

GNSO
Post-Expiration Domain Name Recovery (PEDNR) drafting team
11 May 2010 at 18:30 UTC

Note: The following is the output of transcribing from an audio recording of the Post Expiration Domain Name Recovery (PEDNR) drafting team teleconference on 11 May 2010 at 18:30 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/gns0/gns0-pendr-20100511.mp3>

On page:

<http://gns0.icann.org/calendar/#may>

Present:

Alan Greenberg – ALAC – Chair
Jeff Eckhaus RC
Cheryl Langdon-Orr - ALAC Chair
Ron Wickersham – NCUC
Shiva Muthusamy – At-Large
Tatyana Khramtsova - RC
Michele Neylon - RC
Ted Suzuki – IPC
Berry Cobb – CBUC

Staff:

Margie Milam
Marika Konings
Glen de Saint Géry
Gisella Gruber-White

Absent apologies:

Mason Cole - RC
James Bladel – RC
Paul Diaz – RC
Mike O'Connor – CBUC
Karim Attoumani – GAC

Coordinator: I'd like to remind all participants today's conference is being recorded. If you have any objections you may disconnect at this time. You may begin.

Gisella Gruber-White: Thank you. Good morning, good afternoon, good evening to everyone.

On today's PEDNR call on Tuesday the 11 of May we have Alan Greenberg, Tatiana Khramtsova, Siva Muthusamy, Cheryl Langdon-Orr, Ron

Wickersham, Jeff Eckhaus, Ted Suzuki. From staff we have Glen Desaintgery, Marika Konings and myself, Gisella Gruber-White.

We have apologies from Paul Diaz, James Bladel, Mason Cole, Mikey O'Connor. If I can please remind everyone to state their names when speaking for transcript purposes. Thank you. Over to you, Alan.

Alan Greenberg: Thank you very much. All right, as I mentioned I think when most people were here but if not I'm going to have to leave early today so it will either be a short meeting unless someone else wants to take over if there's still work to be done. But I think we have a short agenda so we can manage that.

Last week we went over the new questionnaire and the one that will be going into the report and we will be taking as a poll sometime in the very near future.

We were left with a few items that were - that we could not resolve during the discussion. And the intent had been to have a significant discussion in email. Unfortunately due to other commitments I didn't get the actual messages out until yesterday. So I think we can hopefully come to closure on all of them today and then get a revised version of the questionnaire out pretty quickly.

We will also talk a little bit about the current version of the draft report about what else needs to be done and what kind of timeline we're aiming for. And I think that's about where we stand.

If we - any questions before we dive right in? No?

Jeff Eckhaus: Hey Alan, it's Jeff. I had...

Alan Greenberg: Yes, Jeff?

Jeff Eckhaus: A quick question. Do we have some - maybe - I don't know. Do we have an agenda or a plan or anything for Brussels? Or is it too early to start thinking about it? Or do we want to start to do that on the list?

Alan Greenberg: It is - Marika's going to have to remind me. Or maybe you can remind me. I thought we decided that there would be a meeting discussing the - this report. And I don't - I haven't heard if it's scheduled or not. Marika, do you have any update for us?

Marika Konings: Yeah. This is Marika. We actually haven't received the meeting forms yet to request those meetings. But indeed my - as we previously discussed the suggestion was we organize like a information consultation session in which the working group would present its initial report and allow for some discussion with the community basically in preparation for our public comment period which would then be launched shortly following the Brussels meeting.

I think, you know, what we'd be looking at is like an hour, hour and a half meeting, members of the work team presenting the report and then making recommendations, and also focusing on, you know, those issues where we would like for input or, you know, opposing views to get some feedback there and then have some discussion with the community. I think that would be the idea.

And I think typically it probably would be, you know, Wednesday afternoon or I think Thursday morning possibly pre-announced while they're think - considering moving the public forum to Thursday afternoon. So I need to see where there's a time availability.

Alan Greenberg: Okay, preferably with no significant overlap between - with other things that people in both at-large NCSG and GNSO will have very strong interest to the extent that we can control that.

Marika Konings: I'll definitely do my best. And we...

Alan Greenberg: Yeah.

Marika Konings: Normally can indicate which kind of meeting it shouldn't conflict. So we'll definitely do our best to avoid that.

Alan Greenberg: It shouldn't conflict hopefully with an RAA meeting or something like that.

Jeff Eckhaus: So Alan, it's Jeff again.

Alan Greenberg: Yeah?

Jeff Eckhaus: Just a follow-up, so maybe to you and to Marika. So I guess maybe some clarification and I guess maybe I'm confused.

So we're saying that we will have our report done by the meeting and that we'll be presenting it and then submitting it for public comment? Or will we be meeting internally to figure out the, you know, to discuss the report just so we can manage expectations?

Alan Greenberg: No. The intent is that we have a report published by the deadline which essentially is the end of May.

Jeff Eckhaus: Yeah. Okay.

Marika Konings: And just...

Jeff Eckhaus: That...

Marika Konings: To clarify...

Jeff Eckhaus: No. That's...

Marika Konings: That would be the initial report. Just to clarify, it's not a final report. This is just an initial report following which we'll go into the second phase in which we can, you know, refine or further discuss some of the ideas or recommendations based on the public comments received.

