

**Inter-Registrar Transfer Policy Part B PDP
Transcription
Tuesday 11 May 2010 at 14:00 UTC**

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<http://audio.icann.org/gnso/gnso-irtp-b-20100511.mp3>

On page:

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Participants on the Call:

Mikey O'Connor
Kevin Erdman
Michele Neylon
James Bladel
Anil George
Paul Diaz
Michael Collins
Berry Cobb
Chris Chaplow
Baudoin Schombe (last 15 minutes)

Staff:

Marika Konings
David Giza
Olof Nordling

Apologies:

Matt Serlin – RrSG
Barbara Steele – RySG
Matt Mansell –RrSG
Bob Mountain

Eric Brown – RY (all Tuesday calls)

Coordinator: The call is now recorded. Please go ahead.

Marika Konings: Hello, everyone, on today's (IRTP) Part B working group meeting. On today's call we have Mikey O'Connor, Kevin Erdman, Michele Neylon, James Bladel,

Anil George, Paul Diaz, Michael Collins, Berry Cobb. And for staff we have David Giza and myself, Marika Konings.

We have apologies from Barbara Steele, Bob Mountain and Matt Serlin

Michele Neylon: Okay, thank you. So, how is everybody today? Hopefully in good fighting form.

And thank you to all of you who have been making contributions using the mailing list; it's helpful because if we don't use the mailing list we'll never get anywhere as far as I can see.

Right then. We have received several bits backwards and forwards from several people regarding the transfer reverse policy that we've been working on. Do people want to go through those now?

Actually Marika has brought it up on screen, so Marika has brought up - Marika is this, which changes does this incorporate?

Marika Konings: This incorporates the changes that Michael proposed, as well as Kevin. This is the latest - I think Kevin used Michael's draft to add his changes, so this is the version that's up there. There are also some discussion and corrections, I think, on the mailing list between Michael and Paul, but I don't think those are incorporated here yet.

Michele Neylon: Okay. So, do we want to have a look at trying to incorporate those changes or do we want to discuss backwards and forwards a little bit?

Michael are you on the call?

Michael Collins: Yes, but muted, sorry. Yes, I think that - I answered Paul as best I could. I think Paul might be better able to suggest any changes, based on his questions, better than I would be.

Michele Neylon: Okay. Paul, are you on the call? Oh he's not, is he - oh he is on the call.

Paul Diaz: Yes, I'm here Michele.

Michele Neylon: Sorry, it's just I see these emails backwards and forwards from people saying that they're making calls and not making calls, and I get confused which call they're referring to.

Paul Diaz: Yes. Later on I miss. Leaving you to your own devices for (Pedner).

Michele Neylon: Thanks.

Paul Diaz: Look, my questions here are - let me be clear up front for the recording. This is Paul. You know, I'm very much in support of this concept and I was just trying to think through, so my questions are not a challenge, I'm not trying to tear anything down, just needed to kind of think through everything because, as I said on the list, I had just noted a couple of things I thought were perhaps a little different.

So as we jump out to the reworked Section 5, Michael's suggestions, I was just raising some questions -- 5.2, we're now offering, or the suggestion is that, eTRP must be contested by the new registrar in 14 days completion of an eTRP.

My question on the list was, why do we pick 14 days? You know, was there some logic behind it? To me, 14 days is almost a quarter of the 60-day lock period and, to put it in perspective, you're giving up an awful lot of the time that we're trying to - if we're protecting rights of registrants, did we want it to be quicker? Did we want it to be longer? It was just a question, why 14?

Michele Neylon: Michael?

Man: I think you're on mute, (Mike).

Michael Collins: Okay, let's start over. First of all, Paul, thank you, I didn't take your comment as anything except for helpful. I picked the 14 days sort of out of the blue, I suppose, just because I thought that just like the eTRP itself, the registrant - that will be filed by the registrar; the registrant really must initiate it.

So there must be communication, there must be notification to the registrant and then the registrant needs some time to study the issue, and then to respond to the registrar, and then the registrar needs time to file it. So I was just trying to figure out some amount of time to allow for all that.

I will note that the (TPRR) has 60 days to file the initial eTRP, so by that, 14 seems fairly short.

That's all.

Paul Diaz: Great. Sounds good to me. Does anybody else have any thoughts?

Is 14 a good number? Are people comfortable with it?

