

**ICANN
Transcription
IRTP Part D Working Group meeting
Monday 20 January 2014 at 16:00 UTC**

Note: The following is the output of transcribing from an audio recording of IRTP Part D Working Group call on the Monday 20 January 2014 at 16:00 UTC. Although the transcription is largely accurate, in some cases it is incomplete or inaccurate due to inaudible passages or transcription errors. It is posted as an aid to understanding the proceedings at the meeting, but should not be treated as an authoritative record. The audio is also available at:

<http://audio.icann.org/gnso/gnso-irtp-d-20140120-en.mp3>

On page: <http://gnso.icann.org/calendar/#jan>

Attendees:

Mikey O'Connor – ISPCP
Holly Raiche – ALAC
Volker Greimann – RrSG
James Bladel – RrSG
Angie Graves - CBUC
Graeme Bunton – RrSG
Kristine Dorrain – NAF
Avri Doria – NCSG
Chris Chaplow – CBUC

Apologies:

Paul Diaz – RySG

ICANN staff:

Marika Konings
Lars Hoffmann
Berry Cobb
Julia Charvolen

(Kale): (Recordings are in).

Julia Charvolen: Thank you, (Kale). Good morning, good afternoon, good evening everyone and welcome to the IRTPD Working Group Call on Monday, 20 January, 2014. On the call today we have Mikey O'Connor, Holly Raiche, Volker Greimann, James Bladel, Angie Graves, Graeme Bunton, and Kristine

Dorrain. We have apologies from Paul Diaz and from staff we have Marika Konings, Lars Hoffman, Berry Cobb, and myself Julia Charvolen. May I please remind all participants to please state your names before speaking for transcript purposes. Thank you. and over to you Mikey.

Mikey O'Connor: Thanks, Julia. James is with us as well but he's got a little cold so what we're going to do is we're going to conspire to have James do a really long soliloquy and see if we can get him to cough on the recording at some point along the way. We'll take our usual pause for a quick look at the agenda and updates to the statements of interest.

We're basically taking a look at a work plan that we're going try and sandwich into finished by Singapore, which I think we're going to be able to do, and then we're going to take a look at some drafts that Lars so kindly prepared for us while traveling. I'm always impressed with that. So that's sort of the plan.

And so we'll take a pause. Anybody got statements of interest or complaints about the agenda? I see Avri's joined us. We'll note that for the record. Okay. Let's take a look at this work plan, which it says see below but I don't think that's quite right. I bet that there's another gizmo that Lars needs to up so that we can see the work plan.

Tada. It's like a Vulcan mind meld. So there's the scheme. Our thought is that last week we sort of - oh Lars. Go ahead before I start talking. Your hand is up.

Lars Hoffman: Yes, sorry Mikey. I didn't want to talk to you. I just want to say - this is Lars, sorry, for the record. I just wanted to say that obviously, I mean, we originally said before it looked like we might come up with or the group might come up with draft recommendations for questions B and C rather quickly. We just had the idea that we would have, like, a draft that we can then further discuss in Singapore and submit an incident report afterwards.

But obviously that nothing stops us from if we move ahead and agree on the commendations to the next three or four weeks or even five weeks to subject in fact an initial report by 3rd of March, which then would obviously also accelerate the process considerably or at least by a few weeks. Thanks.

Mikey O'Connor: Thanks Lars. Yes. That's exactly right. And so what we did last week is we sort of decided that we would transition over to reviewing an actual draft. So the mind meld, mind mapping era is over and from now on out we'll be looking at draft language and trying to edit that. And we'll sort of see how we do. James, go ahead.

James Bladel: Thanks Mikey. James speaking. So, just so I'm understanding what Lars is saying, would the goal then be to have an initial report open for public comment concurrent to the Singapore meeting so that we could for example present it and rather than having a working session of the PDP we would have instead more of a community Q&A, present the initial report sort of session.

Am I following or am I off? I see a checkmark so thank you. I'll lower my hand.

