**ICANN
Transcription
IRTP Part D Working Group meeting
Monday 12 August 2013 at 15:00 UTC**

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http://audio.icann.org/gnso/gnso-irtp-d-20130812-en.mp3

On page: http://gnso.icann.org/calendar/#aug

Attendees:
James Bladel – RrSG
Paul Diaz – RySG
Kristine Dorrain - NAF
Kevin Erdman – IPC
Rob Golding - RrSG
Angie Graves - CSG
Barbara Knight – RySG
Mikey O'Connor – ISPCP
Holly Raiche – ALAC
Simonetta Batteiger - RrSG
Graeme Bunton - RrSG

Apologies:
Bob Mountain – RySG
Volker Greimann – RrSG
Avri Doria - NCSG

ICANN staff:
Lars Hoffman
Julia Charvolen

Julia Charvolen: Good morning, good afternoon, good evening everyone. Welcome to the IRTPD Working Group call on Monday, 12th of August, 2013.

On the call today we have James Bladel, Paul Diaz, Rob Golding, Angie Graves, Barbara Knight, Mikey O'Connor, Holly Raiche, Simonetta Batteiger and Graeme Bunton. And we have apologies from Bob Mountain and Volker Greimann. We have from staff Lars Hoffman and myself Julia Charvolen.

May I please remind all participants to please state their names before speaking for transcript purposes? Thank you very much, and over to you James.

James Bladel: Thank you and good morning and good afternoon everyone and welcome to our call for August 12th.

As per our usual order of business, does anyone have any updates to their Statement of Interest? If so, please raise your hand now.

Okay, seeing none, the draft agenda was circulated to the email mailing list and is currently posted in the right hand column of the Adobe chat room. Does anyone have any comments or suggestions regarding that agenda? Okay, we'll consider that agenda adopted and move onto Number 2.

Just as a minor status update, and I may just turn this over to Lars here, but we have reached to the GNSO Council Chair Jonathan Robinson to reinvigorate participation in this particular working group.

I know it's August, you know, and we've had a slow couple of weeks, but I think we really, as far as attendance, kind of hit bottom there a couple of weeks ago and we had to postpone call. And I think we just wanted to reboot the interest in this particular working group noting that we have a fairly ambitious schedule to complete our work and want to make sure that we have everyone, you know, on board and all the different stakeholder groups are represented. So here's the letter that was sent on behalf of Mikey and myself. Thank you, Lars.

And I think that - have we received any - Lars, can you maybe update the group on any response or reply?

Lars Hoffman: This is Lars, thank you James.

I actually - because we decided - we thought that we might want to see what feedback from that group. And I emailed you earlier by - I missed sending it out to the group. So I thought that we - if there's nobody objecting on the call today, I will send it out to Jonathan straight after this and then we'll have feedback next week.

James Bladel: I'm sorry, okay. I misunderstood that and I apologize folks; I was on vacation last week and I was just sort of following these threads as I could. So I guess that's the letter that's on the table. Let's maybe real quickly read through it here.

"The co-chairs of the working group were writing to maybe just to bring to your attention the recent drop in turnout for our weekly calls. We have already had to cancel one since Durbin and last week call went ahead with an absolute minimum of participants. While we had a productive meeting, this felt appropriate to inform you a relatively small number of active members on recent calls. As a result, we very much appreciate if in your capacity as GNSO Council Chair, you would find a way to encourage stakeholder constituencies to urge their respective members to step up participation (unintelligible)."

I think it's that last line maybe could be polished a little bit along the lines of to encourage members to renew their - could I mention this working group and solicit new volunteers if appropriate and something like that. Just so that we can maybe just - you know, I think everyone is doing the best we can. It's just we want to make sure that we average out at a higher level, a higher watermark, than we're currently averaging at. So I think, you know, if there is some way we can work that in there as more of an encouragement I think that would be got.