Kevin Erdman: This is Kevin. In my mind, that is a fairly short time span, depending on when the registrant actually gets that notice. Like Mikey was saying, is that there has to be that level of communication and I don't know if there needs to be a prescription in other parts in the eTRP that the registrar has to immediately communicate to the registrant, or we just leave that as one of those market force things; that better communicators are gonna get more registrants.

Michele Neylon: Anybody else wanna weigh in?

James?

James Bladel: Thank you. This is James speaking.

I just had a question and I apologize; I haven't really fully baked this idea, I'm just kind of going through my head here that the registrant is listed here as the person who is authorized to have the new registrar dispute the eTRP. But in consistency with the earlier parts of the document, the registrant is also the individual or entity that requested the eTRP in the first place so that we have the same individual making conflicting requests at two different registrars or, alternatively, they are not the same individual or entity, there are two separate individuals.

And my concern is that now we're describing a domain dispute, which is separate than disputing just a transfer, but is actually disputing ownership or control of the name.

And I'm just a little concerned that we may be being ambitious by trying to resolve all the possible dispute scenarios with this process. And, again, I'm trying to be as constructive as possible, but I think that we need to differentiate whether or not the registrant, particularly the one listed in section 5.3, is the same registrant that initiated the (PTR) in Section, I believe, 3.4.1. And if there are the same, kind of how do we address the conflicting instructions, and if they're not the same, then I think we may have a bigger problem.

Michele Neylon: Okay, there's a queue building up here, so we have Michael Collins and then Mikey O'Connor.

Michael Collins: Well, while it might not have been named as such, I think that we've all considered the eTRP to be a process to return a hijacked domain name. And I think that if you're making a claim of hijacking you can assume that there's two different registrants.

That's all.

Michele Neylon: Thank you. Mikey?

Mikey O'Connor: This is Mikey, thanks. What if we just made clear whether it's the gaining registrant or the losing registrant in appropriate spots in the document, as a way to clarify which person is doing what?

Would that be a way out of this?

Michele Neylon: Michael, would you be able to respond to that, I think.

Mikey O'Connor: I bet he's on mute again.

Are you muted, Michael?

Michael Collins: I thought I left it off this time. No, I just tried to copy as many of the terms as I could from Section 3. I don't have any problem with that.

Michele Neylon: Okay.

James?

James Bladel: Yes, I think my recommendation was along the same lines, where we would somehow distinguish the individual or entity in Section 5 as different from the individual or entity in Section 3.4 and essentially say that they're disputing the claim as a hijack and they want the transfer to (stand).

And maybe if we can identify, as Mikey said, we have a gaining and losing registrant, that might get us there.

Michele Neylon: Okay.

Michael?

Michael Collins: Yes, I wanted to add that the TDRP under Section 3.1.4D accommodates apparently a dispute of control, because it says, well 3.4 says, requests for enforcements (still) - and anyways, it's a copy of a bilateral agreement, final determination of a dispute resolution, body or court, in cases where the registrant of record is being changed simultaneously with a registrar transfer.

So apparently that is something that they're prepared to accommodate in a TDRP.

That's all.

Michele Neylon: Okay, thank you.

Paul?

Paul Diaz: Thanks, Michele.

Michael, that's an interesting site, and honestly I'd have to go back but, I would just note for the group that at least in the network solution family of registrars experience, the TDRP - that the whole reason we're working on this new eTRP is that the existing tools at our disposal don't work quickly. And honestly I don't believe - I can't think of an example where, in the case of alleged hijacking, we've been able to successfully have TDRP resolve the case for us. The registries basically throw up their hands and say, no, we're not gonna adjudicate this.

Michael Collins: Well, I don't have the experience. I mean, I don't have the experience to help help you with that. I don't know what to say about that.

Paul Diaz: Yes, and I think that's why it's great that we're working on it here.

Michael Collins: I think if the TDRP doesn't work, then my suggestion may be faulty. But I think there needs to be some means for having the dispute heard. I don't think that we can create a reversal that just dispute mechanism.

That's all.

Michele Neylon: So put myself in the queue, very quickly.

Barbara unfortunately isn't on the call until this afternoon, as some of you may be aware. So maybe it might be worth addressing this with her. The other thing is, while it's fine for us to discuss some of this, maybe we might get some better options from the community when we put this out to public comments. Just a thought.

Mikey?

