

**Inter-Registrar Transfer Policy Part B PDP
Transcription**

Tuesday 7 September 2010 at 14:00 UTC

Note: The following is the output of transcribing from an audio recording of the Inter-Registrar Transfer Policy Part B PDP call on Tuesday 7 September 2010 at 1400 UTC. Although the transcription is largely

accurate, in some cases it is incomplete or inaccurate due to inaudible passages or transcription errors. It

is posted as an aid to understanding the proceedings at the meeting, but should not be treated as an authoritative record. The audio is also available at:

<http://audio.icann.org/gnso/gnso-irtp-b-20100907.mp3>

On page:

<http://gnso.icann.org/calendar/#sep>

(transcripts and recordings are found on the calendar page)

Participants on the Call:

Michele Neylon – RrSG Chair

James Bladel - Registrar SG

Paul Diaz - Registrar SG

Matt Serlin - Registrar SG

Robert Mountain - Registrar SG

Chris Chaplow - CBUC

Mikey O'Connor - CBUC

Berry Cobb - CBUC

Rob Golding – Registrar SG (on Adobe Connect only)

Oliver Hope - RrSG

Kevin Erdman – IPC

Michael Collins – Individual

Baudoin Schombe – At Large

Staff:

Marika Konings

Glen de Saint Gery

Apologies:

Anil George – IPC

Simonetta Batteiger - Registrar SG

Barbara Steele - RySG

Eric Brown – RY (all Tuesday calls)

Coordinator: Please go ahead. The recording is on.

Glen de Saint Gery: Thank you. On the call - good morning, good afternoon, good evening everyone. This is the 7th of September, the IRTPB call and we have Rob Golding, Michele Neylon, James LaDell, Kevin Erdman, Paul Diaz, Michael Collins, Bob Mountain, Berry Cobb, Oliver Hope and Matt Serlin.

And for Staff we have Marika Konings and myself, Glen de Saint Gery. Thank you very much. Michele, over to you. We have apologies, sorry, from Simonetta Batteiger.

Michele Neylon: She's on holidays or something I think, isn't she?

Glen de Saint Gery: That's right, and Baudoin Schombe is still on another call and he will be joining us as soon as he's off that call. Thank you.

Marika Konings: And we also have apologies from Anil George.

Glen de Saint Gery: Thank you Marika.

Michele Neylon: Okay, thank you. I think Baudoin was on the last call that I was meant to be on but I didn't...

Glen de Saint Gery: That's nice to hear.

Michele Neylon: Yes, I'm very bold and you're all very patient with me and nobody gives out. I think it's grace. Okay, and...

Glen de Saint Gery: And your apologies have been noted for that call.

Michele Neylon: Oh, thank you. Thank you. Right, ladies and gentlemen, boys and girls, our agenda for today is up on the Adobe Connect, however we need to add one item to the agenda based on the email that was circulated within the last hour or two.

I am of course referring to the email on Disclosures of Interest. You all have provided at some point or at least you should have provided a Statement of Interest and now we're looking at this thing, which is called the Disclosure of Interest, which is part of the various revisions to the GNSO Working stuff.

Glen are you - you're on here aren't you? She was there, wasn't she? Or maybe I'm imagining things. Marika or Glen or somebody?

Marika Konings: This is Marika.

Michele Neylon: Was Glen here or am I imagining things?

Marika Konings: Yes she is but she might have jumped to the other call I guess.

Michele Neylon: Okay I think - I thought it was her and I'm not losing my mind entirely. Did you all receive the email from Marika which was the fourth draft from Glen? Has everybody had a chance to read through it?

Or maybe phrasing this better, is there anybody who hasn't had a chance to read through it?

Chris Chaplow: Chris here. I have to hold up my hand on that one.

Michele Neylon: Okay.

Mikey O'Connor: Yes, Mikey here. I'm reading as we speak.

Michele Neylon: Okay, so Marika could you walk us through this please because I -
you're probably more familiar with the ins and outs.

Marika Konings: Yes, this is Marika. That's fine. Basically recently the GNSO adopted
some revisions to its Operating Procedures which require the GNSO
Council as well as GNSO Working Groups and Work Teams to provide
a written Disclosure of Interest.

And basically a Disclosure of Interest is defined as relevant to a
specific issue at a specific time, a written statement made by a relevant
party of direct and indirect interest that may be Commercial, example
given monetary payment or Non-Commercial, example given non-
tangible benefits such as publicity, political or academic visibility, and
may affect or be perceived to affect a relevant party's judgment on a
specific issue.

What is explained here is while I think if you look for example at the
GNSO Council, they discuss a number of different issues so they are
requested prior to each meeting to look at the agenda and to declare
their interest in relation to those issues that are being discussed as
Working Groups are typically focused on one single issue.

I think the assumption is that most of that information should already
be captured under the Statement of Interest that is submitted at the
start of a Working Group.

However as part of this new process Chairs are requested to ask at the start of every meeting whether there are any updates to the Disclosure of Interest and Working Group members are - ask them to state that if they indeed have any updates and if so to provide those in writing so that those can be amended to the Statement of Interest.

Michele Neylon: Okay, thank you Marika. Now is that any clearer for anybody or are you all more confused now?

Mikey O'Connor: Come on. Hold up.

Michele Neylon: Mikey?

Mikey O'Connor: What?

Michele Neylon: Are you confused or is that all clear for you?