Mikey O'Connor: Yes. That's sort of the plan is to be ready to essentially present our initial report in Singapore. The nice thing about this is that we don't have to hit all those council deadlines, I don't think, and so we probably have a little bit of flexibility in terms of that date because - now, Mars - Lars - Mars, gracious - Lars, is 3 March driven by a document submission deadline for the meeting? Or is that just one that we plucked out of the air. Go ahead.

Lars Hoffman: Mars is actually what I tell people if they don't know how to spell my name. It's Mars but with an L so (unintelligible).

Mikey O'Connor: Sorry about that.

Lars Hoffman: That's absolutely fine. It could be much worse. You could have left out the consonant at the beginning altogether.

Mikey O'Connor: Oh, that would be very bad.

Lars Hoffman: Yes. So, there's a 3rd of March and I see official deadline for documents to be submitted at the Singapore meeting. So there's (unintelligible) they have ones they have to report, discuss, then to me is very keen on having sufficient time to review all relevant documents since the document will have to be submitted by that time, which is the 3rd of March.

It's not a GNSO council deadline because it's (unintelligible) that is at this stage not pertinent.

Mikey O'Connor: Yes. Okay. All right. So 3 March is our target and I'm pretty comfortable we can get there. We'll sort of let those intermediate dates slip slide around a bit but if we can get through this discussion in the next couple of weeks, maybe even let it slide out a third week I think then we can still pretty comfortably get the consensus on initial report language and get it submitted by the 3rd.

Back to you, Lars.

Lars Hoffman: Sorry. Just didn't lower my hand. I'm sorry, Mikey.

Mikey O'Connor: Okay. Yes. And I was thinking of Ars Technica. Maybe it was really Lars Technica and they just forgot that first consonant. You never know. Okay, I think that's enough on the work plan. I think this is comfy. Let's go ahead and take a look at the first try on some language for charter question B. While Lars is getting that up there, it is - that one is whether additional provisions should be included in the TRP on how to handle disputes when multiple transfers have occurred.

And what's on the screen I can't remember, Lars. Have we distributed this to the whole group or is this just between you, me, and James at this point? Are people seeing this for the first time? Go ahead.

Lars Hoffman: Yes, this is Lars. It was because (unintelligible) over the weekend and I sent out to you this morning. I sent it to the group just before the call so it's in their inboxes but there....

Mikey O'Connor: Okay.

Lars Hoffman: ...will be no reasons to believe that people gone through it yet.

Mikey O'Connor: Yes. All right.

Lars Hoffman: So the observations, though, are - the majority of the observations have been sent around before and recommendations based on the discussion last week I added a paragraph and a half at the end. Previously was already discussed to add that quotation if you scroll down the second paragraph, that's taken essentially from the VeriSign supplemental rules. Thanks.

Mikey O'Connor: Cool. All right. So this is sort of a first review. I think what we'll do. So, when I'm scrolling up and down am I doing that to everybody or do people have control over the...

Lars Hoffman: People have control.

Mikey O'Connor: Okay. I don't really want to read this to everybody but I do want to just take a minute to give people a chance to digest this and I think that, you know, the point in the first paragraph is to point out that back when the IRTP was first written, the world was a different place than it is now and also the fact that in part C we've got some inter-registrant transfer policy now that we didn't have before.

So then we talked a bit about who in the chain ought to participate. We've certainly beaten that one up. And the third paragraph is this notion of good faith transfers and, you know, we spent a fair amount of time on last week's call about that. So that's one we will probably want to circle back to because we may have to do some defining in there.

Then in the fourth paragraph we talked a little bit about who should be involved from the registrar standpoint and we've settled on first losing registrar, the subsequent gaining registrar, and the current registrar of record. If all three of those exist. Presumably they would in a multi (unintelligible) scenario.

And that's where Lars is pointing us to the VeriSign supplemental rules, that's the way it works in their world. What we're essentially proposing is to expand that to consensus across all domains, all TLDs. We talked a bit about the statute of limitations and right now it's six months and I think that what we are proposing is to extend that to 12. Yes. That takes place in following paragraph, the second to the last paragraph in the observations and then finally we talked a bit about the impact of IRTPC, the inter-registrant transfer stuff and whether that should be part of the TRP and.