Mikey O'Connor: Thanks, Michele, it's Mikey. I just wanted to chime in behind Michael and support the notion that we can't have a situation where it's basically a one-way process, because that leaves a pretty gaping avenue for abuse by people who are using this, not in the case of hijacking, but as a way to stymie another kind of transaction.

Michele Neylon: Okay, thank you.

James?

James Bladel: I'll go after you, Michele, go ahead.

Michele Neylon: No, I already went.

James Bladel: Okay, well in that case, I agree. I think there's - we need some checks and balances here. Let's avoid the temptation to have a reverse of a reverse of a reverse, but I would say that one possible component we could include here

is an additional reporting obligation, so that if anyone abuses this component of the proposed process that it's out there in the open and - sunlight being the best distance (and all that).

Michele Neylon: Okay. I'll also put myself back in the queue very, very quickly.

I think we need to try and strike some kind of balance where there are checks and balances, but the reason why we're even contemplating this policy is because, as has already been discussed (today), the current system doesn't allow the level of flexibility to actually deal with situations that registrars and registrants are dealing with.

So this is going back to the email from Paul Diaz regarding Michael Collins' suggestions. Can we just clarify a couple of the other questions that were raised, if you don't mind, gentlemen? I'm putting the two together.

Paul Diaz: No, that's good, I was gonna jump back in the queue to get back to it.

My second question, Michael, was about 5.4.1, and it simply asked if we were using "registrant" in the general sense of the term or as we typically see it defined by ICANN, i.e. the registered name-holder.

I think the discussion we previously had, if we had some more clarifying language in here now, we'll avoid the possibility that I'd raised that, are we wading into the admin contact versus registrant? We just need to be careful, I think, anytime we use a term like registrant. Do we mean it with, effectively a capital R, defined in a very specific context? Or do we mean it more in the general sense of the term, somebody who has registration rights to a domain name?

If I can just paraphrase the exchange on the list, Michael was noting, hey, good point; we were just copying language from what we already had in

Section 3. So I think what we've described already, if we just clarify it here we'll avoid that concern.

Michael Collins: Agreed, agreed.

Paul Diaz: All right. Jumping ahead to Section 5.9, we were paraphrasing the TDRP noting that complainant is allowed up to six months to file their petition. And then Michael had said, well it's not reasonable for the name to remain with the pre-transfer registrar for the entire period when the domain is in dispute.

All right, okay, a little quibble about using a term like reasonable. The lawyers can have a field day with something like that. What I was questioning was, if the working group accepts what Michael's offering there in 5.9, does that mean that we need to go back and make tweaks to the TDRP?

And then, again paraphrasing Michael, he says he's not posing changes to TDRP, per se, he is pushing the idea that the domain name shouldn't remain locked for the entire six month period. If that pre-transfer registrar wants to file the TDRP they should do so during the suggested 60-day eTRP lock; the one that we're suggesting here in our proposed policy now, the new policy.

He goes on to say, otherwise the domain name will be transferred to the new registrar when the TDRP is heard, as it is today, without the existence of this brand new eTRP.

So I guess to paraphrase it some then we're not looking for a change to the existing transfer dispute resolution policy, we just wanna make it clear that the names don't necessarily have to be frozen for the full period; that the policies can move forward as appropriate. Is that a fair characterization, Michael?

Michael Collins: Yes. I would add that the last sentence I wrote in 5.9 could just be deleted. I think it was more of a note for this group than it was intended as part of the policy anyway.

Paul Diaz: Great, why don't we do that, just drop it; avoid any confusion.

Michele Neylon: Just one thing before we proceed. Just to make sure that we're all on the same playing field, sorry I must be careful with my metaphors, I think somebody could have a linguistic heyday with metaphors on ICANN conference calls.

It would be helpful if you guys were to just kind of follow through on this on the lists so that we have, in black and white, exactly what we're talking about. It also gives other people, who can't make it onto the call or who maybe don't feel like giving input now, a chance to throw their hat into the whatever thing is that you throw hats into.

Please, proceed.

Paul Diaz: That would be a ring.

Michele Neylon: Ring. Thank you.

Paul Diaz: All right then.

Let's see, in 5.10, and James perhaps you can help me. I may have this backwards but my understanding for the existing transfer dispute resolution policy, TDRP, the registry operator is gonna determine the outcome, right? They're effectively the adjudicating body?