Mikey O'Connor: I'm always confused Michele.

Michele Neylon: Yes, I knew you'd say that.

Mikey O'Connor: I'm fine. I get this.

Michele Neylon: Okay.

Mikey O'Connor: So we're going to do the thing that we used to do in the calls, just do it in writing instead of on the call, right?

Marika Konings: This is Marika. No, you're basically requested to - Michele should say I think after the roll call or Glen can take that task asking, "Are there any updates to the Disclosure of Interest?"

And then you're supposed to indicate if you have an update and you can share that already with the Group. And then after the call you're requested to share that also in writing so that it can be added to the Statement of Interest.

Mikey O'Connor: Okay.

Michele Neylon: So this - so Marika, just so I'm - so I have this slightly clearer in my poor little head and bear in mind this. It is - my brain is slowly decaying. The Statement of Interest should now also include the Declaration of Interest, is that correct?

Marika Konings: As I understand it and I have to admit I wasn't involved in developing this process. As I understand it in certain cases you might - your Statement of Interest will cover any information that a separate Declaration of Interest would contain.

So if you don't have anything else to add to your Statement of Interest relevant to the issue that's on a discussion, there's no need to file a separate Disclosure of Interest as I understand it.

So it's only if - for example to give a more practical example, like if this Working Group would somebody start discussing issues related to vertical integration just to say which, you know, wasn't covered by the initial Statement of Interest which is focused on, you know, the Charter questions and then - that the issues a Group is dealing with, then

you're supposed to say, "Well, if we're now starting to discuss vertical integration I actually need to make a Disclosure of Interest because, you know, I own a Registrant. I'm planning to run a Registry or - in that manner."

So that's how I think it should be seen. So I think in most cases in Working Groups as - a Statement of Interest will cover your...

Mikey O'Connor: Your Disclosure of Interest as well. Okay.

Marika Konings: Yes, yes. So that's how I understood it. But as noted as well in the email I think that the Work Team that has developed this concept is still provide - or doing further discussions on what actually should be contained in Disclosures of Interest and Statements of Interest, so further updates might be coming forward in the next coming weeks.

I'm not so much sure how quickly they'll go so I think this is, you know, we're starting this process now to already, you know, make people aware that they are supposed to have, you know, be aware that - to declare their interest up front and as I said, you know, there might be further details or changes going forward. But hopefully this won't be too painful.

Michele Neylon: Okay, then in that case as - I'll start but I'm - I think based on my understanding of this I'm looking at my - at the current Sol I have. I may need to update mine for example, just to make it a little bit clearer.

So I would just add this - something about how that we're looking to make as much money as possible out of everything because we're capitalist swine and we're proud of it. Would that be acceptable?

Man: Filthy pigs we should state.

Michele Neylon: Sorry.

Man: I think if you just make the capitalist swine statement that should cover it all.

Mikey O'Connor: Yes, that's pretty generic. We're, you know, going for filthy lucre. That's another good plug.

Michele Neylon: Filthy what, sorry?

Mikey O'Connor: Filthy lucre. Lucre.

Michele Neylon: I don't understand that one.

Mikey O'Connor: Oh, it's an English word. You get to look that one up.

Michele Neylon: Okay. Is this English, English or your idea of English?

Mikey O'Connor: Yes. No, it's English, English.

Michele Neylon: And how do you spell that?

Mikey O'Connor: L-U-C-R-E.

Man: It's like King James English.

Michele Neylon: L-U-C what?

Mikey O'Connor: R-E, I think.

Michele Neylon: Oh, okay. All right. Okay then, Rob, you have your hand up.

Rob Golding: So a set Statement of Interest is something along the lines of - and I also personally own a number of domains and I'm very interested as to making sure that they're not stolen from me.

Michele Neylon: Okay. I think - James, do you want to add something to your Statement of Interest?

James LaDell: Not to the Statement of Interest. I do have a question regarding this process and maybe it's something Marika can or cannot answer. And I - maybe it's some feedback she can take back to that other Group.

But the question would be that I understand the intention behind this request and it is understandably reasonable. But the question I've had and this is the problem I've had with the Statements of Interest as well as the Declaration of Interest is that I don't know that there's any person or organization that are actively checking or verifying these things.

So for example if I were to say that my new Declaration of Interest I am, you know, the President of Canada or some outlandish claim like that, I don't know that anyone would be verifying that.

Similarly and I think more likely is if I were not declaring all of my interest, so withholding something like that I don't know that there's anyone out there checking that or verifying that.

So maybe that's one piece of feedback we can take back. I mean, I understand we're doing this and we're doing this again, but it's just - it seems to me that there's - that's only half of the equation if there's, you know, if there's no follow up, right.

Michele Neylon: Okay, thank you James. Marika, do you have anything to say in reply to that?

Marika Konings: This is Marika. I actually had a similar question because I asked internally this other question, "Well, what are, you know, are there any penalties involved like if you don't indeed state your interest up front or don't regularly update them or...?"

But I haven't received a response yet so I'll definitely take that back and try to find out whether indeed there is any - I doubt that there's any provision for, you know, having a Staff member calling up companies or in governments to see what people are doing.

And then, you know, I think it's a question as well of course, you know, trust and honesty here. But I don't know if there's anything foreseen or that's - if that's still part of the discussions, you know, if people do find out that Statement of Interest are not correct or intentionally things have been omitted from it. But as I said I'll check and I'll come back.

