

GNSO
Post-Expiration Domain Name Recovery (PEDNR) drafting team
19 October 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 19 October 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-pednr-20101019-en.mp3>

On page:

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

Present:

Alan Greenberg – ALAC – Chair
Cheryl Langdon-Orr - ALAC Chair
Ron Wickersham – NCUC
Michele Neylon - RrSG
Oliver Hope - RrSG
Mason Cole - RrSG
Paul Diaz – RrSG
Ted Suzuki – IPC

Staff:

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

Absent apologies:

Tatyana Khramtsova - RrSG
Avri Doria - NCSG

Jeff Eckhaus - RrSG
Berry Cobb – CBUC
James Bladel – RrSG
Karim Attoumani – GAC

Coordinator: I'd just like to remind all participants this 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 19th of October we have Alan Greenberg, Cheryl Langdon-Orr, Ted Suzuki, Oliver Hope, Mason Cole, Ron

Wickersham, Michele Neylon. From staff we have Marika Konings, Margie Milam, Glen de Saint Géry and myself, Gisella Gruber-White.

We have apologies from James Bladel, Berry Cobb, Avri Doria, Tatyana Khramtsova, Jeff Neuman. And if I could also please remind everyone when - to state their names when speaking for transcript purposes. Thank you, over to you Alan.

Alan Greenberg: Thank you Gisella. I think that was Jeff Eckhaus not Jeff Neuman though.

Gisella Gruber-White: Sorry, Jeff Eckhaus, my apologies.

Alan Greenberg: That's okay. And I see Paul Diaz is trying to get in and presumably will join us shortly. The first thing on the agenda is statement of interest, declaration of interest; are there any changes or specific declarations for this meeting where we will be talking about domain renewal? Hearing nothing, seeing no hands I'm assuming there are no changes.

All right the first item on our agenda is the - completing the review of the user survey. Does everyone on the call have access to the spreadsheet?

Man: Yes.

Alan Greenberg: Is there anyone who doesn't?

Ron Wickersham: Unfortunately this morning - this meeting I don't have access. I'm just on the call but not visually there.

Alan Greenberg: Okay no not Adobe but do you have the spreadsheet that was sent out via email? Or you don't have that either?

Ron Wickersham: No I don't have that either.

Alan Greenberg: All right we'll try to - we'll try to read the whole thing to you as we go along.
That was a joke.

Ron Wickersham: But I have - yeah I have read it but I don't have access to it here so...

Alan Greenberg: All right well the changes are not great and we'll try to keep you enlightened as we go along. Okay starting from the very first one the tab on the left labeled RAEQ4 Q5 and so forth I don't believe anything has changed in that one.

There was an overwhelming indication from the responses that - that recovery should be offered by registrars and that it should be a policy. The comments I don't think address anything that we need to discuss in this meeting. If I - I'm missing something please just put up your hands or scream out if I'm not looking at it.

Okay the next tab is labeled RAEQ4, Q6. And this one does have some changes, a small one in that I've added a graph of the distribution of the times that the responders indicated domains should be renewable for.

And I think the bar chart makes it clear that the overwhelming number is 30. There's a significant number probably totaling the same as the one for 30 for various times greater than 30. So I guess if we add those up it's 105 - yeah it's about 150, they're about equal. But clearly there's not a lot of support for anything less than 30 days. Seeing no comments going on. The next one...

Paul Diaz: Alan.

Alan Greenberg: Yes, Paul, go ahead.

Paul Diaz: Hey it's Paul, thank you. Sorry I was late, it took a few minutes to get in.

Alan Greenberg: Okay.

Paul Diaz: On this one of course, you know, while the poll results show the majority favor something around 30 days or perhaps more the question of course did not make it clear that that 30 days or more they would be getting use of the name effectively for free. There is sort of a tradeoff. There is a - truly a cost to such a long term.

I mean, at a minimum it could be 1/12 of the original registration term.

Alan Greenberg: Well...

Paul Diaz: Just wanted to put that into the record as we kind of figure out, you know, what the working group wants to recommend.

Alan Greenberg: Yeah, two comments on that. First of all they don't necessarily have use of it because this isn't saying that they continue to have use of it; we'll be talking about that later. So they may have no access to it at all.

And in fact if I remember correctly - and Marika perhaps you can correct me if I'm wrong - the registrar survey we did at the beginning of this process said all of the registrars who responded gave at least 30 days and many of them gave significantly more. So I don't think we're talking about a large change in the status quo if we were going to implement what is being described there. So I'm a little bit confused about you saying they have the use of the name.