Actually, there's a queue coming up here. So let's go to - Mikey, was that a hand or a checkmark? Now I've got Rob or Lars with a checkmark and Rob with a hand. Rob, go ahead.

Rob Golding: Yes, it's a simple thing. As Monday is the day that (unintelligible) holidays tend to fall on, and I see you've got one coming up the end of August, but there's a thousand of them at least in U.K. and Ireland. And so moving it off of a Monday might help the sort of regular people who have to cancel because it falls on a bank holiday.

James Bladel: Thanks Rob and that's good point. I think I should mention that we did try to see if there was a better date and time that worked for everyone. We sent out a (Doodle Poll), not last week but I believe the week before, and the results were overwhelmingly in favor of keeping this particular timeslot which - I tend to agree with you regard Mondays, particularly when we get into the, you know, areas where we're starting to look at three-day weekends here in the U.S. We have maybe two or three of those as well.

So I was expecting, you know, maybe that folks would prefer a different date and time but that did not seem to be the case. So yes, I agree with you.

Barbara, you're up.

Barbara Knight: Thank you James, this is Barbara.

So I think that part of the problem may also just be the time of year that we're in. You know, we have in the past. A lot of people in our working group and so maybe we weren't as impacted in past years. But you know, we are, you know, at the height of the holiday, you know, vacation season so that could also impact it. And I think we should see I would think an improvement once we get through August.

James Bladel: Thanks Barbara. I tend to agree and I think folks who have gone around the cycle a few times in ICANN know that August and December seem to be the low point in activity levels and driving participation.

I think - and maybe Lars, maybe we can work this in here in a particular sentence. But I want to make sure we're clear in our request.

It's not just the number of participants that show up for the working group, but I think there was also a concern that we did not have a representative cross-section of the community. I think that we felt we were missing, you know, certain stakeholders. Is that correct as well?

Lars Hoffman: This is Lars. Yes James, that's correct and I'll add that to the letter to make sure that it's under an internal number, but as she said, representative of cross-section of community members.

James Bladel: Yes, okay. Because I think sometimes we've had maybe a smaller number in terms of head count but we felt like, "Okay, we've got registrars, we've got registries, we've got, you know, IPC, BC, ISP, you know, we've got all the boxes checked. We can proceed." And then sometimes we have more people but we're missing one or two of those categories then we don't proceed.

Well anyway, I do appreciate that it is that time of year as Barbara pointed out and I think to Rob's point, you know, Monday is not the best time.

I thought we had a good thing going with our Tuesday IRTP Meetings going back to 2009. But we lost that time slot this time around, so I guess we'll just kind of press on and hope this letter has the intended effect and can get us the rest of the way home.

So thank you Lars for putting that together and I think, you know, maybe if you want to just send the last draft around to Mikey and I or the list and we'll just kind of weigh in.

Lars Hoffman: Yes, this is Lars. Yes, I'll draft it and then send it out to you two after this call.

James Bladel: Okay, perfect, and thanks everyone for your help. And of course, if anyone has any personal conversations with members who don't come around anymore or folks that you feel like would have, you know, an excellent perspective or level of expertise that they could contribute to this group, it's not too late to join.

So if there are no other thoughts on Item Number 2, we can move on to Item Number 3 which is our discussion of Charter Question A. And Charter Question A dealt with the reporting requirements for registries and dispute providers regarding TDRP statistics, use outcome, trends, etcetera.

And I think we had a really healthy discussion on this; some really excellent ideas put on the table. And I believe we, in fact, reached a set of conclusions that were well supported by the group. So hopefully we can preserve that momentum this week and maybe even close off this particular charter question.

So - oh, thank you Lars. And it's now zooming in but it's going up to E.

Lars Hoffman: Go back.

James Bladel: So let's see if we can bring it back to A. So I'll start with - well, I think we're all familiar with the issue and I don't really want to consume the call reading this document to folks.