I think that the sentence there is right. This policy and I think we might want to say the inter-registrant component of IRTPC was not - just to make it clear which policy we're talking about was not in effect during deliberations of this working group and one of the things that we've got is we've sort of got a dependency circle and I'm glad to see that Marika's now with us.

What we want to do is let the implementation of IRTPC proceed a bit, you know, we don't want to make the call in this working group. And perhaps there will be no need to do anything if there is something that needs to be done, then we'll probably want to letter those recommendations. So C. I think that C is the last one, Lars. Yes, it's got to be.

You may want to put letters in front of those recommendations just so we can refer back and forth. What we're saying is that - I'm reading this for the first time, too, and it's confusing. Working group also recommends that if it is found (unintelligible)...

Lars Hoffman: Mikey, this is Lars can I just briefly interrupt?

Mikey O'Connor: Yes. Go ahead.

Lars Hoffman: The first (unintelligible) I'm sorry, I should have made this more clear because it is all charter question E. And so the first what you just talked us through most of the (harps) were the observations, so talking through, which is part of the initial report, talking through what the group has discussed and what issues has come up during the discussions.

Mikey O'Connor: Okay.

Lars Hoffman: And then at the bottom the recommendations I now added question B. It's the recommendations that the group is having for the question on the multiple hubs.

Mikey O'Connor: Got it. So the last paragraph...

Lars Hoffman: The last...

Mikey O'Connor: ...Doesn't refer to the stuff that's on this page. It refers to something that we will see in a minute. That right?

Lars Hoffman: If you scroll down on the document itself.

Mikey O'Connor: Yes.

Lars Hoffman: You see working group recommendations at the bottom there in bold.

Mikey O'Connor: Right.

Lars Hoffman: Those are the recommendations for question B on multiple hubs. That's a (strap language) which for the question on multiple hubs.

Mikey O'Connor: Right.

Lars Hoffman: However, the paragraphs beforehand were description of the group's discussion on this charter question during the (past).

Mikey O'Connor: Yes. The thing that's got me confused is and/or the outcome of the recommendation C below. I don't know which...

Lars Hoffman: Oh, I'm sorry. The below, yes, absolutely, yes. I mean, that is the - because I copied it from the actual text, right, so charter recommendation C would obviously be in the initial report below this section. So it's not below this document but below in the entire initial report.

Mikey O'Connor: Yes. Okay. So that's what I mean is that the recommendation C is not included in this document.

Lars Hoffman: No. I will bring it up when we talk about it. I'm sorry.

Mikey O'Connor: Yes. Got it. No worries. I just - I think the key here is to, you know, it'd be easier once we have a complete draft because then we can link up and down. And we'll also have these numbered a bit. That will also help. I think what we'll want is numbers or letters in front of each recommendation, et cetera. So, I think what we want to do as a group today is make sure that this is what we want to do and not let me take us down into ultra detail as to how the document's structured but I was getting a little confused as to which is which.

Let me stop at this point because this presumably has given everybody enough time to read this. Are there showstoppers in here? Have we missed something or is this roughly right? Presuming then we'll come through with another draft. Go ahead, James.

James Bladel: Hi Mikey. So, maybe this is just maybe not a showstopper but a blank that still needs to be filled in or fleshed out a little bit more. There was a bit here about the third paragraph. Working group does not think domain name registration should return to the original registrar if subsequent transfers have taken place in good faith. I think I need to get my mind around that a little bit better and perhaps I missed some of the conversation from last week.

One of the things that was several weeks ago I think it was actually before the holidays we were discussing on this group the idea that one of the problems with transfer disputes and one of the reasons why TRP is so seldom used is that the harm is, you know, urgent when these types of transfers occur and so one of the things I was excited about is it felt like we were going down a path where if there was a formal transfer or dispute of a transfer, that prior to, you know, waiting for that thing to resolve itself that the first step would be to reverse the transfer, put everything back pre-transfer status quo to kind of at least mitigate the harm while these different processes work themselves out.

And I guess my question is having missed this call and I think one even before that, are we backing away from that or is this just something different?