Alan Greenberg: Yeah. The intent at this stage is not to have any specific recommendations but to have this revised questionnaire and our answers to it which will hopefully imply some recommendations but not try to formulate them at this point.

Jeff Eckhaus: Okay. And I...

Alan Greenberg: I think we're reasonably close to where we need to be.

Jeff Eckhaus: Okay. And sorry, I don't want to be a pain. But just - who are we going to be presenting it to? This is not - it's not to the GNSO, not to the one on Sunday, that Sunday? What you're saying this is going to be to a larger group?

Alan Greenberg: To a - it's to a - it's an open session.

Woman: To anyone who walks in the door.

Jeff Eckhaus: Okay.

Woman: And...

Alan Greenberg: And we will encourage people to walk in the door.

Marika Konings: And to add, there will also be a working group update to the GNSO council as a standard practice. And I think for now that's foreseen for Saturday afternoon to get the work - other working groups that are providing their

updates to the GNSO council. So that's a separate meeting that will take place as well.

Jeff Eckhaus: Okay. So I would say, Alan, I don't know, maybe I misread it. But I would say - I would get the group maybe to send out a note saying that's the plan and this is - we would want to have it done by the end of May because I don't know if everyone has that on their radar and as a deadline to have it done by then. So this way, you know, I guess the whole idea is forewarned, right, is share - send as much information as you can to the group so they know, because I think - I know I didn't know.

Maybe I was the only one. But I have a feeling a lot of people might not know that we're - we have a deadline for the end of May for the report.

Woman: Initial report.

Alan Greenberg: Noted.

Jeff Eckhaus: Initial report, sorry.

Alan Greenberg: Noted. And that in fact was...

Marika Konings: And this Marika. If I could maybe add to that because, you know, I think it's a very good suggestion too to send it to the mailing list.

And I think in combination we can maybe encourage people as well to look at the draft initial report that's already out there and so people can start reviewing the other chapters. And maybe we can give them a deadline by which they need to send in edits and comments so the working group has a chance to review those before the deadline for publication.

Alan Greenberg: I think we've now almost completed the last item on our agenda. But go - let's continue with this and then go back to the recommended - to the questionnaire afterwards. Ron?

Ron Wickersham: Yes. I - on - well this is just a question clarifying something in the draft initial report. There - sometimes they refer to the community and sometimes to the public. Is there a distinction at all between the public and the community?

Cheryl Langdon-Orr: Can I answer that? Cheryl here.

Ron Wickersham: Sure.

Alan Greenberg: Yes, please.

Cheryl Langdon-Orr: From a representational role that covers both those very finely-defined and distinct areas when one in the world of at-large, capitalized at-large or not capitalized at-large talks about community we talk about those of us in the ICANN community. And the - in this case it would registrants so DNS interests are there. So it's a community of interest in the very, very fuzziest and gray edges in the (99) system.

Public goes beyond that. So Mrs. (Jones), who probably hasn't learned how to spell internet yet is public.

Alan Greenberg: Yeah.

Ron Wickersham: How - so in the draft is it - we have a distinction where some things are available for reading by the public and some things are available to the community. Is everything going to be published, available? How does the community identify itself in that sense of getting access to our work?

Alan Greenberg: Ron, there's very little that the community - the ICANN community has access to that the public doesn't should they know where to look and care

enough about it to try to find it. If you've read the recent communication report from the GNSO they point out that ICANN Websites and the GNSO Website in particular are not the easiest thing to navigate. So...

Ron Wickersham: Right.

Alan Greenberg: Whether someone can find them or not is a different matter altogether. But I - in terms of access to information I don't think there's any difference. However, it may well be that in drafting the report we have not paid careful attention to the distinction between the public and the ICANN community so don't read too much into it until we've had a good chance to go over it.

Ron Wickersham: Okay. Thanks.

Alan Greenberg: Jeff?

Jeff Eckhaus: Sorry. One more question. Are you, Alan - I - the - you will be - I guess it was you who will be presenting to the GNSO either Saturday afternoon or Sunday, you know, the update, the report on the progress of the working group.

Will you be submitting what that - your report and your - to the working group beforehand because the last one - I was there for the last one and some of the items that you put in were kind of shocking to me and some of the other people in the group? So I wanted to know if the group would have a chance to review what you're going to present as the progress of the working group before it's presented?

Alan Greenberg: Typically it's the liaison -- and that's (Tim) -- who does the report. I believe I was called on, on a last-minute replacement...

Jeff Eckhaus: Okay. I'll...

Alan Greenberg: For the Nairobi...

Jeff Eckhaus: I'll ask (Tim).

Alan Greenberg: Meeting.

Jeff Eckhaus: I'll ask (Tim) about that. Thanks.

Alan Greenberg: Certainly it was not my intent to shock anyone. But on the other hand I don't - my recollection is I wasn't given an awful lot of preparation either.

Jeff Eckhaus: No. No. That's fine. I wanted to know if - so - but you were the one who prepares the report or (Tim) does just so I know where...

Alan Greenberg: Generally (Tim) has. And I certainly have no problem working with Marika and giving him something if that's what he wants.

Jeff Eckhaus: Okay. I just wanted to...