But for those who weren't here last week, let's take a look starting at Working Group Observations and we'll just kind of skim through this here. We acknowledge that there's a lack of published TDRP data. Obviously, it's something we had to gather with information gathering exercises at the beginning of this working group.

We would value both consistency and transparency of having access to this - not just now but also in a historical perspective.

That publication of the results would lead to better understanding of the policy by those affected as well as those who are implementing it. and we did point out that there was a recent blog post about the TDRP and how it is not as famous as it's prettier cousin the UDRP. And so this could perhaps build - highlight the profile of the TDRP as a mechanism for use in these disputing transfers.

I think we noted that the DNDR had a nice format and publication Web site, and I think we've got the URL there, but I think we all sort of agreed that that was probably a good way to disseminate that information. So I thought that was good.

I think - did we also - something about the registry reports I thought we had here as well, but maybe we're missing that one.

Anyway, we'll go to the preliminary recommendations and since UDRP requires a publication of outcome, the group recommends to adapt the language used and obligations required to TDRP.

Group views this as the most useful steps and establishing as much consistency in terms of obligations that rides across various ICANN policy themes with logical, efficient and economical steps drawing on the existing UDRP language. The added publication requirements be inserted appropriately and (unintelligible) in UDRP could read, "Changes to the UDRP are in reduction." And then if we can get some folks to maybe just scroll down and hit submit, there's the closed language that could be inserted in the TDRP - woe, it just jumped away from me there.

Woman: Yes.

James Bladel: "Relevant registry/registrar or provider shall notify us of any decision made by administration panel with respect to TDRP. All decisions under the policy will be published in full over the Internet except for administrative panel determines an exceptional case for that portions of its decision. Except that the panel determines otherwise, the dispute provider registrar or registry shall publish the full decision and date of its implementation on publicly assessable web site. In any event, the portion of the decision determining a complaint to have been brought by bad faith shall be published."

So let's maybe pause there for a moment and let everybody kind of take that all in. We can start a queue. I think I had just a couple of initial thoughts here.

One would be, you know, I think we pointed to - I'm asking as a question because I seriously do not remember what recommendation we made, if any, to include TDRP statistics in the registry monthly reports. I know that was discussed, I just don't remember where we landed on that one.

Mikey, can you help us out?

Mikey O'Connor: Yes, this is Mikey. I think we discussed it first and then we landed on this other stuff. I don't think we circled back and really tied off. I don't remember anybody strenuously objecting, but I'm not sure we actually clipped it.

So you know, it'd probably be a good idea to just check with folks and see if there's - you know, I know we pulled the call that week and said, "Well, what do you think?" And everybody said, "Yes, that seems like a good idea." But this is a bigger group so you almost got Paul and Barbara and some of the other Registry folks on, so we might just want to pause and say, "Well, what do people think?"

James Bladel: Yes, I think - so if memory serves, we started talking about this initially as a registry monthly report presuming that registries are still involved in the process which is an open question later on.

And then we started talking about uniformity reports for awhile, and then I think we explored that for awhile and then we figured out, "Well, that may not work or it may not work in time."

So we pivoted then and started discussing how the dispute providers who don't file monthly reports with ICANN, how they would publish the information. And we really, really liked the format for the Asia Dispute Center. And I just worry we never kind of closed the circuit and went all the way back to where we started for registries.

And maybe I'm misremembering or I've just got some holes in my understanding, but if felt like we either glossed over it or maybe we went too fast or I'm not sure.

Barbara, can you help?

Barbara Knight: This is Barbara. So I'm afraid I can't really help with that, but in looking at the - I think that it would need some additional massaging. I'm so at a loss because I'm not really sure how, you know, how much detail registries really get to provide in this particular case.

And if you don't have a lot of cases otherwise we've been to report on - so it seems like there's a lot of effort put in place here to do reporting when there's not a whole lot of volume associated with these.