Michele Neylon: Thank you.

James LaDell: And I understand that, you know, that may not always be possible but I think that having this mandatory honor system seems a little silly as well without that, you know, without something behind it.

Michele Neylon: For the record I'd agree with James. Mikey and then Chris.

Mike O'Connor: Mikey here. Yes, I just wanted to chime in. Marika, that was my thought too is what the consequence. Is there any consequence if you mislead people with the - so, you know, just one vote for your idea of finding that out. It's a good idea.

Michele Neylon: Okay, Chris.

Chris Chaplow: Yes, the consequence is Mikey, you know, getting caught with your pants down and being drummed off the Group by Michele and the rest of us. I think, you know, okay maybe there isn't any strong compliance on this but it's better than nothing.

And the fact that Statement of Interest is there in the public domain on a date and I think there's an onus on everybody to update that and - before the call if you have to.

And having also looked at the agenda for today I can say that I don't need to do a Declaration of Interest because there's nothing on the agenda that would need to be added above my Statement of Interest. Thank you.

Michele Neylon: Okay, does anybody else have any other comments on this? Marika, if you could come back to us with answers to the queries that have been raised with respect to one - just to see if I've captured this.

One, is anybody actually checking any of this; and two, what if any penalties, real or otherwise, are there if Group members either make a

false declaration or an incomplete declaration or whatever. If you could let us know that would be appreciated.

Marika Konings: Okay, will do.

Michele Neylon: If anybody has any obvious updates to their Declarations of Interest - Disclosure of Interest rather, do they - does anybody want to share those now? Mikey, you have your hand up.

Mikey O'Connor: Yes, I should share one. I was looking at my Sol. One of the things that's interesting is, is that the Statement of Interest is pretty focused on your job and what you own.

And so my Statement of Interest doesn't really pertain to this agenda, but my Declaration of Interest is the same as the one I think Rob came in with, which is I've got some pretty valuable generic domains that I want to make sure aren't stolen.

And that's the reason I've been involved with the IRTP all along is to ensure that that process can be as secure as possible. So that should go into my Statement of Interest and I'll write that up for the list.

Michele Neylon: Thank you. Marika, Chris I'm assuming that's an old hand, is it?

Chris Chaplow: Yes, it is.

Michele Neylon: That's okay. Marika?

Marika Konings: Yes, this is Marika. Just coming back on the Statement of Interest. I think that as well an area of what our specific Working Team is working

on and indeed better defining the questions and categories that people need to provide information on.

So I think that's something that's forthcoming and probably, you know, at the time when that's adopted Working Group members will be asked to update their Statements of Interest to reflect the different categories and questions that have been identified as part of that effort.

I've already got some feedback on the question of penalties and checking. I think I got that, there's nothing of the kind that the Statement of Interest and Disclosures of Interest are intended to be positive transparency mechanisms that encourage the discussions and priorities so that they know each other's interests.

Michele, it's suggesting that of course a Working Group could agree up front that, you know, there might be any, you know, rules in relation to that or if people abuse the system.

But at this stage there's nothing really foreseen and I think as Chris said, you know, misleading information might, you know, result in public shame or loss of reputation if people feel that it's intentionally done.

So nothing, I mean, if the Group has any suggestions I'm happy to take those back to that respective Work Team to see if they could take them into consideration.

Michele Neylon: Marika, this is Michele. Just - the only thing, I mean, a similar thing to what James was saying, I mean, I would also, I mean, what is the point

of having rules if there's no - if there's absolutely no penalty of any kind whatsoever if we don't abide by the rules?

I mean, I can't see the point. You know, why would I bother? I mean, this kind of - oh, I don't know, what did James refer to, this kind of honor system is fine in theory but in reality I'm not sure that it really works. Mikey?

Mikey O'Connor: I'm not quite as grouchy about this. I think that it's very useful to know where people are coming from and...

Michele Neylon: But that's not what I meant Mikey at all. I'm not talking about the actual Statement of Interest or the Declaration. I'm talking about the idea of any kind of rule.

If there's no censure for a breach of the rules what's the point of having the rule?

Mikey O'Connor: I think in a way it's kind of like manners, you know. There's no particular censure if you're impolite but a good thing to do nonetheless. I mean, except in yours and my case of course.

Michele Neylon: Well yes, it would be out of character for us to do that.

Mikey O'Connor: Yes, present company excepted.

Michele Neylon: Thank you Mikey. Rob and then James.

Rob Golding: If you consider it a, I don't know, a best practice rather than a rule I think that would be a different way to look at it. I mean, I have no

problem with telling people where I stand about any subject or Working Group or anything else.

And I would hope that the other members of the Teams are giving as much information out. If they're not I don't really see the - I don't know if having sort of a witch hunter general going around looking for people who haven't declared something is actually going to help.

But I like Mikey, it helps me to know where people are coming from if they said why they're doing something.

Michele Neylon: Okay. James and then Marika.

James LaDell: Real quickly and then I'm not going to speak anymore on the subject but, you know, I would say Mikey, you're correct except if you think about those possible cases where an interest that is not disclosed is also most likely to be the most meaningful interest that you need to know about someone's participation.

So I think those two kind of go hand in hand and that's why I think the honor system in this particular mechanism could fail. So I'll just leave it at that. And I'm not calling for a witch hunt or anything like that.