And so, my question on the list was, if this is correct then that entity, the registry operator, they're gonna know the outcome of that proceeding and

they can unlock the contested name as appropriate. So my question was, do we really need any of that text after the first sentence in 5.10?

You know, are we basically just telling them what they already know, how to do their job? And Michael's response was, maybe he's really not sure. You know, the intent is there, but whatever it takes to make it clear to the public. So I guess as a general question from both of us now, to the group, their understanding of how TDRP works, do we need the extra verbiage after the first sentence or is that already basically codified in the existing TDRP?

Please jump in, Michael.

Michael Collins: I really didn't, maybe understand your question. And in any case, it appears that the person filing the TDRP has the choice to file it with the registry or a dispute resolution provider. So it may or may not be the registry. I would imagine in practice it's usually the registry because of the fees associated with using a dispute resolution provider, but it is an option.

Michele Neylon: Just one thing, though, Michael, if you're filing with a resolution provider, it's not a TDRP.

Michael Collins: According to Number 4 it is. I mean, Item 4 (of the TDRP); a filing registrar may elect to skip the first level dispute process at registry level and submit a request for enforcement directly with a dispute resolution provider; 4.1.

Michele Neylon: Okay.

Michael Collins: I'm gonna assume, because of the fees, it rarely happens, but there it is.

Paul Diaz: I'll take that one on, specifically going back to the list, Michele, and asking Barbara in particular, for her input.

I agree with Michael. I don't think we've ever looked to a dispute resolution provider, simply because I don't believe a dispute resolution provider's decision is going to be binding upon the registry operator, in this case. So we always go straight to a registry; in the, that's kind of news to me.

Michael Collins: According to the policy it is.

Paul Diaz: It would be?

Okay.

Michael Collins: According to the policy; I don't know about practice.

Paul Diaz: Yes, that's very important; they're not necessarily one and the same.

Michele Neylon: Okay, so we'll deal with that one via Barbara on the list then.

Paul Diaz: Look for clarification on the list, yes, because again, the only point from myself was, do we need to extra stuff after the very first sentence? Kind of straightforward. And then finally, at least from our initial exchange, in 5.11 I was asking why he is recommending a 30-day time frame.

Getting back to the idea of if we're looking out for the best interests of the registrant whose name's been hijacked, would a shorter time frame be more appropriate? And Michael expressed flexibility on the idea, we're just looking for making this the best policy procedure we have, so it's a kind of question for the group in 5.11. Is 30 days an appropriate number? Should we shoot for something shorter? I don't know; what does the group think?

Man: Well, even though I haven't been called on, Paul, I'll go ahead and say, I would note that the 30 days includes the 14 days that you had questioned earlier. So that might play a role. And if we shorten the 14-day period, then it would also make sense to shorten the 30-day period, I think.

Paul Diaz: Okay, and in fairness, what I heard earlier said maybe 14, potentially, could not be long enough.

And again, I'm open to all this. I'm looking to create sensible policy here; no preconceptions. So I thought I had heard earlier that perhaps the back and forth, investigation, etc., 14 may not be enough. In which case, 30 may not be enough.

What do people think?

Mikey?

Michele Neylon: Got Mikey and Kevin in the queue there. Has Paul thrown that question open? Does anybody want to address that question or shall I go to the queue?

Mikey O'Connor: This is Mikey. I'm in the queue for that question.

Michele Neylon: Okay, so go ahead.

Mikey O'Connor: I don't have strong opinions. My immediate reaction on how to figure this out would be to see if there's some comparable interval in some other context, so that when people say, how come you picked that number? We can say, well because it's like this other thing that's pretty similar. So that there's a kind of consistency.

That's my immediate thought. I don't know what that would be, but that's the way I'd tackle the problem.

Michele Neylon: Okay. Do you have anything else to add on this topic, Mikey?

Mikey O'Connor: Not just yet.

Michele Neylon: Okay.

Kevin?

Kevin Erdman: Yes, this is Kevin. I did want to address that I did raise the concern that 14 days might not be enough. I think it's also important to consider that this dispute resolution portion means that the alleged hijacker has brought the TDRP so I don't think we have quite the same rush to justice we do on the returning everything to the position before the transfer started.