Alan Greenberg: I...

Jeff Eckhaus: I'll ask him then.

Alan Greenberg: I don't think there is any pro forma practice.

Jeff Eckhaus: No.

Alan Greenberg: It's whatever has evolved.

Jeff Eckhaus: No. Okay. All right. Thanks.

Alan Greenberg: Cheryl?

Cheryl Langdon-Orr: Just a minor bit of pedantry. When we have terms like community and public being a little fuzzy to those that are immersed in this work, it might be a very good idea for us to put a very, very tiny glossary or a point at which we say when we say this we mean that in the following document. That's all.

Alan Greenberg: And if we don't you'll catch it when you review it. Marika?

Marika Konings: Yeah. This is Marika. Just to respond to Jeff's questions, I think what happens with a lot of working groups is that we nominate someone to prepare slides. Sometimes the staff or they prepare some slides that cover the main points that, you know, they want to provide an update or as well for the workshop for example.

So I think here we could do the same thing and prepare some slides ahead of the meeting that everyone can comment on or provide input on which will serve then as a basis for either the update but maybe also the public session that will cover the report and the options or recommendations that are included in there.

Alan Greenberg: There's certainly an intent to do the presentation ahead of time. To what extent we'll make the - we'll make good on that intent remains to be seen. But there, you know, it's not meant to be a surprise.

Any other questions? And Michele is now on the call if I read my meeting view correctly. Welcome.

Michele Neylon: Sorry about that, Alan.

Alan Greenberg: No. No. It's - we're glad you're here.

(Barry): And (Barry) here as well.

Michele Neylon: I'm all confused about times.

Woman: I think we heard (Barry) as well. Hi Michele.

Michele Neylon: Hi.

Alan Greenberg: Okay. Back to the items that were left over from last week. We have the first one was an issue with Question Number 5. And this is actually a bit more than what we talked about last week.

If you go to the questionnaire, the draft one, you'll see a long laundry list of things ranging from Twitter to SMS to a number of points on not how they are sent but related issues, you know, who they get sent to and things like that.

The one question that came up as I was trying to draft this new statement or direction is the current RAA says nothing about how messages are sent. It simply says notification is, you know, it talks in the vague way in 3.7.5 or whatever the number is about notifications.

The implication to most people is it is email. There certainly is no commitment that it's email or any other methodology. And indeed it's not clear in the most general case what the appropriate methodology should be.

Do we need to put something in regarding that? You know, I guess my question is: if the registrar says I use carrier pigeon, don't you have a carrier pigeon bay on your house to receive - for the carrier pigeon to land, it meets the words, not clear if it meets the intent. Do we need any level of specificity there?

I guess I'd like to get a bit of a conversation going. Jeff?

Jeff Eckhaus: Yeah. I would say no. And the main reason why is you have to think about the terms of the RAA, that - when I say term I mean length of time that it is. Right now most people will not sign their new RAA for, I don't know, maybe

another year or two. And then that would extend another five years when they sign it.

So we could have something where we're asking now saying we could specify something in the next, you know, three to four to five years where items like Twitter and other things were not invented. And maybe, you know, there'll be some new method of communication that will be the simplest, easiest way to send something out. But, you know, if - since it's not required or it's not done people will not put it in.

So that's why I think we're in a world with technology where things change so rapidly that specifying what that means of communications are would - might hinder what we need to do versus saying hey, leave it up to the registrar who has -- I just want to be clear -- most of the time - almost - I'd say almost all the time has an incentive to get in touch with the registrant and have them renew the domain.

Alan Greenberg: Unless they don't. And that's the - of course the problem.

Jeff Eckhaus: Yeah. I came up - I didn't say 100% of the time.

Alan Greenberg: Yeah.

Jeff Eckhaus: I'm saying almost all the time.

Alan Greenberg: Yeah.

Jeff Eckhaus: I'll put myself in the queue but Michele first.

Michele Neylon: Jeff is pretty much saying what I said last - on the last call. If you're looking for something I suppose I'm going to use that term everybody hates, something along the lines about reasonable means or making reasonable

efforts to contact the registrant. But I don't actually know how you would word that, to be perfectly frank.

Alan Greenberg: Yeah. And I think that's part of the problem. You know, regarding Twitter and SMS we decided definitively last time we would not put things like that in. They certainly don't belong in the RAA and probably don't even belong in a best practices.

But the issue came down to do we need to put anything in to try to define reasonable. And, you know, I'm a little bit concerned that there may be - that there's absolutely nothing there.

With regard to what Jeff said, if we end up recommending a consensus policy on things within the picket fence -- and EDDP is a consensus policy so modifying it is a consensus policy -- that takes effect immediately. That's not a five-year lag for signing the RAA. If there are other terms that we're recommending which are outside of the picket fence then we have a potential lag.

So anyone else with thoughts? Or do you want to leave it to the drafting team to try to come up with some words which mean - which have the meaning? Not seeing any hands, I'll assume that's the case.

The next one is the post-expiration Web intercept. And this was more of a question than anything else. And I don't think we have anyone on the call who wasn't on last week so we're going to have to reach out explicitly.