I'm just noting that there's human nature, I mean, it would, you know, and there's certainly incentives in what we do to have folks looking for ways around the different rules and procedures, certainly if there are no consequences.

Michele Neylon: Marika and then Mikey.

Marika Konings: Yes, this is Marika. Just another thing and, you know, I think there's a lot of discretion as well for the Working Group and the Working Group Chair because I recall as well in past instances for example where Working Group members did not provide a Disclosure of Interest despite numerous reminders but for example it was decided to remove that specific member from the mailing list and just assume that they weren't interested in, you know, being a member of the Working Group.

And - but I also think, you know, to James' point I think there's also an assumption that in most instances where members are participating in Working Groups and have a specific - they have a specific interest or stake in the issue, so I think that's, you know, that the underlying thought of the Statement of Interest and Disclosure of Interest that there's nothing wrong with having an interest, and it's probably assumption that most have a specific interest either financial or , you know, just that of a personal interest in the specific issue.

So I'm - I dare agree with Mikey that I think it's a, you know, you're working with people together and then hoping that people take that seriously and then express indeed and state that interest up front when participating in these groups.

And I'm not aware of any instances where people have come to ICANN or to Staff saying, "Well, I saw the Statement of Interest of that person and that's factually incorrect. Can you please go and check or call them out on it?"

So I think so far the system seems to have worked pretty okay, unless people haven't paid any attention to it and we find out that there are false statements out there.

Michele Neylon: Okay, Mikey then Paul.

Mikey O'Connor: Yes, this is Mikey. James, you know, I don't feel terribly strongly either way on this. I think the thing I feel strongly about is the - at least on consequences I could go either way on that.

But I think it's very useful to keep the Statement of Interest thing and I think even if there wasn't a sort of legalistic or rules-based consequence, there is the consequence in terms of loss of credibility because, you know, this is an awfully small community.

And if somebody was consistently misleading the rest of the community that word would get out and spread pretty fast, and the trust in that person would go down.

And the nice thing about having this Sol Dol thing is that it means that people have to say it as opposed to just remaining silent, and the consequences I could either way.

Michele Neylon: Okay, Paul.

Paul Diaz: Thanks Michele. I'm sorry I've been - I'll admit I've been multi-tasking so if this was already raised please cut me off. But for Marika, when you go back with your short list of questions about this stuff, my question is do these rules apply to the Council?

Do Councilors have to provide a DoI before every meeting because in my view that's the level that can have the most damage if these sort of true secrets about what folks may be up to or doing behind the scenes are not publicly disclosed?

There are certainly Council members who have signed on to Working Groups and I can almost assure that the Statement of Interest that's provided is far from fully accurate.

And I just want to make sure that if the rest of us involved in this policy work are going to do these things on a regular basis, that the Councilors are also held to the same standard.

Michele Neylon: Okay Marika, do you have any comments on that?

Marika Konings: Yes, this is Marika. Just to confirm this also applies indeed to GNSO Council members and I think they actively started this process on the last Council meeting and they'll also receive this note, because in the beginning there was some confusion on what was expected if every member individually would be asked on, you know, if - whether they had a Disclosure of Interest, also what kind of information is contained in it.

So I think now for the call it's tomorrow some further information like the Working Group has received has been shared with the Council members. So hopefully that will work better as well.

I think that the idea is as well once this process is ongoing there will be a better idea as well of what is expected, because I think that question has come up from Council members as well.

Like, what am I supposed to state? How specific do I need to go and, you know, I don't want to reveal any business strategies or, you know, confidential information so how detailed or how specific should it be?

And I think that's, you know, probably rule of thumb and then we need to learn by practice to see how that works. And again I think if Working Group members feel that certain Statement of Interest or Disclosure of Interest are not accurate I think, you know, that the appropriate process would be to either escalate that through, that the Working Group Chair or the Council Liaison and so that person can reach out individually probably to that person saying, "Look, we feel something is missing. This might be unintentional but, you know, can you look into it?"

And as you'll note from the new Working Group guidelines that - they're still in a draft form but hopefully we'll get to the final form relatively soon. There are certain procedures in there in which certain issues can be escalated through certain processes, so indeed the Council or the Working Group Chairs is the first stop and then an issue can be escalated as well up to Council level.

So there should be certain ways in which these things can be addressed even if there's no strict procedure in place where someone is scrutinizing or following up on the Statements of Interest.

But again I don't know, you know, that might be an issue that needs further discussion and maybe at some stage there is a requirement that a further follow up is done.

I mean, one thing I know is that for example when people - the main Statements of Interest are applied for a Working Group and Glen does check back whether those are actual persons, because that, you know, has been another discussion, how do you know if, you know, someone is not creating five different mailing accounts pretending to be five different persons.

So there are some checks that are being done by the GNSO Secretariat in that regard.

Michele Neylon: Okay, thank you Marika. Let's move on from this. If anybody has any other queries can we just continue this on the mailing list? I'm getting some weird audio thing here. Bob, are you here?

Robert Mountain: I am.

Michele Neylon: Okay, Bob as you're the only one of the two - of the pair who's on the call today could you walk us through this - what you sent - what you're proposing to send out?

Robert Mountain: Sure. Yes, it's pretty simple. I think...

Paul Diaz: Michele?

Michele Neylon: Sorry, just one second. Paul?