Mikey O'Connor: I have a feeling that Volker has jumped in the queue specifically to answer that so I'm going to take that bet and hand it over to Volker.

Volker Greimann: Hello.

Mikey O'Connor: Volker, you may be muted still. It's the classic microphone mute. No, we still can't hear you, Volker. There's too many layers of mute. New PC. Don't you

know it? That's why I gave up on Adobe for speaking is because I could do it but my computer had to do, like, chicken entrails and tarot cards to get it to work just right, so. Maybe you have to go all the way back up the chain and enable the mike in Adobe Connect, Volker.

Because you're still - well, okay. I'm going to leave Volker to interrupt as soon as his mike kicks in. But James, to sort of summarize it, I was sort of counting on Volker because he does a better job of summarizing this than I do but I'm going to take my ham handed approach to this. I think where we wound up was that we were okay freezing the name so that it would not move any further when the multi-hub problem was identified.

But, I think there was a certain discomfort actually unwinding it all the way back. Ah. I hear you blowing into your mike, Volker.

Volker Greimann: Do you hear this?

Mikey O'Connor: Yes.

Volker Greimann: Can you hear me now?

Mikey O'Connor: You did. You have done it.

Man: That was a German breath if I ever heard it once.

Mikey O'Connor: Back to you, Volker. Take it away.

Volker Greimann: I think my problem with the unconditional return of a domain name was that this may hold liability risks and problems all of its own and we might want to have a mediated solution where the domain is frozen to prevent any other disputes and any other transfers and any further harm but (unintelligible) action for other venues to pursue.

Mikey O'Connor: So Volker, here's a tip. I think you need to be a little closer to the microphone because you faded out there at the end.

Volker Greimann: (Unintelligible) can (unintelligible) now.

Mikey O'Connor: That's better. Maybe if you - yes, if you turn the volume just a little that might do it too.

Volker Greimann: Yes, (unintelligible) now so work.

Mikey O'Connor: Yes.

Volker Greimann: Not sure how much you heard but.

Mikey O'Connor: Well, sort of do the last half.

Volker Greimann: (Unintelligible) with the problem with the automatic transfer and I felt that it might be wiser to have a protection status (unintelligible) so the original has a means or time to pursue the current domain owner, free the domain through legal means rather than have an automated transfer back. What the freeze will do is prevent any further harm and any further (unintelligible) sales mishaps (unintelligible) with the domain just (unintelligible) where you also wait for a decision (unintelligible) but have a lock in place (unintelligible) registrant.

Mikey O'Connor: Thanks Volker. An editorial review of your microphone on your new PC is that it sucks and you may want to jump on the phone because it's very erratic. James, did you get enough of that that you want to respond?

James Bladel: Yes and yes. And I also concur with your product review, your Amazon review of Volker's microphone. Sorry, Volker. I know you're trying. The - so - and I apologize. I've got some continuity gaps here in my discussions of this issue but I think that we might want to examine this a little bit further because

I think that the case can also be made that there's an ongoing harm if a transfer is disputed there's an ongoing harm in leaving the domain name where it is.

And I'm leaving aside the special case where a domain name has had multiple hubs. But I wanted to put in one other thought here, which was part of the article that I shared and Christine I know is very familiar with this as well, regarding a decision on a TDRP relative to a registrar that was enacting a transfer.

And I think that if we're going to say we want to freeze a transfer or domain name against future transfers, then I think we explicitly need to add a new reason for denial into the IRTF because without that explicit permission for a registrar to deny a transfer, it seems very clear that registrant is going to be able to get, you know, a name that is under dispute to transfer that away still and the registrar's hands are going to be tied a little bit.

So I just think we need to pay attention to that part as well. Thanks.

Mikey O'Connor: Yes and this is part of the reason -- thanks James, this is Mikey again -- this is part of the reasons that I wanted to go to a draft because I think now is the time that we can write that precise language and I think that is essentially missing from this draft if I - I've been scanning up and down trying to find that chunk. Lars, is that the - and Holly mentioned in the chat that we did discuss this on the last call and I thought that we had sort of gotten to - I know we raised that point about the additional reason for denial. Anyway.