And one of the other questions I had is - it's also indicated that, you know, registrar or registries would be able to - would have to provide a full decision. So I would think that registrars would have totally more information relative to this, but that's not necessarily to keep this filed under the TDRP.

So I'm not sure that I can really get on board with this, you know, with this whole reporting unless it can be very standardized and it's a little more high level of reporting. I'm a little concerned about the reporting (unintelligible).

James Bladel: Okay, thanks Barbara. And the sound quality was a little shaky there, but if I'm understanding you correctly, you want to ensure that any reporting requirements would be - I'm going to borrow a word from another group, but uniform and standardized. But that building or putting together some elaborate requirements might not be warranted by the frequency of the use of the policy.

Would that - I mean?

Barbara Knight: That's correct James. That's my comments, yes.

James Bladel: And so what would be your thoughts - and I'm kind of pinging Barbara and Paul on this. If there were a section added to the Registry Monthly Report that said you know, "Where PDRPs, you know, process this month, recognizing that for nearly all registries and all months, it would be zero."

Do you consider that to be what you were saying, to be an overkill for this particular policy?

Barbara Knight: This is Barbara. I think it is overkill. I mean right now there all ready is a place in the monthly registry operator reports where registries are reporting their activity. To the extent that you're now - and maybe I'm not understanding this correctly. But if you're proposing that other, I guess, service providers provide data to the Registry to include in that area as well, is that what is being asked?

James Bladel: I don't know the (unintelligible). I think we were probably looking at multiple because of the other service providers don't file monthly reports, I think we

were just thinking what they would have something on their Web site similar to the Asian Dispute Center.

Barbara Knight: To the extent that that's the case, you know, I think that it's fine because registry operators today are reporting UDRP information as far as the number of disputes that have been won, lost and no decision made. So are you looking to expand that beyond what it is today?

James Bladel: I think that the proposal - and I'll defer to Mikey here - was to mirror the UDRP reporting requirements for TDRP as well even assuming that TDRP would be much rarer animal.

Mikey, can you shed some light?

Mikey O'Connor: This is Mikey. I think there's sort of two kinds of reporting that we're talking about. I think one is sort of the statistical reporting that goes into the monthly reports that is sort of the win/loss/undecided, whatever, score.

And there's all the content reporting that, no, we found the Asian Dispute Centers had to be pretty good. And that, you know, we thought that would be a good model.

So I think it's sort of two kinds of reportings. You know, in terms of - I hadn't thought about that reverse flow that you described, Barbara, where the TDRP is moved beyond the registry layer and is now in the hands of a third party dispute provider, how that score, if you will, flows backward into your monthly report. That's a new one; I'll have to cogitate about that.

But I think there's really two kinds of reporting and what we were looking for was sort of both.

James Bladel: Thanks Mikey. Both registries in the queue now. Paul?

Paul Diaz: Thanks James; Paul Diaz for the record.

Mikey, help me out because I've honestly not been on top of all these debates as well as I should.

The content reporting you're referring to from the Asian provider, give me a sense of what that's like, what that flavor is. Because if I understand what you're trying to do, what we always try to do in the various working groups, create a predictable uniform reporting requirement to that, you know, we'll have data in the future when we have to look at issues; that makes sense.

I'm just not understanding what the Asians are doing, what you would like to see because it seems to me we're going to get a lot of shades of grey, and how do we standardize that.

And I'm really having a hard time imagining how, as a registry operator, if something's gone to a third party provider, how we're going to be in the loop, how we're going to kind of think it up. I just see more trouble than it's ever going to be worth especially when in Dot Org's case we've had fewer than three cases in over ten years. For TDRP, it just seems a tremendous overkill effort for very, very, very rare instance.

Mikey O'Connor: This is Mikey again. I' assuming - sorry. You know, I think that basically we may want to redo the discussion last time because we're sort of jumping into a conversation in the middle without going through the front. Lars has posted a link down in the chat to the page that the Asian Dispute provider publishes.

