The second part, clawing backs from seller remorse is beyond the scope and absolutely not germane to this working group. In the first part is, they should just read the draft report in that instances of hijacking, other than the publicly profiled cases from the SSAC report tend to be proprietary information and they are not shared and therefore, there is no data widely available at this time.

Michele Neylon: Okay. Let's leave that one as it is. The (unintelligible). It would be helpful for the remaining comments to add any facts around non commercial uses and

udders in relation to domain name hijacking. There's somebody knocking at my hotel room door. James, please go ahead.

James Bladel: I guess I didn't understand this question and I hate to put items on Marika's to-do list, but maybe we could figure out exactly what the context was here because, you know, I don't - I think a hijacking is a hijacking and we presume that it's equally harmful whether it's a high traffic commercial domain or someone's personal blog that they're very emotionally attached to.

And I think that, you know, I think all those things, you know, a good policy will account for all of those uses, both commercial and non-commercial and won't discriminate between them.

Marika Konings: This is Marika, while Michele is answering his door I can just respond maybe to James's question. I think this comment was made by Wendy Seltzer during the meeting in San Francisco and I think you or someone else made a similar comment to her because I think she was under the impression that, you know, the working group mainly focused on hijackings that had - where we measured like, the monetary impact on like, a business or a person.

And I think she was trying to make the point that in certain cases, a hijacking might be politically motivated to, you know, suppress someone's freedom of speech.

But I think the comment, you know, that you made, James, I think was, given as well during the meeting and I think it was satisfactorily that the working committee hasn't looked at the reasons for hijacking and has basically treated any kind of hijacking in a similar way.

James Bladel: Okay, thanks. While Michele's dialing back in if there are no other questions for this we can move to the next one, but, oh, Michele's back. Go for it.

Michele Neylon: That's okay, James, you're doing a wonderful job I'm sure. We're almost out of time. Had you moved on to another one in my absence?

James Bladel: No, we just finished the ones on Number 11.

Michele Neylon: Okay. Just the last one there, then we'd better call a halt. The timeframe - the timeframe question, I think we've already addresses this in the policy and also in our discussion of that. And so we're all agreed on 24 hours and we've outlined why? Hello?

Man: Yes.

Mikey O'Conner: Yes.

Man: Yes.

Man: Yes.

Michele Neylon: My phone was acting the maggot, sorry, you could have all have been talking and I wouldn't have noticed. Sorry. Technology. Okay then, look, as it's basically the end of the 90 minutes is there any other matters that anybody wants to raise at this time? James?

James Bladel: Just to confirm that next week will also be 90 minutes, correct?

Michele Neylon: That is my belief, yes.

James Bladel: Understood, thank you.

Michele Neylon: Any other matters? And thanks to everyone for today and I look forward to seeing the next draft of this before next week. Thanks, everybody.

Simonetta Batteiger: Thank you.

Man: Thanks, Michele.

Man: Thanks, guys.

Man: Bye.

Man: Bye-bye.

Woman: Thanks.

Man: Thank you, bye now.

END