So in my mind I think it's more important to provide adequate amount of time and so I would air on the side of having a longer, rather than a shorter period. And I think Mikey's suggestion that we find analogous situations and make the time for resolving that issue similar to similar situations makes a lot of sense. I'm not quite sure exactly what would be the best analog in existing policies, but I think that's a good road to go down.

So that's my thoughts on that.

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

Michael Collins: Yes, I wanted to correct my previous statement. I re-read my own writing and the 30 days that we are currently talking about does not include the 14 days; I may have thought it did when I wrote it. So I just wanted to retract that. That's all.

Michele Neylon: Okay, thank you.

Mikey O'Connor: Yes, this is Mikey. Just one clarification to Kevin's point, which is just one caveat I agree with.

I think that the situation we're dealing with here is where the receiving registrant is not a hijacker. When they're a hijacker, my presumption would be that they would not test it. And what we're doing is providing an avenue for a person who is, in fact, at least arguably the legitimate receiving registrant. So I do like the idea of giving them a little bit more time because, presumably, this is a person who is innocent of wrongdoing and we shouldn't slam the door so quick that they can't get their foot in it.

That's the only point I wanted to make there.

Michele Neylon: So, Mikey, could you just clarify, who do you want to protect or help here?

Mikey O'Connor: Well, my presumption in Michael's, and I'm putting words in Michael's mouth, so if I get this wrong, Michael, feel free to chime in, but my presumption is that this is the appeal that a person who's being abused by - the example that came up on the list was the seller of a domain name who has second thoughts. And they decide that they really didn't wanna sell the thing for whatever reason; they get a better offer or they just get cold feet and they invoke this to unwind a legitimate transaction, by which they ought to be bound.

And this window is for the person who actually should get the domain to challenge their action. Because again, my presumption is, if it's a bad actor they're just gonna go away.

Michele Neylon: But what do you do when you have - if you look at the sex.com case, for example, where you have somebody who, I'm trying to think of a polite way of saying it, has a lot of (neck).

Mikey O'Connor: I've never heard that phrase before, sorry!

Michele Neylon: Well the only other options I had weren't very suitable to a recorded phone call, so -- I'm sure you could think of a few ways of putting that.

Mikey O'Connor: Yes, God. I guess that the main point that I wanted to make was that this is one of those situations that could get quite complicated; sex.com is a great example of complicated.

And we wouldn't want the process to be used maliciously by somebody who knew that there was a short window of response and sort of gamed that short window. I may have dug into a complex hole that we don't need to dig ourselves into, but that's kind of a long-winded way of saying I think I support a bit longer interval than 14 days.

Michele Neylon: Paul?

Paul Diaz: Yes, thanks, Michele. Actually I have an open question for our ICANN staff colleagues, Marika, David, or Olof, can you guys think of any analogy that we're struggling with in terms of time frames? Any policies of anything that might serve as a precedent for us in setting these time frames? Please, Marika, just jump in; anybody.

Michele Neylon: Marika has her hand up. Stop bullying Marika, be nice.

Marika Konings: Yes, this is Marika. I'm actually not aware of any other policies, I'll leave it to David or to Olof to see if they have any suggestions, but an idea would be, and I think (Ken) already suggested that before as well, I mean, this is an area where the group, for example, could put in a number of options; 14 days, 30 days, or clearly identify that this is an area where it would like to receive input on what would be an appropriate timing and highlighting in that way in the initial report might get some input in the community and help the discussion following public commentary in the second stage of the PDP.

Paul Diaz: Yes, and Michele, if I can, just respond, I'm in total agreement with that. I mean, for now I think with our initial report, two weeks in a month, that's the

way it'll boil down. It's a good start, it's a good placeholder, and let the community weigh in with difference of opinion, if they have any.

David Giza: Yes, this is (Dave) Giza. I would support that because I, like Marika, I'm not aware of any time periods or constraints here that would add any more value that what we've discussed.

Michele Neylon: Olof?

Olof Nordling: Yes, well, there are plenty of time limits in general. I would say I can't recall us using anything else than calendar days, if that's any guidance here. But I fully support what Marika proposed, as well, to have a number of alternatives.

Michele Neylon: Okay? Okay then, right, let's move on from this. What I would strongly recommend then, is that we set a deadline on the draft that we're currently discussing; otherwise this could go on forever. Marika, what would you suggest as a time?

Marika Konings: This is Marika. So, the deadline for publication off the report will be the 31st of May, which is a Monday.