And the question was in the typical case, whatever typical is, do registrars tend to intercept all sub-domains when they're intercepting Web graphic to put up the splash page or whatever it is they're putting up or do they just focus on www.domain.tld? And we know some certainly intercept all. And I think we need to just basically make sure that we're not going to be making a recommendation which is not - either not implemental or not practical.

There was also a suggestion last time that we - the rules about what you do should not be required if you are in actual contact with the registrant. And Michele, you had some words in our email you sent just a little while ago talking about trying to define it in reverse. Michele, are you there?

Michele Neylon: (Unintelligible). I'm there. I'm just trying to find...

Alan Greenberg: Okay.

Michele Neylon: What the hell I sent...

Alan Greenberg: Okay.

Michele Neylon: Earlier.

Alan Greenberg: I can't find it either. But I was hoping you could.

Cheryl Langdon-Orr: It would have been brilliant I'm sure, Michele.

Michele Neylon: It's amazing what caffeine will do. Hold on.

Alan Greenberg: It was effectively just trying to define not in contact and...

Cheryl Langdon-Orr: Yeah. It might be easier to not define in contact but rather look at the opposite, i.e....

Alan Greenberg: Yeah.

Cheryl Langdon-Orr: The completely unreachable and unresponsive if that makes sense.

Alan Greenberg: That is what he suggested. But he had some nice words for it.

Michele Neylon: That was what I said. It might be easier not to define in contact, rather look at the opposite idea, completely unreachable, unresponsive. That makes sense.

I think Cheryl's reading back the email I posted.

Alan Greenberg: Okay. I'm sorry. I thought she was inventing it anew.

Cheryl Langdon-Orr: No.

Michele Neylon: No. No. No. No.

Cheryl Langdon-Orr: I was quoting the man.

Alan Greenberg: Okay. You found it quicker - better than I did. I'm quite happy with that. I think that's...

Michele Neylon: The thing - the problem is, Alan, I mean you're going to end up getting yourself twisted round and round and not get anywhere if you're trying to define what is in contact, whereas total lack of response is probably something that people can actually agree on.

Alan Greenberg: I think we're violently agreeing with you. And thank you for the inspiration.

Michele Neylon: Woo!

Alan Greenberg: All right. We'll try to craft some words that say that and hopefully we'll do not too bad a job.

The next one, it was Question 15, which was the transfer during the post-explanation period.

Ron Wickersham: Excuse me.

Alan Greenberg: Oh Ron, I'm sorry. Yes Ron?

Ron Wickersham: Okay. Yes. Yeah, still on Question 9, the thing that I was interested earlier in that question was to say if the registrar and the registrant are in active communication than nothing in the policy should prevent them from working out a mutually acceptable arrangement for what happens to the Web and by extension email or whatever, what happens to the domain. If they are actively communicating the policy should allow them the freedom to work it out between them if they are communicating.

So if we put something in writing that is interpreted to prohibit them from communicating and working out something the week after it expires that would be a disservice I think. So we wouldn't...

Alan Greenberg: No. I...

Ron Wickersham: Make it in...

Alan Greenberg: Yeah. I think we're - I think we took your words last time and were just trying to define in contact. And the suggestion from Michele was we define not in contact and the converse applies. Words you just used may well apply and I didn't capture them but we'll go back to the MP3 and try to put those together with what Michele said and come up with a sentence that makes some sense.

So I think your point was well taken. And I don't think there's any disagreement on that.

Okay, 15, if you remember correctly from the discussion last week and the emails that preceded it the situation - current situation seems to be the following. And Marika, if I'm misstating please jump in. The advisory that came out about a year and a half - year plus ago made it very clear that

except in certain very specific circumstances a registrar may not deny a request for transfer post-expiration.

It was noticed however that it was phrased saying the registrant - registrar may not deny a request. And the question arose what happens if due to the - for instance but not restricted to the changing WHOIS information or a registrant not being able to access the tools within the registrar's site because the domain is expired they cannot make the request to transfer which may be unlock it or give me the key or whatever the incantation is that is necessary for a specific registrar.

The response from compliance was that's not our problem. The IRTP only talks about denying requests. It doesn't talk about guaranteeing the right to be able to make the request.

So Jeff, in answer to your email which you sent just a little while ago, your email implied that if the registrar does not allow or provide the mechanism to make the request that's a compliance issue. And compliance says no it isn't.

Jeff Eckhaus: So if can respond I think...

Alan Greenberg: Sure.

Jeff Eckhaus: (Rob Paul) sent an email to the list that he - I think so he just sent in really recently which sort of probably clears up my statement because I think I didn't really clarify it.

There's - I want to make a difference between what the request is and the difference - the request is made to the gaining registrar. So if you're at - I'll use Network Solutions and Go Daddy since neither of them are on the call. If...

Alan Greenberg: Sure.

Jeff Eckhaus: I'm not - I want to transfer the name from Go Daddy to Network Solutions I make the request at Network Solutions. So - and (Rob) had stated this in his email. He said the registrant makes the request for a transfer at a different registrar than the one that has the domain. So he says I can't imagine why any registrar would not take the request for a transfer; they are gaining a client.

So I - that's - I - he actually clarified it. That's what I was trying to say is that the person who makes the request, you make the request to the registrar. No registrar is going to turn down a request because they are the gaining registrar. They're about to get a domain into their account.