Paul Diaz: I'm sorry to cut in Bob. You know, it would really help I think in the interest of time - can we post up Barbara's red lined version of Bob's stuff, because for me there's no point in going through the original.

Let's go over what she's suggesting. It seemed there was agreement around it and it seems silly to go over something just to have all of us start ripping it apart and then go, "Oh, but Barbara's ideas were great."

Marika Konings: This is Marika. I think Barbara made notes in her email and it wasn't a red line and at least in my email it didn't come out very well. So...

Michele Neylon: ...one second. Is Barbara on the call?

Man: No.

Michele Neylon: No, I didn't think so.

Baudoin Schombe: Something I want just to ask you.

Michele Neylon: Okay. Hello yes, who is this?

Baudoin Schombe: Yes, I want just to ask something because the next - there seems to be...

Michele Neylon: Who's speaking? Who's speaking? Who's speaking? Sorry, but who's speaking to me?

Baudoin Schombe: It is Baudoin. Baudoin.

Michele Neylon: Oh sorry Baudoin. Sorry, I just didn't know who was speaking. Go ahead.

Baudoin Schombe: Yes, I wanted to ask something because here's the ark of this week somebody in (Mohad) will be convenient use. That's - I don't know if we can make some inscription of date and day and hour of the call.

Michele Neylon: Of this call next week is us?

Baudoin Schombe: Yes, next week yes. We will be in business.

Michele Neylon: Okay, would you just email the list with the dates and we can and we can - and then - well I can liaise with Marika to see if we can either reschedule the calls, or just to see how many people are impacted by this meeting - by the idea of meeting?

Marika Konings: Michele, maybe we can just do at the end of the call a raising of hands who is - who can attend the next meeting.

Michele Neylon: Yes, that's fine. But regarding the red line thing Marika, you said you can't really see the red lines. Is that what you're saying to me?

Marika Konings: I'm seeing - I think she did it in the email and it...

Michele Neylon: Yes.

Marika Konings: ...that doesn't come up in the mailing. Like, I'm seeing in my email, it is - I have red but it doesn't strike out any of the other words. It's just adding in, I think, comments.

I can try to pull it up if you like.

((Crosstalk))

Michele Neylon: I've got a - I can see the red line here. I can read it out if you want. I mean, it's the - if you look at the paragraph - where has it gone to?

We - the line says, "We would like to share the following faults with you about this topic." Barbara's suggested wording is, "We would like to gain your insight on the following topics."

For Question Number 4...

Paul Diaz: Michele?

Michele Neylon: Yes?

Paul Diaz: Hey, I'm sorry. It's Paul again. I hate cutting in like that but just - Bob a simple question for you.

Do you accept Barbara's suggested edits as friendly amendments?

Bob Mountain: I did. I thought they were all great.

Paul Diaz: Then let's just put that up there and read straight off it.

Bob Mountain: Okay, yes I'll...

Paul Diaz: Who cares if we see it in red or whatnot?

Michele Neylon: Yes. I think the problem is that Marika can't as she sees it red, so that's the problem Paul.

Paul Diaz: Who cares? Let's just read it through.

((Crosstalk))

Michele Neylon: That's the question up on the list though.

Paul Diaz: (Unintelligible).

Michele Neylon: Okay. That is actually on the list.

Marika can you put up the red lined version with the edits? Or do you want me to send that to you?

Marika Konings: And what I can do now is put in a note what Barbara sent and you can work out if that's - because it doesn't have, I think, this strikeout. It just has in the full text like that.

Michele Neylon: Okay.

Marika Konings: Does that work?

Michele Neylon: Yes, it will do. That will do us. Yes.

Okay. So if you - she put up the thing there - okay. So it's - this is a full text, including the red line, so we need to strike out the base. So if the question is, "We would like to gain your insight on the following topics."

Question Number 4 -- how were they resolved?

Question Number 5 -- what tools and processes would you recommend to prevent or resolve domain hijackings?

Are you familiar - Question Number 6 -- are you familiar with the expedited transfer reverse policy -- ETRP -- process as proposed in the initial report on the Inter Registrar Transfer Policy, Part B, Policy Development Process?

Question Number 7 -- if yes, please provide your comments about ETRP.

Question Number 8 -- what other suggestion on the domain registration and transfer process do you recommend that would make it more secure and less prone to hijacking?

James?

James LaDell: Hi Michele. Thanks. James speaking. Real quickly, I like Barbara's edits. I think that they're getting right to the heart of these questions. I had a couple of quick suggestions.

One would be is there any way that we can frame some of the latter questions so that we don't get something as useful as -- ETRP is awful; I hate it? You know? So we're getting something back that is a little more constructive in terms of a positive, you know, what would a safeguard look like. And I think that that's in the last question.

And then finally, just one thought here just off the cuff is how many domain-name hijackings have you experienced or would you normally

experience in a year? I'm not sure that that is going to prompt the same understanding from different folks.

I mean, I think that if folks have been - have experienced it once, they would feel that it's very common. And folks that have never experienced it but have heard of it or have, you know, perhaps been solicited a name that has been hijacked, might feel differently as to its frequency.

So I'm wondering if we can't restate those first two questions in some way to reflect not necessarily personal experience but more industry awareness. Thanks.

Michele Neylon: Okay. Do have any suggestions on the wording for that James?

James LaDell: Oh, that's a tough one.

Bob? Any thoughts or...

Michele Neylon: Okay. Well I'll move on down the queue. We've got Bob. And then we've got Mikey.