So I think reasonably, if the group wants to have some time to review the added comments received, hoping we can have, as well, discussion on the list-

Michele Neylon: This is comments from us, by the way, not from the public.

Marika Konings: Yes, yes. Added to the initial report. I think maybe if we could say Wednesday, 19? Would that be reasonable for everyone? Or Thursday 20? That would allow me some time to incorporate the comments and add it and we can have a almost final version for review on the call on the 25th of May.

Would that work?

Michele Neylon: Works for me. Does anybody have some strong opposition? Oh, I see Michael Collins' hand up.

Michael Collins: I just wanna ask, and maybe this, I hope I'm not stepping on your toes Michele, but I just wanted to ask if we could get a volunteer to review the one issue that Paul brought up, which was defining 'registrant' and possibly, as Mikey might have said, I think the two registrars that are in this a little better; one is (PTR) and the other is a new registrar.

And again, I copied everything that I used from section three because I didn't wanna create new definitions towards the end of this document. But I think that's probably the one thing that we need to do before we go forward.

Michele Neylon: So you're saying we need to have a clear definition of registrant for this?

Michael Collins: According to Paul, and I don't disagree, I'm maybe just not the best - I don't have the knowledge or experience in that. But I think we should be careful to try and hone down the definitions. And I think the two that I see that are possibly problematic is which registrar, you know, naming, defining the two registrars and the two registrants. That's all.

Michele Neylon: Okay, would anybody like to volunteer to do this? Would somebody like to volunteer to do this before I volunteer them?

Paul Diaz: Michele, it's Paul, I was just writing on the list. I do think this is one where you don't need one volunteer; we need a subgroup approach again, because you need two or ideally three, just so you don't get groupthink.

Michele Neylon: That's fair enough. That's fair enough.

Paul Diaz: And I'm willing to be part of that subgroup. I think it's worked very well the first go around.

Michele Neylon: Okay, so Paul, do I have any other volunteers?

Mikey O'Connor: This is Mikey, I'll join in with the (proviso) that I'm kind of stressed out, but I'll do my best.

Michele Neylon: Okay, so Paul plus one stressed out Mikey. And a third?

Just for the record, I'm not volunteering myself because I'm stretched thin, as it is.

(Chris): (Chris) here, I'll go for that.

Michele Neylon: Okay, thank you.

Okay, so guys, if you want to just kind of thrash out the details you've got each other's contact details; you thrash out our details and then you report back afterwards.

Paul and Mikey have both done this exercise recently, so they know (where they're at). Does anybody have any issue with what Marika was suggesting in her, what did she say, the 19 or the 20?

Marika Konings: Yes, the 19th or 20th. If I could just add something Michele, because what is still needed then is an updated version of the eTRP and I don't know if Michael is willing to make, based on the discussion now, any changes to his version so that can be incorporated in the report.

As you can see, I've already included kind of an executive summary in the draft of the body. And the idea would be to incorporate then the complete tax in the annex, but I think the executive summary would then allow, as well, to call out some of those issues where specific input is required, and would still

need, as well, to extract the element that has been added by Kevin and Michael in his version.

So it would be helpful to have an updated version, maybe going out to the list following today's discussion, so we can have a few days more discussion before actually incorporating that into the reports. Another issue is the recommendation for Issue D, and I think that's on Michele's to-do list. And that one is still missing so that would be helpful as well, to get some outcome there so we can have people get outcome of feedback on it before incorporating it into the document together with the other recommendations that are there now.

Michele Neylon: This is Michele just responding to part of that. As I said to Marika earlier, I'm very, very badly behaved and I haven't been doing my homework, and Marika has my full permission to nag me about what I said I would do which I haven't done, and I hope she will take me up on that.

Michael Collins I see your hand up.

Michael Collins: Yes, I was just gonna say that the only change that I remember suggesting was the deleting the last sentence of 5.9 that had the word "reasonable" in it. And I'll be happy to do that and redistribute this.

Michele Neylon: Okay, perfect.

Marika Konings: This is Marika. Just one question; for the timing, when does the group want to do there, do we want to include some ranges or just highlight an effective summary that we've included some timings but those are areas that we're specifically looking at input on.

Would that be a reasonable approach?

Michele Neylon: Marika, my view personally would be that we've included time ranges but we are open to further input. Unless anybody has any strong feelings, I mean I don't know if that's viable or not. Does anybody else have any thoughts on that?