What the person can - what might be an issue is the losing registrar where the domain is now. Maybe as you said because of WHOIS, whatever it is, they can't get the auth code to transfer their domain out. That is another issue. And that is a compliance issue if they don't supply the auth code.

Alan Greenberg: Well it's not only an auth code. In some registrars they - the domain is set so that it can't - it is un-transferable unless the registrant takes action.

Jeff Eckhaus: Do you have a specific example? That's what - that...

Alan Greenberg: I...

Jeff Eckhaus: That isn't so. But that is the difference between - so I just want to say -- because you said hey I had some questions about the wording -- so I wanted to say requesting is...

Alan Greenberg: Requesting may well be the wrong word, yeah. I have - I accept that as valid criticism.

Jeff Eckhaus: Right. So no, I'm just trying to help you craft the...

Alan Greenberg: Yeah.

Jeff Eckhaus: A question or a piece...

Alan Greenberg: Yeah.

Jeff Eckhaus: On there. And I wanted - just so let's figure out what this - and that's why I had said let's figure out what the specific problem is because I want to attack that versus sit - putting just something in there that isn't really an issue because no new registrar would say no to a request to...

Alan Greenberg: And your...

Jeff Eckhaus: Transfer...

Alan Greenberg: Point is well-taken. But the words we need is the RAE must have the ability to do whatever needs to be done at the losing registrar to facilitate that transfer.

Jeff Eckhaus: Right. And that was -- sorry -- that was my point about I thought that was a compliance issue. If the registrar says - because there's a rule in - I can't remember in the RAA it - somewhere it says within a reasonable amount of time or something they have to supply the auth code through some, you know, I can't remember. It's a regular method or delivery so I don't have it right in front of me. I'm just going from memory.

So that's why I was saying that's a compliance issue if people don't supply (EP) auth codes then that was a compliance issue. So that - hopefully I cleared up what I was stating...

Alan Greenberg: Okay. We...

Jeff Eckhaus: In my email.

Alan Greenberg: We may need to - I guess I'm confused because when compliance was asked they were asked about the losing registrar's side and they came back with the answer which I think said we, you know, it's not an issue if the request can't be made. Marika, you have your hand up. Can you...

Marika Konings: Yeah.

Alan Greenberg: Shed some light?

Marika Konings: It doesn't - yeah, this is Marika. I think the common (unintelligible) will relate to the situation where indeed the losing registrar is requested to provide an auth info code or made to transfer but it basically says look, you're no longer listed in WHOIS as the registrant so we're not recognizing you as the registrant so we're not providing you with that information.

And that wouldn't be a compliance issue because indeed according to the WHOIS information the registrant or the RAE is no longer recognized. So I think that's more the situation where compliance is responding and saying that there's a policy that prescribes in that situation that, you know, a request has to be recognized even though the registrant or the RAE is no longer listed in WHOIS information.

I mean (unintelligible) I need clarify as well is that we did ask compliance as well if it's a common issue or do you get many complaints about that. And they looked back I think over the last six months or 12 months and didn't - weren't able to identify a situation where that was an issue.

So, you know, the punch is this is just a theoretical situation that could occur. And the question is indeed for this group is, is this something to address here or, you know, provide some clarification that there's an understanding that, you know, it's not implied that, you know, there's a guarantee following

expiration that any registrant can request a transfer and that the losing registrar has an obligation to cooperate with the transfer request.

Alan Greenberg: Yeah. Marika, it may also not only be WHOIS but also whether the RAE has access to the registrar's control panel or whatever it is to simply...

Marika Konings: Yes.

Alan Greenberg: Make the request. Maybe the three of us can - maybe you, me and someone from compliance can get on the phone together and try to has this out instead of trading emails. Cheryl?

Cheryl Langdon-Orr: Cheryl here.

Alan Greenberg: Cheryl?

Cheryl Langdon-Orr: Thank you. Just to assist in that we - you do have some precedent if you want to look at what happens in the world of .au. It's not theoretical in the - in our country code. It is in fact both a problem we have had and a problem we have had to solve. So you do have precedent in how we manage it.

And if anyone wants to ask me how we manage it because it's a considerable issue or should I say it used to be a considerable issue in the dim, dark days before our industry code of practice I'm happy to give you the links.

Alan Greenberg: Okay. Jeff? Thank you Cheryl.

Jeff Eckhaus: Yeah. So I just - I have an issue with people saying - stating, you know, that there are - we see this or this has been solved in certain -- no offense, you know, Cheryl -- in certain ccTLDs. But it's because you can't say that - we can't pick and choose things from certain other country codes and say this is an issue because we have to look at the full tapestry of how everything works and - within that ccTLD to say that's why it's an issue.

It could be an issue or it could have been an issue because of other factors that are not present in the gTLD world. We cannot just pick and choose little items and say this was or let's look at this and see how they fixed it because - or how it works because it does not take into account everything that goes on in the gTLD world.

So I know it's easy - it's tempting to do that. But it's - we don't - I don't know - it's - sometimes it's not fair to do that because cause and effect are not always shown.

Cheryl Langdon-Orr: I'm going to put my hand back up again.

Alan Greenberg: Yeah. I saw.