James LaDell: Okay, okay.

Bob Mountain: Yes. I think James said that the reason we were asking for specific experiences on Point Number 1 was just to try and quantify it if we could, so, you know, could actually get some hard, you know, well, reported data. But just try and get some - but I know what you mean. Perhaps there's a way we can get both, which is what - the number you specifically you experience.

If everyone says -- oh, I've heard a lot about it, but it's never happened to me. Then I know we're up against one thing, as opposed to -- yes; it happens to me every year, multiple times. So (unintelligible)...

Michele Neylon: What about wording it something like, say -- do you have any experience of domain name hijackings? Just have an open question.

James LaDell: Yes. You know, these will be in person, so we'll send these questions out ahead of time and then follow up with a call. So we'll have the chance to poll and prod and get the, you know, whatever information the group thinks is most important, we'll have the opportunity to talk directly with these folks and try and extract that, so...

Michele Neylon: Bob, do you have anything else to add on that at this time?

Bob Mountain: I do not.

Michele Neylon: Mikey and then Rob.

Mikey O'Connor: This is Mikey. Just to follow up a little bit on the conversation about those first two questions.

One way to frame them would be to ask people for examples. And those examples could be anything. They could be newspaper reports, or lawsuits, or anything like that.

One of the things that I think is useful is, you know, concrete information, rather than personal - I mean, personal information is fine,

but I think it's more useful for our group if we've got concrete examples of things. So you might think about rewording them that way.

Michele Neylon: Yes.

Mikey O'Connor: And then I think the other thing I really want to amplify and what James said was that, you know, the - I want to make sure that we share the same goal; that we're trying to reduce the impact of a hijacking on a legitimate domain registrant. That's what the ETRP is all about.

And so if they disagree with that goal, I'd like to hear about that.

If they agree with the goal, then I'm with James' comment, which is -- okay, if you agree with the goal and you disagree with ETRP, then come up with a different approach that meets that goal. That's all we're trying to do.

It's not as though we're trying to inflict pain just for the fun of it. This is just our best try. And so if folks have a better approach, we're all ears on that.

Michele Neylon: Yes.

Mikey O'Connor: So, you know, get people focused on, A, whether they agree on the goal; and then B, better ways to accomplish that goal. That would be my second comment on it.

Michele Neylon: Mikey would be help - if you have any particular suggested wording, you could share it with the list maybe afterwards would be helpful.

Mikey O'Connor: Yes, I can do that.

Michele Neylon: All right. So maybe it's just the concept is great, but, you know, we need to try and get some suggestions to poor Bob.

Rob and then Matt.

Rob Golding: And I'm thinking that statistics are going to be a lot more useful than opinions, so, I mean, I would change things like Number 2 -- how many would you normally expect to experience in a year; everybody, hopefully, will say zero -- to how many did you experience in 2009? And follow it along those lines.

How many domain hijackings did you - have you been involved in?
How many did you experience during this set time period? You know?

On Question 4, you might find that not everybody can answer Question 4, depending on how they were resolved. So you might want to say -- if you're allowed to share, can you explain how they were resolved? Were they done to your satisfaction? And things like that.

It's just full numbers, I feel, are going to be a lot better than -- well, I heard about this bloke in the past who had this really good domain name and it was mentioned on there.

Michele Neylon: Okay. Thanks Rob.

Rob Golding: Okay.

Michele Neylon: Matt?

Matt Serlin: Thanks Michele. I think all the comments on the survey are good. I think the survey itself is good. But the question I have -- and I apologize if we've covered this in the past -- is there a rationalization behind them just approaching the aftermarket folks with this?

I mean, I appreciate it that Bob volunteered to do this. And I'm not saying it's a bad thing. But I'm just wondering if we're going to get just one perspective on this. And is there a reason why we're not making this a broader sort of survey?

Michele Neylon: I - well, James might be able to answer a bit to that. But I can tell you from being at an aftermarket event in Dublin a couple of weeks ago that there is definitely a perception within the - what's the politically correct word I'm going to use to describe domainers this week?

Bob, what's the politically correct term? Do I call them domainers or do I call them domain investors?

Man: Investors.

Rob Golding: I think - yes. Domain Investors is more PC. But yes, I - you could also call them colorful.

Michele Neylon: Okay. It doesn't matter. I mean, like some people consider me to be a domainer anyway, so, you know, whatever I call...

Man: (Unintelligible).

Michele Neylon: Sorry?

Man: Registrant of unknown quality.

Michele Neylon: "Registrant of unknown quality," okay.

There is a general perception among - within that - within the aftermarket that this - that the various proposals and things that we have come up with to date will have a very, very negative impact on their business industry way of life. So this was part of the reason, I think, that, you know, as we're trying to get some feedback from that particular sector was considered to be worthwhile.

James go ahead.

James LaDell: Yes, really quickly Matt. When Michele was absent -- so I take full blame, responsibility or credit for this book. And I thank Bob and (Astamanetta) for volunteering. But, you know, you've got it exactly right.

When the ETRP proposal draft hit the streets, there was a lot of activity and comments in industry press, in the public comment forum, and just in general feedback from the secondary market. And I think there was some concern that we were perhaps not taking a fully balanced approach to both the primary and secondary market.