In the next round we certainly want to get this captured. James and Volker, do you guys want to take this as a sort of a registrant ISP type guy? I can see merit and peril in both of these and it would be nice if maybe the two of you could take it offline and see if you can figure it out because my worry about instantly transferring it back to the claimant is the liability that arises when somebody's abusing that and so part of the thing that appealed to me about

the freezing was well, at least we can stop the gears and (unintelligible) most of the time the registrars are going to work this out anyway and by stopping the gears we at least give the registrars a fixed target to work with rather than chasing a domain that continues to hop.

And so that was my recollection of my feelings coming out of the last call is that freezing it appealed to me because of that. Holly, I'll let you go first and then James is back in the queue. Go ahead, Holly.

Holly Raiche: Thanks Mikey. It's Holly Raiche for the transcript record (unintelligible) where we got last time. We talked about that sneaky little legal principle in common law, which is, you know, the innocent third party for consideration by something and they don't know there's a problem. With the possibility that in an ordinary court that principle may apply as opposed to possibly ICANN rules and so this is a discussion that Volker and I actually had on the list during the week and it came to actually what you just said. It may actually be better to simply phrase the situation rather than necessarily automatically going back to the original party because you've left an innocent third party who's purchased something, thinks it's okay. There is not necessarily a way to find out that the name is not okay.

And so I - you very well summed up, I think, where we got to last time after that sort of discussion of law. Thank you.

Mikey O'Connor: Great. I'm glad to hear that I got it more or less right. James, back to you.

James Bladel: Hi. Thanks. So happy to work with Volker on this. And I agree that, you know, there are harms both ways and we're going to have to make some sort of a judgment call.

I do think that it sounds as if, when we're talking about freezing a name, it sounds as though we're asking for registry action here. And I'm disappointed that Barbara's not on the call.

But it would be great if we could get some perspective on whether or not it makes more sense rather than altering the (unintelligible) rules for registrars if we would just have some sort of a registry lock at this point. So - but we can take that off line and discuss that with Volker. And I'm available at your convenience. Thanks.

Mikey O'Connor: James, Barbara was on the call last week and seemed fairly comfortable with this approach so I think that we've at least got some traction there. We would have to check with the rest of the - I'm sorry, with the other registries and see. But I think there's a fair level of comfort at least so far. Volker.

Volker Greimann: Yeah, I also wanted to agree that (unintelligible) ICANN work on this and find it - I'm not sure if we can find a solution but we can at least lay out the arguments and present them to the group by next time that might be helpful.

Mikey O'Connor: Yeah. And what you may want to try and do, Volker and James, is actually lay out the arguments in such a way that we can just drop it into a draft. I mean, that's one of the nice things about being at drafting now is that, you know, we might as well just write this in such a way that it can appear in the report.

And, you know, I think one of the points to make in there is that 99.9% of these issues are resolved between the registrars. And just giving the registrars enough time and a stable target to resolve that dispute will help them do what they already do because - such a small percentage of these actually get to the TDRP and that process is so slow that what we were trying to do is set out in the words the desirability of keeping the registrars action at the front of this because they can move so much faster than this monster TDRP thing. You may want to work that in as well.

Volker, is that a new hand or an old one?

Volker Greimann: Very vestigial one.

Mikey O'Connor: A vestigial hand, okay. How do people feel about the conversation so far? I sort of want to have a similar level of conversation about the other chunk, the stuff that we talked about in terms of C. And we certainly have lots of time to beat up both of these sections. But if there were any other - James, clearly brought up a substantive and important issue. And if we've got any more of those this would be a good time to at least give us an alert.

Clearly we've got plenty of time to get the words in the draft just right. And so I'm pretty comfortable that we're okay here. Okay Holly's agreeing with where we're at so that's great. Thanks, Holly. And I think, Lars, with this why don't we move on to the - the first look at the discussion about Charter Question C. Ta-da, there it is.

Avri's comfortable with where we're at on B as well. That's good. Thanks, Avri. And we're seeing real time modification. I love working in real time.

So this is the same sort of thing, first look at some language that will find its way into the report. And so let's see - so the question, just to remind people, is whether registrants should be - well it says, "Whether dispute options for registrants should be developed and implemented as part of the policy."