And you know, I think that one of the things that we need to draw back into this conversation is that out in the blogosphere the question came up, "Is the information about these decisions private?" Because - I've forgotten. I think it was (Berkins) and his blog was told by - boy, I can't even remember all the specifics now. I'm probably going to have to dig that up as well.

But he was told by the dispute resolution provider that they didn't normally publish the outcomes.

So you know, I think we need to basically start from scratch and sort of work through this whole thing again because where we got before was because there are so few of these, publishing wouldn't be terribly onerous. We liked what we saw at Asian Dispute Resolution provider site. Everybody on the call said, "Yes, that looks good, let's just have people do it that way."

We agreed on the prior call that this information is not private and that we ought to tell the Dispute Resolution Providers and the registries that that's the case. That if it's resolved by the registry, which is very infrequent, then a small Web page like the one that's being posted by the Asians would suffice. And by the way, tally it up and put it in your registry report.

But you know, I guess I'm not terribly moved by the onerous burden cry of pain here because these things don't happen very often. So it seems to me not - at least so far, I guess I'm not super sympathetic but I'm willing to listen.

James Bladel: Okay, thanks Mikey. Okay Paul.

Paul Diaz: Thanks James, I just wanted to jump back in. Thanks Mikey.

Now that I've seen the link listed in the chat, when I heard content reporting, it did set me back. But it's very clear what the Asian Dispute Center is providing is the kind of data that makes a lot of sense. It's very clean, and then that final, if you want to drill down to understand the nuance, the decision-making, you can.

But I think it's sort of - it makes sense as a template because it provides the high level of statistics that is so often lacking in working groups' efforts. It would be very useful for the future. And then if you want to go the extra step as far as - I wasn't necessarily arguing that it would be - you know, as a

registry operator, I'm fighting a new requirement. I would just - let's go in with eyes wide open.

Overwhelmingly, you're going to have zero fields; no fields, nothing to report, whatever you want to call it. and it is what it is - just to understand that, you know, or to be clear, that should be the expectation because that has overwhelmingly been the history to date.

And you know, if we want to make a requirement of it, okay. Let's just make sure that we understand that from the registry side, because these cases aren't very common, there's not going to suddenly be a bunch of data. This isn't a case where we just weren't reporting on activity that has been gone, there is just no activity as TDRP is concerned.

James Bladel: Mikey?

Mikey O'Connor: Yes this is Mikey. I absolutely agree Paul. I mean I'm expecting similar, you know, months, years of zeros, especially from the now, soon to arrive (realize) number of registries. And so I absolutely agree this is not looking for best quantities of data that isn't being reported now.

But I think the point that (Bergen's) was making and the one that I agree with is that it's not secret in that, you know, once one of these decisions - you know, it's essentially like a UDRP decision and ought to be published somewhere in a consistent way. And we like the way that the Asian Dispute Resolution provider is doing it. So thanks for that call.

James Bladel: So thanks Mikey and Paul, I think that's a good exchange and I think it was helpful to hash that out.

I wanted to hash out a couple of other points that I think are similar. The first one I think we touched on a little bit was whether or not the registry would

also report on, in any of its reporting obligations, would also include a duplication of those cases that then move to the second level provider.

And I think that pending the outcome of, you know, other charger questions that might potentially remove the registry from the circuit here, I think that it makes sense for a registry to at least report on the fact that they referred a TDRP to the second level provider, and then perhaps the second level provider would then be responsible for reporting the results including the outcome in their statistics. And that the registry's obligations would then be closed and it wouldn't be necessarily like that, you know, back side of the orbit where it comes back to the registry. I don't think that's necessary.

And then the other part that I wanted to raise, and I'll put my registrar hat on for a moment, is the relevant registry/registrar or dispute provider.