Paul Diaz: No what I was trying to say is that I don't think these survey respondents - in suggesting the timeframes that they would want were automatically making the connection that you are that a later question then says your name will go dark upon the expiration date or some short period thereafter.

I think looking at this survey, trying to look at it with fresh eyes pretending I was just answering it and not been part of this working group for all these months, I don't think it's fair to think that those respondents actually

understood that their name would likely have gone dark; that the 30 days or more that they're looking for is just simply a time in which they might be able to renew. But the name would be inactive in that period.

Alan Greenberg: Yeah I guess I won't try to read their minds as to what they knew. But if they made a leap of faith and thought that they would - were getting a 1/13 of a year free I - I don't think we're responsible for that but second of all when you do renewal - when you do renew the renewal - the new year doesn't start at the date of renewal it starts at the expiration date. So they're not getting anything free if they do renew they're just deferring the payment or some number of days. Is that not correct or am I...

Paul Diaz: Yeah.

Alan Greenberg: ...am I incorrect on that?

Paul Diaz: I think you're correct. And ultimately, look, I just wanted to make sure for this working group's record that I'm on record making the point that I don't want this to be interpreted as all these survey respondents are saying they expect an extra number of days and that that is basically a carte blanche to extend the registration without payment for that period.

Alan Greenberg: Paul...

Paul Diaz: And I think that there's probably agreement within the group that, okay, yeah that's fine that's understood, you're not getting a free lunch here. I just wanted to make it clear for the record please.

Alan Greenberg: Certainly if - if they're - if we're dealing in a situation where the registrar does not disable the account and they choose not to renew they're in fact getting some time free but that's a conscious decision of the registrar to offer that - that consideration as it were and the registrant deciding not to renew.

So I think that's a tail end case that is not going to be the common situation. But yes it certainly could - it could occur and maybe some of these respondents thought that. But I guess I'm not going to worry if they're disappointed at the end because of that. But your point is taken.

Going onto the - where are we? Yeah going onto the next one which is - the tab starts ENQ10. And here we're looking for the number of reminder messages which people consider appropriate. And that one surprised me a little bit in that the current number is two and the I was expecting the answer to center around two instead it centered around three.

I think the work group answers were closer to two; I don't remember for sure. But the numbers are reasonably clear there. And I think satisfyingly from the point of your registrars who don't want to be perceived as spamming their customers the number that was greater than three was a moderately small number. Any comments, questions?

No? Okay the tab that's labeled ENQ10Q13 and this one was trying to categorize should the policy specify the minimum number of notices. And - sorry, yeah, should the policy specify the minimum number of notices and if yes should it specify when they are sent?

And it's a little bit hard to interpret this because they're mixed together for the people who said three notices are expected and two notices - and those who said two. Nevertheless the number of respondents who said yes and yes is 251 which is a very significant part of the total population.

And I've highlighted in blue - I don't know if the blue is coming through on those who are using other - things other than Excel. Cheryl are the comments in blue coming out?

Cheryl Langdon-Orr: I had to take myself off mute, sorry.

Alan Greenberg: Okay.

Cheryl Langdon-Orr: Yes they are.

Alan Greenberg: They are showing, okay.

Cheryl Langdon-Orr: But I'm not in Excel so - I use Open Office...

Alan Greenberg: No that's why I was asking you if the colors were showing up. Okay so Line 18 for instance is blue in yours?

Cheryl Langdon-Orr: No it isn't.

Alan Greenberg: Oh.

Cheryl Langdon-Orr: I've got red and black.

Alan Greenberg: Ah, okay so none of the comments under the 251 title are in blue? Okay that's what I was worried about. Well what I have done is I've highlighted a selection of them. And if you take out the outliers I didn't try to categorize all these and put them in buckets because there are just too many flavors.

But if you take out the outliers an awful lot of them who said two messages or even three tended to use the type of timeframes we were talking about in the working group, that is, you know, approximately a month before and a week before.

There were very few who had real outliers that is, you know, more than 45 or 60 days early and there were some that, you know, said the day before or things like that. But they tended to be clustered around the type of times that we were using.

No comments, okay. Okay ENQ10Q16. And this one basically asked should the policy specify when - or how the messages are sent or should be - or - and another alternative was the policy should not specify how the registration agreement or something equivalent should be explicit.