Now that - having said that, we did make a point to say that we shouldn't allow necessarily a concern in the secondary market to drive policy in the primary market as well. But we wanted to take a more balanced or more comprehensive perspective and wanted to be sure that if there were better ideas in that market or practices that were

currently ongoing, that we were capturing those as well. And that we weren't just throwing out drafts, operating in a vacuum. So that was the genesis of that idea.

And since we had some new expertise on the working group from (Nay Media) and (Sedo), we wanted to leverage that much as possible.

Michele Neylon: Thanks James. Matt, does that kind of make sense to you?

Matt Serlin: Yes it does. It doesn't completely make me totally comfortable with it. I mean, I wonder if there's a better or a different mechanism by which we could distribute this that would get a broader response.

And I, you know, I understand the rationale behind, you know, addressing the folks that have spoke up the most about what we've proposed. But I think in doing so, we run the risk of, you know, of not listening to people that necessarily didn't speak up so loud.

So Marika - well - or Michele, is there a way by which that we could distribute this to the broader community that folks would be open to?

Michele Neylon: Well - okay. Well I can understand where you're coming from. But I would - I've seen the reaction - okay.

Basically, just taking a step back for a second. Can any of you, off the top of your heads, think of a single of a single comment period that I counted open in the last 18 months that has got more than a handful of columns?

Man: And that including Triple X?

Michele Neylon: Triple - please include Triple X. That's the only way you're going to get the thing right? I mean, put a comment period...

Marika Konings: Hey, this is Marika. If I can just provide a comment on the idea of a survey.

We did get 412 responses to the post-expiration survey, which we ran as a actual consumer-line survey, and not asking people, you know, just submit your comment or comment on this report but actually asked targeted questions.

I mean, my only concern is with these questions that of course they're obviously targeted at registrars. So I don't know if it's better, in fact, maybe through the registrar stakeholder group. And I don't know what would be the most effective way of trying to get responses there, you know, maybe making them anonymous or...

I'm sure - and, you know, Matt, maybe you have ideas there, or James, or Paul, or any of the others. But - well we did get some good responses, just to the point and to the question.

Man: Yes. So Marika hold on though. But - so are you saying that this survey is targeted towards registrars?

Michele Neylon: No it's not.

Man: Because - yes. I didn't...

Marika Konings: Right, right. No. But you're asking to broaden it. I presume if you're asking about, you know, to go beyond the domainers or the aftermarket, I was thinking that you were - would want to ask registrars about information on domain name hijacking, so I...

Man: Yes. No. Yes. Not necessarily.

Marika Konings: Okay, sorry.

Man: What I'm saying is (Gino) and Bob represent, you know, one portion of the market but, you know, I - my company, and James' company, and Paul's company represent different - just, you know, different types of registrar. So I guess my concern is we're really only going after one piece of the registrant's pool and not necessarily a broader piece, so (unintelligible) intentional?

Michele Neylon: That - it's Michele. That was actually intentional.

The after - the people who active in the aftermarket are the ones who have been most vocal in their downright condemnation and outright criticism of the draft ETRP proposal that is there at present. So rather that the problem is that - okay.

Personally, the document that is there at present, I'm not as happy with it as I could be personally speaking. As a group, however, we should be trying to come up with something that does take on board as many views as possible. And since a particular segment was incredibly vocal about the condemnation of the paper, that's where this thing came from.

So, for example, if you want - if we were to do another type of questionnaire in a (unintelligible) say, for example, and direct it towards registrars, trademark attorneys and what have you dealing with, you know, the corporate type of market, and the questions that would be asked will probably be quite different, because they're not (unintelligible) because that would be dealing with something quite different.

Man: No. Well why would they be dealing with something quite different?

This survey is talking about registrant's experience in domain hijackings and their perspectives on what we've proposed. I think the same questions can be applied across every registrar.

Michele Neylon: I disagree. If you - if - I mean, how many - if you ever take a large corporate, are they going to be buying and selling domain names?

Man: Yes, absolutely.

Michele Neylon: But - no. But in (unintelligible). Are they going to be actively selling domain names is what I'm saying, as in, you know, turning or going through - turning over thousands of names per year?

Man: But it - this doesn't talk about the selling of domain names. It's talking about...

Michele Neylon: Yes it does.

Man: What question talks about the selling of domain names?

Michele Neylon: Number 1.

Man: How many domain hijackings have you experienced either buying or selling? It doesn't say -- how many domain names do you sell in a year?

I don't agree with the argument that a corporate client, such as one of ours, couldn't have experience in domain name hijackings, buying or selling.

But Bob had some - Michele, I don't mean to jump you though, but Bob made some comments here that I'd like to maybe see if he can speak to. It says, "Matt just not registrars." So I'm not necessarily sure I understand what that is referring to, so maybe...

Marika Konings: Well then Bob and then James.

Bob Mountain: Yes. I guess - so that's - it wasn't in the note but in the initial email, just so everyone knows and maybe everyone does. But there were several - five cohorts, domainers or domain investors with just one, obviously, aftermarket marketplaces, registrars who are active in the aftermarket, domain brokers, even end users who use brokers. So we tried to get it beyond just, you know, to our domainers.

If there are other elements it - I might, you know, maybe not to address this, we expand the number of cohorts a little bit or more to accommodate some other viewpoints besides just the ones we initially targeted.

Michele Neylon: Matt?

Man: Yes. Here they are on the list. Yes.

Matt Serlin: Yes, yes. No, I see them. I mean, I still am not supportive of the idea of this survey being run by not through the normal process.