Cheryl Langdon-Orr: And I wasn't going to take the valuable time to give you the gory details. But now I will.

If a application is made to - you go to a new service provider and you say transfer my domain name, the process goes through and then they get back to you as a registrant to say sorry, can't -- and this doesn't have to even be post-expiry -- can't because this, this and this our rules simply say you go to (AEDI). In this case you'd say you go to ICANN and therefore people know that they can make it a compliance or a compliance issue. It was at that level, not the gory details that I think you see it, Jeff.

Alan Greenberg: All right. I would suggest that at this point we try to discuss with compliance to make sure we're all using the same language. And - yeah, go - is that Jeff?

(Barry): This is (Barry).

Alan Greenberg: Yeah. (Barry), go ahead.

(Barry): And just to try to get a little bit more granular about this and with respect to compliance we would only be talking about cases where auto-renews didn't actually occur, correct, because...

Cheryl Langdon-Orr: Correct.

(Barry): If - okay, thank you.

Alan Greenberg: Well what do you mean by auto-renew? We use the term two different ways.

(Barry): Well my point is is that what the question is, is the registrant or the RAE is no longer listed in WHOIS. If the domain was auto-renewed by the registrar from what I've seen out there in the world the registrant at expiration is still listed in WHOIS. Therefore, there would, you know, compliance would be able to act in that case.

Alan Greenberg: Well if it was renewed and we're talking about the interaction between the registrant and registrar, then it's not an expired domain anymore and it's not within our purview. So I think the only ones we're talking about are ones which are technically expired. That is, from the registrar's point of view the registrant has not paid the next year's money.

Cheryl Langdon-Orr: And the requesting registrar because they're -- Cheryl here -- and the requesting registrar has tried to gain the name for the registrant and there is some reason why that can't happen. Then the registrant at expiration is different - has to go down different pathways. And that should make it a complaint if not a compliance issue.

Alan Greenberg: Yeah. As I said I think we need to clarify with compliance because the point (Rob) and (Jeff) made is correct. It's not - the term request is not the right one. So that is not the request from the registrar - from the registrant. But very often there are hoops through the - which the registrant must jump through with the losing registrar to make sure it can actually happen.

Man: Yeah. May I (unintelligible)?

Alan Greenberg: Yes. Please go ahead.

Man: I think the right of the registrant to his domain name and the right of the registrant to record domain name should prevail over the right of the registrar to retain his customer. And we are also talking about a registrar's right to retain a customer or a domain name forcefully.

It's the registrant who has the right to the domain name. It's the registrant who has the right to recover the domain name. And why are we - so much for either...

Alan Greenberg: I don't think anyone's disagreeing with you.

Man: Well if nobody disagrees then why are we again and again talking about (unintelligible) registrar, losing registrar and the gaining registrar and so on? So this is...

Alan Greenberg: I can only tell you why I'm talking about it. I'm talking about it because I want to make sure that the registrant does have the ability to do the transfer.

And that may be the case right now because of a misunderstanding in words. Or if not, then I would like to see at least - the very least in our questionnaire a question about should they have the right.

And as (Jeff) and (Rob) pointed out we need to get the words right.

Man: Okay. Okay. That's not...

Alan Greenberg: I don't think anyone's arguing against the right to - the only question is, is it already there and we don't know it.

Man: Okay.

Alan Greenberg: And that's really the question.

((Crosstalk))

Alan Greenberg: All right. So if - with the agreement of the group we'll try to talk to compliance and make sure we understand what the situation is and then if necessary try to word a question here to address, you know, to put it to the workgroup and to the larger community via the report we're publishing.

The next item in the email I sent is there are a number of question - options, questions with options that say the registrar must do something on expiration. And we're talking about, you know, must stop the domain from working or, you know, various other words similar to that. And the question is how soon do they have to do that.

It is - it's a practice of some registrars to give a courtesy of leaving it up for a small amount of time. The - there was an - some discussion earlier on in our working group that we don't want to specify it must be done immediately or within three hours because there's just operational issues that the registrar have to contend with that may make it impossible or impractical to do it in a very short period of time.

So the question is what kind of time do we put in which does not put a unreasonable demand on the registrar but allows us to have the failure of the domain to work as normal be an indication to the registrant, the RAE, that there is a problem. And the question is what kind of timeframe, you know, is reasonable.

If we say two days, is that enough, one day, three days? I'm a little bit reluctant to do things, you know, in anything less than a day because I think, you know, there are operational issues which simply kick in.

Any thoughts? Jeff is the sole American registrar here.

Jeff Eckhaus: I just...

Alan Greenberg: What kind of time would you feel comfortable with?

Jeff Eckhaus: I, you know, the timing it's - I hate to, you know, so this is a tough one. I hate to put specifics in, you know, what's reasonable and what's the other terms. It's - I don't know. I'm still undecided about this one.

Alan Greenberg: I use reasonable as a placeholder for something specific. And now I'm asking what's specific.

Jeff Eckhaus: Yeah. I hate using specific. I think about like, you know, maybe - I know, you know, I try and think about how it would work, like what - if reasonable has ever been used, sort of like, you know, like best commercial efforts in, you know, in contracts or something like that. It can - is there something that says, you know, it has to be within what - I don't, you know, what a reasonable person or what's expected within the industry, something like that? I'd rather use a term like that than a specified...