And the responses were pretty well evenly divided between those who said it should be in the policy and those who said it should be specified by not dictated by the policy.

Going back to our discussions in the group I think there was a general consensus but not complete that the business models and situations are sufficiently different and the technology evolves that we probably don't want to put in the - in a consensus policy specific technologies which would tend to take the 138 yes and yes and move them into the second column.

That is there should be some predictability from the point of view of the registrant. But we probably don't want to lock things in in the RAA. Does that reflect what people recall was our discussions previously? Seeing no Xs, no hands I'll assume it does.

All right the next one is one that we took - I think Berry did this one. And the questions were should the policy specify the minimum number of messages? And what do you think - how do you think they should be sent to be effective essentially.

And there's a tally at the upper right hand side which shows the predominant number of people put email. A significant number put postal and a similar number combined them. And from my experience in looking at the other ones - other responses the combos tended to be email plus postal mail/paper mail and perhaps plus telephone.

A curious one is there were only three responses for SMS. And that one surprised me a little bit because SMS has been becoming an increasingly

common way of notifying people of things. If you just look at airlines using SMS as notification and it's a very inexpensive and relatively reliable method of sending messages out that catch people's attention. So I was a little bit surprised that that one wasn't being - wasn't being suggested more heavily.

Comments? Questions? Nothing. The next one was WHOIS and should it be changed to reflect what is actually going on or not. That was surprised me and I think we had this discussion last time and the large number of people who basically said no which essentially said yes I like it to be confusing and it shouldn't be fixed.

I'm not quite sure how to interpret that if anyone has any innovative interpretation I'd be intrigued by it. No hands, no yelling. Info Q22, this one was of the long laundry lists; there were several hundred individual responses. And I went through them and tried to categorize them. And the main categories that there tended to be were email, letter mail, telephone, fax.

Some version of kill the Website, redirect the whole DNS entry essentially saying some or everything doesn't work. A few mentioned notify people in WHOIS and I'm not quite sure how that would work. And there were 110 of which about 2/3 were just blank and the other ones were either vague or unclear statements.

Now if you add these up it adds up to more than the total. And if you look at the columns C, D and E you'll see I - if there were multiple ones instead of just saying combo I registered each one and so we counted them individually. No particular surprises there. The email is the most common and postal mail and telephone were the other main suggestions.

I've highlighted in red and bold - again I don't know to what extent Cheryl can see this or anyone else on Open Office. I'll give you the line numbers of the interesting ones in case you can't see them. Line 31 - and it was a common

theme that came up in a number of them, send an email that contains no text speak. In other words send something that's really clear and people can understand.

Line 45 was - not sure how one implements it but burning letters on the wall in their sleeping or living room as a way to alert people and as a second notice a postal letter. I found that rather amusing.

And Line 200, if an email does not work what will? Well see above for contacting the owner's mother or wife. So we had some people with a sense of humor. Clearly there wasn't a lot new there. But, you know, just reiterated the ones we expected to see.

Info Q23 is - the question was what in your opinion should be done to educate registrants to ensure that the domains and their renewed - are renewed without incident. About half the people simply left it blank and a significant number of others either answered I don't know or gave an answer which really didn't apply to the question.

Of the answers which were substantive some of them were interesting. There were about 50 that essentially said a message of some sort. Now some of them said paper mail, some said email, some said a message on my domain panel. But essentially about 50 people said messages are effective ways of educating people.

And I'm not quite sure - I think - I'm not sure they understood the question given those answers. A small number - but significant - said clear information and education. There were a number of answers which said give step by step procedures; tell people exactly what they have to do.

Provide education and that's one of the ones that the work group of course has been talking about. And try to make it make - try to make sure people understand. A similar number said that there should be information provided

at or near registration time that would make it clear what the responsibilities would be.

Some of those, you know, said it should be a message at registration time; some said it should be email immediately following registration. There were various flavors. A few talked about requiring the registrant to tick off a box or somehow acknowledge that they had read or understood something.

There were about 20 who said money talks and that registrants should pay more if they don't renew on time or pay less if they do renew on time. And that of course is something some registrars already do. A similar number said use automatic renewal which of course bypasses the problem of needing to educate people.

The individual answers are some - are interesting. Number 15 says as the first option electrocution if they fail to renew. Forty-eight takes the position that a number of people have in this work group; they're all grown up, the above should be enough.