And what we've been doing up until now is treating that question as saying, "Should registrants have access to triggering the TDRP?" And I think the consensus of the group to that is no.

Now if we wanted to interpret this more broadly then we would say, well, what about dispute options with regard to the inter registrar part of IRTP-C? And that's where we got into that tangle about who goes first and what gets implemented and so on. So that's sort of the background on this.

The first big paragraph - let me work through that very first paragraph. "The working group notes that currently the registrar is the gatekeeper between the registrant and access to the TDRP as under the current policy a registrant can only proceed through the court system unless the registrar is willing to initiate a TDRP." Okay that's - I get that now.

Then in the next - in the second paragraph, the first really big paragraph, we talk a little bit about sort of the conversation we had about all that. And that's also a paragraph that introduces the big pile of use cases which, at some point, we're going to have to go through and fine tune, by the way. Don't think that's final draft.

And it's the use cases that got us to the point of realizing that the really interesting ones, to a registrant, almost all are inter registrant transfers. So that's laying the groundwork for that.

And then the last paragraph in the observations is the - is the essentially dependency tangling between IRTP-C implementation and our work. And so our conclusion is to let that work proceed.

The last sentence - the way I would summarize the last sentence in the paragraph - in the last paragraph of Observations is to say that we sort of want to let the IRTP-C implementation get further down the road and then if the implementation review team realizes that there's a need that hasn't been addressed that then we would take that off to the Council essentially for a new PDP to develop that but to leave that out of our scope in order to wrap this up in a reasonable amount of time.

So we're breaking the dependency that way between our work and IRTP-C implementation. And the hope may be that in the implementation the implementation review team will discover that there isn't any need for additional but that if there is off that would go for work by somebody else.

So then we get to the recommendation that the registrants not be given access to launch the TDRP. We may want to reword that just a little bit, we'll see. And then, "The working group does recognize that the use cases identified as a result of its deliberations are adequately addressed." Oh and this is back to the - all those use cases that we came up with in my preliminary throwing them into buckets.

So that's sort of the story of this page. Holly's first. Off you go, Holly.

Holly Raiche: Yeah, and maybe Lars - sorry, it's Holly Raiche for the transcript records. Maybe Lars can add to this. But there was a whole other discussion where Compliance had actually identified those situations that - as part of our list where, in fact, if a registrant actually went to Compliance, Compliance could say, "Well in this limited set of cases, in fact, we can do something because it's a breach of a policy or a rule."

And when we looked at, say, the Web - the ICANN Website and had a discussion about whether that information was available we decided it wasn't as accessible as maybe it should be. So part of where we got to on that one was to at least say to registrants, "In this set of cases what has happened is against the RAA policy or whatever and Compliance can do something about it."

Now, is that going to come up on the text as some more paragraphs? Or are we - I don't want to lose that particular thought in terms of in some cases there are, within ICANN rules, relief for a registrant. Thank you.

Mikey O'Connor: Absolutely correct, Holly. That's a great summary of the conversation. Lars, you want to tell us your plans for that particular piece? Did you think about putting that somewhere else? Or is it - should it go in here? Go ahead.

Lars Hoffman: Thank you, Mikey. It's Lars. Yes, I didn't put into words yet because of the use tables. If you remember Mikey's spreadsheet you had the various cases and what can and cannot be done.

And so I was waiting for that to be completed and then make here the reference that the cases, A, Compliance can help in certain - under certain circumstances, and, B, Compliance also needs to be more visible in its service that they can offer to the registrants on this Website. I think that's also been said. So that's definitely (unintelligible) I just didn't edit it at this point.

Mikey O'Connor: Why don't you go ahead and put placeholder language into that because I don't want that table to hold us up. I think the sense of the group is pretty uniform on that. And Holly's point is absolutely right that it's desperately difficult for a one-time visitor to the ICANN Website to find that page. And the page itself is very obtuse in terms of what they can and can't do. So just take a note to stick something in there so we don't lose that point. Thanks for the agree.

Chris, you're next.