Mikey O'Connor: This is Mikey. The only thought I would have is that it's easier for us old geezers if the range is in the paragraph rather than far, far, away because we don't have much in the way of memory left.

Michele Neylon: Would you like me to get out a little violin for you?

Mikey O'Connor: No, no, I'd forget the tune.

Michele Neylon: I'll behave. Okay then.

Paul Diaz: Michele?

Michele Neylon: Yes?

Paul Diaz: It's Paul. I was just gonna actually take a different tack here. I would leave the numbers we have in the report and then highlight or have a call out that says, we're open to something else. I think if we start giving the community - Number 1, we don't know what sort of level of feedback we'll get based on the (IOTPA). It was god, but not great. We may not get much response to ranges.

Given how (excessively) we've discussed it here, we have thought it through, you know, we have come up with a time frame so that we're all framed and can defend it a bit. I think that we're all offering examples. What if we get three people that they all take different ones; what does that tell us? I'd just as soon keep it simple, put it here, make it clear we're always open if people have a strong feeling another way, but kind of let's get through with this, let's get it done.

Mikey O'Connor: This is Mikey. I'm on board with that.

Michele Neylon: Okay, that sounds good to me.

Michael Collins, you still have a hand up.

Michael Collins: Oh, well I accidentally still have a hand up, but I did come up with a new question.

We haven't talked about Kevin's additions to this document at all, I don't think.

Michele Neylon: Okay.

Michael Collins: Just pointing that out.

Michele Neylon: Okay, just , Marika had a hand up. Is the hand gone, Marika?

Marika Konings: Yes, it is, and we're getting back to what actually relates to one of the other issues, so if people still want to discuss Kevin's suggestions, you probably should do that first and then I'll make my point on one of the other parts of the report.

Michele Neylon: Okay. Kevin did you want to say anything about your additions?

Kevin Erdman: Sure. Just that I think that the easy part of the additions are just allowing for an alternative 60-day period on the registrants becoming aware of the transfer, and just having an initial requirement in the materials that have to be submitted is that, you know, (here outside of the) 60-day transfer lock and the registrant has to provide an explanation of when and how they became aware of the transfer because we don't want to have this be a replacement for the

TDRP in our cases. So we want to have that provision, and I'm certainly not what any of particular words, but that was sort of the theory behind that.

And then what was even more controversial thing, which is the idea of having some sort of a token that is uniquely provided to the registrant, rather than the administrative contact, must be involved in an eTRP in order to get things going.

And this would have a farther ranging impact because it would put a new obligation on a registry and distributing this sort of token. I think a lot of registries already provide something that's analogous to a token, and so it may not be as much of a burden as I think, but I'm just interested in the group's comments about that.

Thanks.

Michele Neylon: Does anybody have any questions or queries or anything related to this?

Well, I'll begin myself, then. Go ahead Paul.

Paul Diaz: Okay, Kevin, just help me understand one - in your proposal you make it clear you're using the word token in a more general sense and you want to give the registrars some leeway, some flexibility.

A concern I have, and maybe it's just definitional, when we use (something) like token, I think of the existing security-related products that are out there and, not to pick on (Barber), but VeriSign's already in this space. They have a value-added service available, and I do have a bit of a concern that if we - we may be creating a situation here where the concept's good but what will happen in implementation is there will be a push by certain large market players to get the market to move to their product, their service.

And I think it's pretty clear from your note, that that's not necessarily the intention. But I'm a little concerned about it so I'm not really - I'm left not very sure this whole concept of a token, if it's potentially gonna lead to some unintended consequences in terms of how it will play out in the actual marketplace.

Michele Neylon: Michael Collins, is your hand up?

Michael Collins: Yes, I was reading through what Kevin wrote and I may have forgot my question; can I move back in the list?

Michele Neylon: Okay. Kevin?

Kevin Erdman: Yes, I mean I think that's a fair comment and I don't know if it's just the use of the word "token" that creates that or if some other language, you know a registrant identifier or, I don't know what would be the best way to try to avoid creating unintended consequences like that, but I think that is a fair comment on the token aspect.

Michele Neylon: Paul, I presume that's from earlier, is it? Or do you wanna go again?

Paul Diaz: Sorry, that was earlier.

Michele Neylon: Okay. Mikey and then Michael Collins.