Alan Greenberg: Well...

Jeff Eckhaus: Timeframe.

Alan Greenberg: How about, you know, saying - giving a specific time, saying - and, you know, barring exceptional circumstances or something like that.

Jeff Eckhaus: Yeah. But that - what happens is then it's like how do you define exceptional. People are going to complain about, you know, they want an exceptional circumstance.

It's - I - it's just it's a tough path. And I think when you have to think about all the different registrars and their practices if we say a specific time and it's, say - let's say it's - I'll just make it - just throw something out. So let's say we decide it's 14 days but the registrar says hey, I have a right to take action within three days. Then is that reasonable? You know? It's...

Alan Greenberg: Well I certainly wouldn't say 14 days. That defeats the whole...

Jeff Eckhaus: I - that was just -

Alan Greenberg: Of waking up...

Jeff Eckhaus: That was just...

Alan Greenberg: The registrar.

Jeff Eckhaus: I was just, you know, an outside, you know, outside example of what I'm saying. What if it's four days and the registrar decides hey I'm deleting all names or whatever within one day is that then reasonable? You know? That's not reasonable. But it's within the specified timeframe.

It's just - I'm just pointing out like an extreme - an out - an extreme example about why putting in a specific date is not - is - doesn't work as well as a term like reasonable. But that's just my opinion.

Alan Greenberg: Anyone else? I don't think we can use reasonable. I think there are too many definitions of that. Ron?

Ron Wickersham: Yes. I would - there - yeah, this is a really difficult thing especially since we're - you're trying to do it over a number of different issues and saying what it is. It - there - again this may be something you could do almost the opposite by saying it's unreasonable to suggest that people do it with a time tolerance of six hours.

But can we ask the registrar community to say if one day is reasonable constraint from their operational point of view? Can we phrase it as a question so that we get a meaningful response rather than just Column A, Column B or, you know, the - a group of numbers that we don't know - some of us who would be voting would not really understand all the issues that a registrar may bring up?

Alan Greenberg: All right. How about in the survey that we, you know, the survey does not have to have the same level of specificity that a contract does. How about in the survey if we leave it reasonable - the word reasonable or something but define it as - but say that this time, you know, during the actual - in the next steps we will have to define a specific time, perhaps one to three days or something like that?

I mean, you know, your original statement, you know, saying that everything should go dark, you know, most of us agree with that. But the real problem is if the registrar defines - decides that 31 days is reasonable that doesn't meet your objective of...

Ron Wickersham: Right.

Alan Greenberg: Things going dark, acting as the wakeup call.

Ron Wickersham: Yeah. So if it...

Man: Can...

Alan Greenberg: Yeah. Go ahead Ron, then Michele.

Ron Wickersham: Yeah. You know, is it - I mean I suppose we could put a more fixed number, say one day, and then ask that to elicit any reasons and certain circumstances why that is not reasonable...

Alan Greenberg: Yeah.

Ron Wickersham: So that we could get informed by people who understand where the reasonableness originates.

Alan Greenberg: I guess I don't want the concept rejected because the days - the number was wrong.

Ron Wickersham: Okay.

Alan Greenberg: You know, that's my concern.

Ron Wickersham: Understand.

Alan Greenberg: Michele?

Michele Neylon: This is - it's an awkward one. I suppose it might be easier again to kind of take it the other way as in what would we view as being completely unreasonable.

Woman: Yeah.

Michele Neylon: So in other words if everybody agrees that 14 days is an unreasonably long period of time from when the domain is expired that you say all right, okay, that line of the sand we can set it for too far. So then, you know, moving it backwards from there rather than trying to come up with what would be

practically an arbitrary number of days. I'm not saying that it's - well it is arbitrary to a certain point.

I mean as Ron says, as others have said as well, it's hard to know exactly what people are doing and how they're doing it. So if you were to impose just say for argument's sake 48 hours from the expiry, realistically speaking, you know, that could have an unintended circumstance that you would (unintelligible). But if you were to say right, well 14 days we consider to be unreasonably long, how about ten, is ten too long, is seven too long and just work it back that way.

Alan Greenberg: Yeah. I guess that's why I, you know, I don't want to use a specific number. You know, as your example of 48 hours if the registrar has a practice of only doing these kind of things once a day but they don't work on Sundays you could miss that 48 hours easily. So that's why we need to set it at something that does not put undue stress on a well-functioning registrar.

And that's why I suggest at this stage let's not try to do our homework to find out what the right number of days it but ask the concept question. And assuming there's general agreement - if everyone says don't do it then we don't have to figure out the number of days. If there's general agreement as we're expecting there to be that the ceasing to work is the wakeup call which we - is the wakeup call message that we want to send then we have to do some homework and figure out what a reasonable period is. Does that sound like a reasonable way to go forward?

I really don't want to spend a lot of time especially since we have so few registrars on this call. And even the ones on this call are not necessarily representative of the smaller registrars that I don't think we want to try to set the number right now.

But I - so I think I was misdirected in trying to set it at this stage. And we should just leave it now but define that we do have to come back and fix it

before any policy were made if we end up with policy. Not hearing any disagreement.