Chris Chaplow: Right, Chris Chaplow speaking. Yes, actually after, from what Holly's just said, there's not much really to add because she obviously said it a lot better than I would have done but I just wanted to pick up on that same general point; reading it as it is now you're left with thinking what would happen in those cases a registrant - where do I go? So, you know, even if it's in the Observations and the Discussions rather than Recommendations I think it should be there. Thanks.

Mikey O'Connor: Well I'm going to editorialize. Chris and I and several others of you are taking a look at the next generation ICANN Website. And one of the things that I'd be curious about reactions from the group on is whether we should instruct that a link appear on the homepage of the ICANN Website at all times in every version that says, "If you have a complaint here's where you go."

Because the iterations of the new Website design - the first couple of times through didn't have any of that kind of stuff in it. And I'm just wondering especially from you, the contracted party types, whether you'd be comfortable in us instructing ICANN administration to always have, in every version of the Website, from here until eternity, a clear link that shows people how to figure out how to get help. Because, you know, anyway there's a rant for you.

Avri, go ahead. Oh, you may be muted as well, Avri. I think you're dealing with another new computer.

Avri Doria: No...

Mikey O'Connor: Oh there we go.

Avri Doria: You can hear me now. I was just muted...

Mikey O'Connor: Yes.

Avri Doria: ...yeah, I was just muted in two places, you know, suspenders and belt, so that when I shout things no one can hear me and I'm sure of it. I didn't raise my hand to agree with that but I think it's a great idea and in fact we should get them to put a banner across the top of the page before you even see ICANN, you know, and all its glory is if you have a problem here. So I think that's a wonderful idea.

The only issue I have on this is - and it's a small nuance - is that when we get down to - because I'm fine with saying that we're agreeing that the TDRP should not be changed. But whenever I say that there's a little clause in my mind that says, "At this time."

And so it gets down to the action of the - you know, it's like in the last sentence when the GNSO Council should request an issues report to remain

(unintelligible) whether any additional dispute mechanism should be developed. I think we should leave open that or the TDRP should be reviewed as a method of solving these problems or something like that.

Because while I agree with, you know, the general consensus that, no, we shouldn't do it I cannot say that without saying, "At this time." Thanks .

Mikey O'Connor: Thanks, Avri. Let's beat that into the language and see how it looks. And - I think that - I'm comfortable with the idea and, you know, leaving future - I think what we always want to do is leave future policymakers a little bit of room to maneuver and not close it out all together.

Oh, Avri, you're back I take it.

Avri Doria: Yeah, I just wanted to be specific and say I wasn't asking for language to be changed on the (unintelligible) changed. I'm not asking for the at this time clause there. It's mental; I was really only asking in a question of what forward-directing guidance we're giving to future GNSO Councils.

Mikey O'Connor: Yeah. Well and I think it's okay to put that forward-looking language in as a draft. We can always hammer it out if we don't like it. But, again, at this stage I'm still in the idea capturing picking up loose ends mode and we can always, you know, when we're down to a draft that's got everything that we think we talked about in it then we can tidy that up.

Anything else on this first look? You know, we're sort of summarizing a very long conversation. And I think that one of the things that I will want to do - and I may wait until I get my hands on this draft - is explain more clearly the fact that the TDRP is a dispute resolution mechanism that was designed to be between registrars and that sometimes registrants are parties to that dispute but that they shouldn't initiate it, they, in the cases where it's going to work the gateway for them is compliance rather than directly.

So that's where we can tie together some of those use cases that Compliance says, look, you know, if you're a registrant and this is true then absolutely a TDRP is warranted but we can trigger that for you. You know, I don't think we're quite clear enough on the sequence. And I think part of the reason that I want to do that is educational for registrants.

And part of it is so that we aren't leaving the impression that we don't care about registrants because I think we do it's just that we, you know, in fact care deeply about them, it's just that all of us who care deeply about registrants, either if they're customers of ours or we are, ourselves registrants or whatever, we've looked at this hard and we're not just arbitrarily slamming the door on them, we're saying, look, it's just not designed that way; that's not the way it's supposed to be used. Here's how it is supposed to be used and make that case clear.