Registrar role in this I think is going to be a little more interesting because we initiate on behalf of the registrant. So that would be listed either with the registry report or the dispute provider's report.

But I'm not really sure how the registrar would - and maybe I'm just skimming this recommendation language a little too casually, but I'm trying to see if there's an actual obligation for registrar reporting in here and where registrars would publish something like that. Or do we believe that, again, these have been rolled up into the reporting requirements for registries and dispute providers.

So that question to the group. Mikey?

Mikey O'Connor: This is Mikey. I think we could kind of go one of - at least two, maybe other ways.

One way would be to treat it the same way that we just treated the registries and say, "Okay you registrars. When you refer a dispute to the TDRP, you

report it and that's it." And then the person who wants to follow that chain follows it on through the registry and then to the final dispute resolution provider if it gets there, and directly if the registry isn't in the loop. So that the standard case could be that the when a dispute is referred away from you, you report it, whoever you are; registry, registrar.

The other way that I was going to propose sounds more complicated than that so maybe I'll just leave it at that for now and see what people think.

James Bladel: So Mikey, just to reply; I'll put myself in the queue.

Currently there are, at least to my knowledge, no standard and regular reporting requirements for registrars, at least not the same analog to the registry monthly report.

So I guess my question is how do we report it and to whom do we report it and where? Do you see where I'm going with this?

Mikey O'Connor: Yes I do. This is Mikey again. I didn't know that you didn't have a regular monthly report, so I was building a sand castle on - this is where the rubber meets the sky I guess.

So I don't know. I guess I'll, in disarray, retreat from that position. Lick my wounds and try to figure out something else.

James Bladel: Well - and this is James. If we can just kind of add some color to this dialogue. I mean there are currently no equivalent on this registrar side.

I think as someone, let's just say, experienced in this cat hurting exercise of getting all the registrars even to decide where to have lunch, you know, I think getting everybody on the same page with the regular reporting requirement might also be tricky.

And then that also opens the question of touching on, I believe it's Charter Question C which is that, "Are registrars required to report on TDRPs that they felt didn't warrant initiation with the registry or second-level provider?" So you know, the ones that didn't make the cut. You know, and I think all those things are interesting questions that could be explored.

I think the simplest way to do it, just shooting from the hip, would be for the - and it is listed in the link for the Asian Dispute Center, is to link the registrar that was the source of the TDRP. I think that would allow us to collect those statistics, you know, and get us the information we want without creating a new reporting.

Mikey, you're up. I'll drop this issue for now. It's just something I picked up on. Go ahead.

Mikey O'Connor: No, I think this is a good one to nail down, and having retreated in disarray, I'll now take another shot at it and say that maybe the dispute resolution provider, whoever they are, registry or second-level, does the reporting both on the way in, i.e. we've received one, and on the way out, i.e. we either resolved it or we've referred it. And thus we don't have to create a whole gigantic reporting mechanism for the registrar community just to support this one kind of report.

And so the zeros would be punctuated slightly more often because the zeros would now sometimes have a one when it says, "We've got one," and another time would have a one when it said, "We've either resolved it or referred it." And leave it at that.

James Bladel: Okay thanks Mikey. Christine?

Christine: Hi, I'm trying out a new mic. Can you hear me?

James Bladel: Load and clear.

Kristine Dorrain: Okay, good. So - yes, this is Kristine from NAF and I just wanted to mention that as far as the way we report cases and the way that if you guys ordered us to report TDRP cases, it would work the same way.

And that is as soon as (unintelligible) determine that it's, you know, in a good enough shape to accept so it's not, you know, there's not something like, you know, horribly wrong with the complaint filing, it gets entered into our table such as the same as (ADNDRC) has.

And it just has the word pending next to it. And then once there's an actual decision and the decision gets posted, and then instead of pending it would state the outcome.

So as far as the providers go, the way, you know, that table will always be updated with currently pending cases. It won't just have concluded cases.