I have one other question that we didn't do and the several questions that we talk about with domains ceasing to function one way or another, email, Web or other services we provide options saying they should stop functioning either by policy or best practice or the status quo. And I think in fairness so we don't load - so we don't define the answer by the questions we should also have an option saying that to the extent possible the service should remain operational.

Does anyone object to including that? I mean that's characterized by what Siva has been saying for email. But I think it is - there are also other people who have claimed that for Web that we shouldn't stop things working.

And I - in fairness I think we - to all the options possible I think we should include that as one of the options unless there's any strong objection to it here. Not hearing any or seeing any.

Is there anything else we need to talk about at this point before we call the meeting to an end? I've - I said I've got to leave in a few minutes. And I think we've covered most of the issues that we wanted to address and give us the ability for Marika and I and the other people on the drafting team to try to come to closure on this and integrate it into the draft report. Ron?

Ron Wickersham: Yes. Yeah, just a question on how we can, as participants, be helpful and not be annoying for the draft - for the actual drafters. The current draft initial report needs a lot of work, a lot of little work.

Should some of us take the time to go line by line and help with typos and stuff that would make the meaning more clear? Would that be helpful? Or is it just - would it overwhelm and if 20 of us did it there wouldn't be...

Alan Greenberg: It definitely...

Ron Wickersham: Time enough to go through it.

Alan Greenberg: Yeah. It's definitely going to be helpful at this stage or the next. And Marika has her hand up so I'll have her answer.

Marika Konings: Yeah. This is Marika. And my personal preference would be definitely go through the report and also, you know, highlight spelling mistakes, things that, you know, don't make sense or can be written clearer. I prefer we're using track changes.

It shouldn't be too difficult for me like if several people - even if they mark up different documents to integrate that into one document so we can see all the changes that are being proposed so everyone has an opportunity as well to review those edits. So I think that's why it's important that we set a kind of deadline by which they - those kind of edits need to be in so everyone has a chance to review those and make sure that, you know, that they're not changing the content but just, you know, clarifications or things like that.

And so I think that would definitely be appreciated. And I said, you know, preferably, you know, marking up the document if possible.

Alan Greenberg: Yeah. The work that has to be done this week clearly is to integrate the survey and the - I think we need to start putting together the attendance report that we said we wanted to add.

By the way, Marika, the one that is in the CCT report, the one that is out for comment right now, Mason Cole's group, has a pretty nice format which breaks out the attendance over the meetings and divides them by, you know, the source, whether they're registrars, registries, NCSG. And I think that's probably a good model to use. We may have to tweak it somewhat.

Marika Konings: Yeah. That's - I think that's the kind of model that's used by...

Alan Greenberg: Okay.

Marika Konings: Glen when we keep attendance. And one comment I would have there is - because it's quite difficult to integrate the table especially, you know, if you cover quite some meetings and a lot of participants in a readable way in the report.

So what I've done I think here and as well that - being just because some other work teams or working groups is just to basically list the number of meetings that people have attended in the body of the report and then provide a link to the actual Excel sheet that has the detailed overview of, you know, which meeting people attended and when they sent apologies and when they didn't to provide it as a link because it's - as an attachment it doesn't come up that nicely in our document unfortunately.

Alan Greenberg: Okay. Well let's try it that way and we can always fix that up. I've lost track of how many meetings there are and whether it's practical or not to try to show them. But certainly one way or another we need to integrate that because as has been pointed out and discussed before the lack of participation in some areas is a - one of the key problems we've had. And we need to make sure...

Marika Konings: Alan, just one more...

Alan Greenberg: That's reflected. Sure. Go ahead.

Marika Konings: Just one more question. When should we aim to have the next pull-out with the questions? Should we have us all plan to review with the group?

Alan Greenberg: I think we need to have it I'd like to say before the next meeting but probably at the next meeting or just around the next meeting. Last week was a bad

one for me catching up with this work. There were just too many other phone calls and teleconferences and tasks I had. This week is a little cleaner.

And hopefully we'll - I'll do the part I said - I've committed to in this meeting within the next 24 hours or so. And...

Marika Konings: Okay. Well because once...

Alan Greenberg: We should get it cleaned up.

Marika Konings: Yeah because once we have the final language it, you know, it shouldn't take me too much time to put that into a, you know, and the Zoomerang survey tool and get that out to the group.

Alan Greenberg: Okay. Let's aim at the end of this week. I'm not quite sure I'm going to be able to make that and combined with what you have to do but let's target that.

Marika Konings: That's fine. And just to note I wouldn't mind either if it's Monday because Thursday's actually a public holiday here in Belgium. (Unintelligible).

Alan Greenberg: And Friday is officially off. So...

Marika Konings: Yeah.

Alan Greenberg: Okay. Then let...

Marika Konings: But I'm happy to get it out. If you get it out before the time I'll do my best to get it out to the world and...

Alan Greenberg: Okay.

Marika Konings: You'll have the correspondence possible to complete it.

Alan Greenberg: As usual I thank you and we thank you. Anything else before we call it to close?

I thank you for your participation and we'll see you in a week.

Woman: Thanks Alan. Thanks everyone.

Alan Greenberg: Bye-bye.

Man: Yeah, bye-bye.

END