Mikey O'Connor: This is Mikey. I think that token is just the word that's just causing the problem because it does evoke a pretty technical term for a lot of folks. So Kevin, I think you were on the right track when you were saying, let's change the words because I don't really think this is actually a token.

It's, as you say, a code or an identifier, or something a little less strictly defined. And that might be a way to sidestep that marked issue. I agree that

we don't want that particular unintended consequence. And I think that it's really just bound up in the word.

Michele Neylon: Okay, does anybody else have any - oh, Michael, I see you there.

Go ahead.

Michael Collins: Yes, I think I remembered. I may be showing my ignorance here, but how did token differ from what we had, which is I think called an FOA or form of authorization, to anyone?

Michele Neylon: Kevin?

Kevin Erdman: Well, as I understand it, the form of authorization is submitted by the administrative contact as part of the registration process, where what I'm contemplating is when the process is going through that the registrar or the registry which sends something specifically to the registrant that would be the equivalent of, you bought the car, we're sending you the original car keys, even though the administrative contact may be out there driving the car around who knows where.

Michael Collins: My question on that - we're talking about, at least in the dot com, a thin registry. The registry doesn't know who the registrant is.

Just a question. I meant that as a question. (Unintelligible) resolving that.

Michele Neylon: Who's the question too, sorry?

Michael Collins: To Kevin, I apologize.

Kevin Erdman: This is Kevin, and I think that's a fair point, that what I would like to envision is a world where a sophisticated or concerned registrant, even though they may outsource their IT function to third-parties, would then at least have the option

of saying, oh whenever you register or do anything for us, registrant, you have to put this in the registrant information, that includes the contact information that allows the registrant to get that thing that we, formerly known as token, that would be their unique identifier as the owner of that domain rather than the case where the administrative contact that initially submits the, gets the domain and submits all the stuff, they certainly could set themselves up as the registrant as well. In which case the actual beneficial owner might not have any say in it anyway, but that's a problem of contract law.

What I'm trying to do is say, well if you wanna be a sophisticated registrant, you can make sure that all your transactions are initially handled correctly, so that you have all the master keys in your closet right in the administrative contact.

Michele Neylon: Okay, guys, it's the top of the hour. I think this think with the entire token concept is something that we need to discuss further on the list, so I would ask those who have feelings in favor of it, those who have feelings against this, those who view issues with it, potential issues, and other opinions on (us) to try and put those ideas to the list if you could. That would be helpful.

Okay. Marika, did you have anything else you wanted to add?

Marika Konings: Yes, this is Marika, that was just on (2E), I'll (bid) there because I think actually it was a rough consensus for the five calendar day option, so if people agree to leave that in. And, again, I think we're looking at a nation report so if there come suggestions otherwise we can still reconsider that.

And there was also, I think Michael Collins made that proposal, as well, whether there could be some example of readily accessible and reasonable. I don't know if anyone has any suggestions there or if it's something that the group would like to highlight in its report and encourage comment on. And there was one wording change suggested as to "removing" or "removed" but

again, I think there are people, when they've reviewed the report I'll update the latest version and push that out, and I think it'll come along then in that way.

Michele Neylon: Okay, thank you.

Okay then, does anybody have any other issues they wish to raise? No?

Okay then, do you mind if we close this call down and we'll speak again next week?

Mikey O'Connor: Thanks, Michele, I'm gonna take my little violin and go home.

Michele Neylon: If you want Mikey, how about this: you can get yourself a nice cup of coffee with your black night mug, since I heard you got it.

Mikey O'Connor: I did, and it's so big that I have to heat the coffee extra hot in order to survive; otherwise it just cools right off when I put it in there. It changed my whole routine.

Michele Neylon: Well look this is -- you have to recalibrate the coffee machine. At least, that's what we had to do with ours.

Mikey O'Connor: Yes.

Michele Neylon: I have one person who uses it for his breakfast; I think he has his entire breakfast out of the bloody mug. I think a large bowl might be a better description.

Mikey O'Connor: Yes.

Michele Neylon: Okay ladies, lady, and gentlemen, I'll speak to you all next week.

Man: Thanks, Michele.

Man: Thanks, Michele.

Man: Thanks, Michele

Man: Bye, bye.

Man: Bye.

Woman: Bye

Man: Bye.

Man: Okay. Hello?

END