James Bladel: Okay, so one could see at a glance from looking at that table which cases had been entered in the system, which ones were still in process, and then which ones had resulted in decision.

Kristine Dorrain: Yes, that's correct.

James Bladel: I'm sorry.

Mikey O'Connor: Did James just fall off the call?

James Bladel: No, I was incredibly eloquent and witty as well and I just want the group to know that. But it was all for not because it was into the mute button.

So thank you for that. I think that's helpful and I think that's probably what we're going for I think for this reporting requirement.

Okay, so I see the queue is clear. Where do we land on this one? I think that, unfortunately Lars, I think we need to do some more work here on this preliminary recommendation.

Mikey?

Mikey O'Connor: This is Mikey. I don't think we need to do a whole lot of work, but maybe a little. But I think we have sort of concluded that we can drop the registrar out of that changed text and leave it to the two layers of dispute resolution providers to do the reporting and notification stuff. That's all I've got.

James Bladel: Okay, thanks. Well let's - thanks everyone. I think this is a good session. I think we made a lot of progress on this and tightening it up.

Lars, do you have sufficient notes that maybe we can start to make some alterations to the language that we have currently? I mean as Mikey pointed out, dropping registrar sort of makes sense at this stage of the game, so we don't invent a new reporting channel just to fill it up with zeros.

And I think that we might want to - we probably have more to add then to the working group observations as well specific to where the registrar reports would be and there would be a reference that was referred to a second level provider that would be treated, I guess, as a kind of outcome. And that we would also track, as the ADNDRC is doing, we would also track the source registrar that initiated the TDRP.

And I think that's - I'm sure I'm forgetting something. Barbara, go ahead.

Barbara Knight: Thank you James. This is Barbara for the record.

So registry operators don't actually refer cases to the second level provider. So we render, if it's a valid case, it's been filed, you know, in accordance with

the supplemental rules that typically registry operators have for these things, then a decision is rendered.

Now it is within registries' ability to issue a decision of no decision, for instance, there's just not enough information to make a decision. And then if the parties that it has either filed a dispute or responded to the dispute, choose to appear that, then they can appeal it to the second level.

So you know, I just wanted to clarify that. You know, it's just a small point of clarification.

James Bladel: Okay, well that is important but they can also initiate the TDRP has a second level. Correct?

Barbara Knight: That's correct. If they do initiate it at the second level, they can't come back to the first level. However, if they don't like the answer that they get, then it's the second level.

James Bladel: Okay, so what we're in effect asking is if the dispute providers can indicate whether the TDRP initiated with them or if it's an appeal from a registry decision?

Barbara Knight: Right.

James Bladel: Okay. Mikey?

Mikey O'Connor: I've got a hell of a track record here. I've invented two reporting paths in one day.

So Barbara, you don't see - the registries just don't see the next step right? So we should not put requirements on you to report it because the next step - you wouldn't necessarily even be contacted, right?

Barbara Knight: So if a decision is appealed, then - we do get typically a request from the second-level provider asking for the details of the information that was provided to us at the first level. And so the registry operator does have visibility from that perspective, and we do monitor those if they're, you know, if they've been appealed, we do get that notification because we can't invoke the, I guess, solution or the resolution of it.

So say if it was an undo, for instance, we wouldn't be able to actually take that action until the second-level decision has been made if it has been appealed. So we do have visibility into it.

Mikey O'Connor: I guess the reason I'm' going there is because it would be nice to get those statistics into the registry report if you see the information needed. See where I'm going? I mean what I'm trying to figure out is whether we could still ask you to include the statistics of number of cases, if you will, that have moved up a level.

Do you have the information to be able to provide that or are we asking you the impossible if we ask that?

Barbara Knight: I guess I'm not certain how - this is Barbara for the record again. I'm not certain how we would, in the way we're reporting today, how we would report it because right now it looks like there is double the number of cases because we have, you know, a disputed one, disputed loss. And then a no decision column and it's done on a registrar-by-registrar basis.