Along with this notion of instructing ICANN to make it clearer on their Website because their Website is - it's got a ways to go. Anything else that people want to talk about? I'd be okay moving on to the next agenda item which is figuring out our next meeting if we're comfy. Holly's comfy with that.

How's my esteemed co chair doing? Avri's smiling at that. My poor esteemed sick co chair. You okay with that state of affairs, James? He may be multitasking or coughing...

James Bladel: Yes, yes a little bit.

Mikey O'Connor: Okay. Well okay so I think next time - Lars, sort of tell me what a realistic expectation is for the next draft. Is this the time to take this language that you've done a first draft of, work some of the comments of today's meeting into it and then smash the whole thing together into a draft of the whole issue report? Go ahead.

Lars Hoffman: Thanks, Mikey. Yeah, if you want I can do that. I can - I was going to send around a draft of all the recommendations on Wednesday; that's what I was suggesting initially. But I can copy and paste it into the issue report as it stands at the moment with all the bells and whistles.

((Crosstalk))

Mikey O'Connor: Yeah, let's do that. And let's start getting the numbering and lettering and all that stuff...

Lars Hoffman: Sure.

Mikey O'Connor: ...going because that way we can start making sure that it has, you know, integrity inside of itself when we're referring to one section or another and iron all those kinks out at the same time. I'm sort of feeling like it's time to shovel the rough draft into one giant pile and then, you know, really go to work over the next two or three weeks to just edit that draft into a final.

I'm going to leave James and Volker with an action to put their heads together in terms of the issue that we were talking about earlier in the call. And if you guys could get some language to Lars as a working draft in the next day or two that would be fantastic. That way he could fold that into this draft as well.

Lars, back to you.

Lars Hoffman: Yeah, just probably a question. The spreadsheet, Mikey, of the use cases that you've put together, do you want me to - obviously I was going to report too. I'll copy that in there and the (unintelligible), is that okay for everybody?

Mikey O'Connor: Yeah, and why don't you put it in as an appendix?

Lars Hoffman: Yeah, of course, yes...

((Crosstalk))

Mikey O'Connor: Because I think that that...

Lars Hoffman: ...make it easier.

Mikey O'Connor: ...that draft does need some work. And if we just refer to it as an appendix that way we can do that work sort of independently and not goof up the whole body of the report. One of the things I need to do is go back and look at it. I think that I included the use cases that ICANN Compliance gave us in that spreadsheet, for example.

And one of the things we may want to do is separate the ones that they gave us from the ones that we created. So, anyway, there's just a bunch of work to do on that so let's put it in there in all of its badness and then that'll motivate me to go fix it.

The thing that I would ask the rest of the people in the working group to do is go through that and see whether I have put - there were four criteria by which I evaluated the use cases. Not sure I can come up with them all.

But one was whether it's - it falls under IRTP policy; another is who were the parties, etcetera, etcetera. Another was is Compliance involved? And then - oh and then the fourth was is it an edge case or a common one? And I think the fourth one I didn't fill out at all because I wasn't a registrar and I didn't know which ones were edge cases and so on.

So especially you registrars if you could give that table a hard look over the course of this week and either feed your comments through the list or to me directly. I think that that spreadsheet isn't in real good shape yet and it needs - it needs some shaping up. So I would ask that as well.

Okay, I think that's it. James, you got anything you want to say before we wrap up here?

James Bladel: Just - no, nothing poignant or noteworthy. Just pleased that we're making good progress and that Volker and I have - it looks like one bit of homework that we need to tackle. So...

((Crosstalk))

Mikey O'Connor: Yeah, I don't think you guys are that far apart actually so I'm hoping that you can sort of iron this out.

James Bladel: Yeah it's - I think the ideas are similar, we just need to iron out some language.

Mikey O'Connor: Yeah. That would be fantastic. Okay well with that I think we'll wrap up the call. Julia, you can end the recording and we'll see you all in a week. Thanks.

Holly Raiche: Okay. Thank you. Bye.

James Bladel: Thanks, Mikey.

Volker Greimann: Thank you, Mikey and everyone else.

Man: Thanks, everybody.

END