I think it should be opened up to every - to the registrar constituents, to the registrar stakeholder group to the wider community at large. I don't see the purpose in getting feedback from one specific group because they spoke up loudly. But I can be in the minority, that's fine.

Michele Neylon: James?

James LaDell: Hi. And to address Matt's point, and maybe I'm trying to thread the needle here between what Matt is thinking and what Bob is thinking as well, is that I never initially thought that we would go back and reach out to individual domainers or individual registrants. In fact, I thought that that would be duplicative of what we received in the large number of comments that we received.

I'm thinking mainly that we could target those market places, auction providers, syndicates, et cetera -- the places where these types of transactions are exchanged and get their thoughts as a kind of a choke point on the secondary market, and get their thoughts as to how many, you know, how many hijackings they would expect committing, you know, mess up their inventory in a given year, et cetera.

So we're really looking for that specific perspective, not the individual domainer. At least that's how I initially thought that. It sounds like that's what Bob is thinking as well.

Michele Neylon: Okay. Maybe this is something we might want to continue discussing a little bit further on the list, as to we're nearly at the end of the hour.

Apart from what Matt who has already voiced his concerns on this, are there any other people on here, just by a show of hands, who have issues with the idea of circulating a questionnaire to specific groups, or companies, or whatever?

Mikey does. Anybody else?

Mikey go ahead.

Mikey O'Connor: I was just raising my hand.

Michele Neylon: Okay. Sorry. Right. And I think that's where we follow this through on the list.

Now Baudoin raised an issue that next week is the IGF is on in (Donias). Is anybody else going to impacted by that?

Baudoin Schombe: Yes. Just to - I want just to say and - because I know many people it will cause (unintelligible). But I don't know if we can have the same date and the same hour for meeting for teleconference the next week.

Michele Neylon: Okay. Do - is - just bear with me one second Baudoin.

Yes, go ahead Marika.

Baudoin Schombe: Yes.

Marika Konings: Yes. This is Marika. I just wanted to note that for next week we already have a confirmation from (Don Halloran) and (Pam Low) and (Mike Jupta) to participate in the call to discuss Charter Question E I believe. So to change that around would probably be quite difficult. So if there's no big opposition and we don't lose too many members, I will be cautious in canceling next week's call.

Michele Neylon: Okay. Apart from that one, is anybody attending the IGF next week?

Baudoin Schombe: Yes. Myself, I think I will be there.

Michele Neylon: No. I know you - I understood that Baudoin. But I am asking if anybody else in this group attending the IGF. No. Okay.

As Marika said, we have organized other people to come join us the meeting next week to give various presentations, so I don't think we will be able to reschedule us if there's only going to be one person impacted. So I mean that would be - the calls are all available by MP3 everything else, so I'm afraid you might have - just have to listen to the MP3 recording afterwards.

Does anybody have any other matters they wish to raise?

Man: I want to see a picture of the dent.

Michele Neylon: I will have a look on my Flickr feeds just to see if I have any photographs of the dent. There are plenty of photographs of rather

bizarre things made from snow sitting on the top of the car, which I won't share with you.

If there's nothing further which is pertinent to this working group, I shall call this meeting to a close. And with respect to this survey thing and other matters, please continue discussion on the list. Thank you everybody.

Oh, Rob.

Rob Golding: Yes Michele.

Michele Neylon: Oh, I'm glad Rob. Yes, you have a hand up. Quickly Rob.

Rob Golding: Yes. That is a requirement, I believe, from the RAA, that when you transfer a domain you also transfer the contract information. There was a mailing to the list recently (unintelligible)...

Michele Neylon: But where's the - hold on. Slow down. Slow down. Slow down. Slow down. Where in the RAA does it say you have to transfer the contact information?

Rob Golding: I - well Mikey marked that section, I believe, in there when he went through it to find it for me and show it to me. But he...

Michele Neylon: Okay. Just...

Rob Golding: But he showed that when he went through it with me when before (unintelligible) them.

Michele Neylon: Okay. Just bear me one second. Before we go any further, do any of the other registrars on this call know what Rob is talking about? Do any of you know if there is a section in the RAA? Or have you all dropped off the call already? Damn.

Rob, I've a sneaking suspicion that a lot of the guys have dropped off the calls.

Rob Golding: Yes. Yes. In which case, I'll mail to the list...

Michele Neylon: Please.

Rob Golding: ...and get a comment back from there, because...

Michele Neylon: Yes.

Rob Golding: ...if that is a requirement and it's also been made within this state of registrar is also used as a way of changing registrant, then there needs to be - even though it seems who is like the similar things to whether they think who is. But somebody has got to be authority for who the registrant needs at any given point in time.

Michele Neylon: Okay. Well look, just let's post that to the list and then...

Rob Golding: (Unintelligible).

Michele Neylon: ...one can always write to...

Rob Golding: Yes.

Michele Neylon: Okay, perfect.

Rob Golding: I can send it.

Michele Neylon: All right. Thank you. Thanks everybody.

Man: Bye.

Man: Thanks Michele. Bye-bye.

Michele Neylon: Bye-bye.

Woman: And...

Man: Thanks Michele. Great job.

Man: Bye-bye. (Unintelligible). Thank you. Thank you for all.

Michele Neylon: Okay. Bye-bye. Bye-bye.

Man: Thank you.

END