So if a case is appealed, it might complicate it a little bit because right now we just put, you know, a one in there for each case that's, you know, been filed and appealed or appealed and filed and decided.

So it might be interesting - I'm not really sure how to, you know, go about reporting that in the current context of how we're reporting things on our monthly registry operator reports.

Obviously, if we went to, you know, what's being proposed here where there's, you know, more detailed reporting, then yes, you could obviously say that it was appealed to the second level but the second level came back. You know, timing of when do that obviously is going to be interesting, you know. But you know, we would then be able to say whether or not, you know, if it was appealed what the final outcome was because we should be notified by that because we may very well have to take action in order to implement whatever was decided at the second level.

We don't see - we don't have visibility to see anything that was raised at the second level first however. You know, if they choose to bypass the first level providers, we don't have any visibility if they decide to go directly to a second level provider.

Mikey O'Connor: This is Mikey again. Okay, so just to highlight. We sort of got two kinds of reporting.

We've got the statistical reporting that's in the Registry Monthly Report and then we've got the sort of summary reporting that the NAF and the Asian Dispute Resolution Providers do. I want to highlight that distinction.

And it sounds like there needs to be some thought given as to how we get the referral statistic into the statistical report if it's possible at all. So I'm not sure we need to hammer this down today but we do have a little bit of a whole there because the registries in some cases won't be able to know that number. And right now the registry report is presumably the sole preview of registries, so we need to acknowledge this little gap somehow in our recommendation.

Just want to get that in the transcript so that when we circle back in a few weeks, we don't forget.

James Bladel: Okay, thanks Mikey. And thanks Barbara, I think this was useful.

Okay, so where does that leave us for today. I'm noticing we've got about eight minutes left in our call.

I think it was good we maybe had a week to sleep on this language a little bit and come at it with fresh eyes. I think that was very valuable. So I think we need to do that once more and then also start to take a look then at Charter Question B.

Lars, can I ask a question? For this draft recommendation, when you take another - or when you refresh this to incorporate today's discussion, could you circulate it to the list and then hopefully we can have a chance to dive into it on our next call.

Lars Hoffman: This is Lars. Of course James, I'll do that. I'll update it and send it straight back out to the entire list.

James Bladel: Okay, and that was probably done before. Just thought I would mention that I was sort of off the grid for a couple of days last week and I probably missed it.

Lars Hoffman: Yes, it was sent out (unintelligible) on Thursday.

James Bladel: On Thursday, okay. Well that was exactly when I was not paying attention to emails so my apologies for that. Wednesday and Thursday were off days.

So okay - so I think maybe this is as good a place as any to put a placeholder and talk about our next meeting which will be next week on the 19th which would be at the same time frame. I would, however, want to open the issue that on the 26th, the following meeting, I would probably not be available for that.

As many of you are aware, there's a number of outreach sessions going on to connect with registrars who don't normally participate in ICANN meetings to get them interested in the changes in the new RAA and make sure they are aware of the new requirements. And I think that everyone in the community should probably rally around that effort because that is going to - I think that's going to be a very important effort going forward.

And so I'll be participating in that on the 26th and so I will, of course, ask our Co-Chair Mikey if he could take the lead on that particular day two weeks from now.

I saw a hand go up. (Unintelligible), good, good - being check marked, phew, because I didn't check with him before the call. I shouldn't put him on the spot like that.

Anyway, so that's where we are for today - and there's a smiley face; that's good. Okay, so watch for a draft of this to be circulated around here later this week and we can discuss - next week we'll put a button on Charter Question A and the draft recommendations for that and then we'll move on to Charter Question B and put that one under a microscope a little bit further.

So thank you everyone for your time today. I thought it was a very productive call and hope to see you next time around.

Julia Charvolen: Thank you.

Woman: Thanks everyone.

END