Anything else that's particularly interesting. It's like backups; they have to learn from failures. Just sell the domain after its expiration. Kick them off if they don't do it. Michele.

Michele Neylon: I like the one about - Number 50. Unintentionally expired domains are mostly the result of analog people being unaware of electronic communication procedures. Other than reaching out to those users there's little that can be done which is something I've been saying for a long time.

Alan Greenberg: Yeah, I'm not quite sure what analog people are but...

Michele Neylon: Well it's very simple, Alan, there's a bunch of people out there who will somehow manage to register domain names via our, I mean our as in registrars in general, via our Websites somehow magically and yet then

proceed to ignore any and all emails from us about anything unless - and the only way they'll react is if they get something in hard copy.

I've actually had to fax people copies of what was on the screen in front of them. They couldn't see it.

((Crosstalk))

Michele Neylon: I do like Number 15 which is electrocuting registrants; that's quite interesting.

Alan Greenberg: I thought you'd like that one.

Michele Neylon: Yeah, I thought you might appreciate that I'd like that. Oh God, make it stop. Yeah, there's not much that we can really say. I mean, there's some stuff there that's - it's a bit odd. Other parts, I mean, it's basically reiterating in a slightly different way various things that we've said in advance, I mean, in the past so...

Alan Greenberg: Yeah. I mean, most of them unfortunately were not particularly responsive to the question of how do you educate people. I mean, electrocution I guess, make sure they don't - it doesn't reoccur but neither does the opportunity.

Cheryl Langdon-Orr: Alan, Cheryl here...

Alan Greenberg: Yeah, go ahead.

Cheryl Langdon-Orr: I - maybe it's just me but, you know, I am amused at all the funny (unintelligible) I can tell you how minor use of - or use of minor and medium electric shock is a very good training technique. But is this a really valuable use of our time?

Alan Greenberg: No, sorry. The humor I was adding just as...

Cheryl Langdon-Orr: Yeah, all right. Maybe I'm...

((Crosstalk))

Alan Greenberg: ...comic relief. But the real point I was trying to make is very few of these answers really addressed the issue of education. They revisit issues of notification and trying to get proper behavior; they don't particularly address the issue of education. And it's one that we struggle with also. So the message that comes out of this for me is they don't have any real great ideas either.

Next one the SAE24 is what should happen. And as we expected here the majority said kill it in one form or another. There were a significant number saying keep it running as a courtesy. Don't think there's anything particularly worth noting on this one.

There were a few who took the opportunity to say there shouldn't be any advertising and registrars shouldn't be able to re-purpose the domains and things like that but I think that - we've decided all those are out of scope.

RGP, overwhelming number said yes, maintain the RG - or make RGP a requirement for registrars and registries. RGP Q30 which I think is a misnomer - the label is incorrect because it's talking about whether agreements should be clear and understandable and predictable. And the overwhelming number of people said yes. And there were very few specific comments.

And that's the whole survey. I think in most cases when you fold in the discussions we've had it's presented some overwhelming numbers. To what extent we believe we need to take those into our deliberations is obviously a question we need to look at. But it's certainly presented answers that were generally not ambiguous.

Any other questions before we go onto - or back to the comments - to responding to comments? The...

((Crosstalk))

Ron Wickersham: Hi this is Ron.

Alan Greenberg: Sure Ron.

Ron Wickersham: Yeah, had an interesting experience a couple of weeks ago on a - helping a friend with a domain issue. And this was one where they had actually paid but the registrar failed. And then their accounts were transferred to another registrar.

But they failed to get renewed by ICANN for reasons of insolvency but they weren't really bankrupt in the American court system. But they had a .net, a .com and a .org for their domain name. And the .org was apparently not - the money for their renewal wasn't forwarded.

So we got into a bit of an issue but that brings up one other unexpected way that your domain name may not be renewed. And the - because the registrant in this case did not fail to renew it but it got failed in the system; I'll just bring that up as an another example of something that could occur and did. Okay thank you.

Alan Greenberg: Yeah I have not doubt it happens - has happened and happens. I'm no sure there's anything we can do within policy to fix that though.

Ron Wickersham: Well other - we can't...

Alan Greenberg: I mean, a company that's going down the tubes is not guaranteed to keep good records.

Ron Wickersham: But the fact that it wasn't put back in the pool and taken by someone else because of policies or maybe they were just lucky in this case, I don't know, but that they were given the opportunity to pay again and have the renewal be effective so...

Alan Greenberg: Yeah, I guess that was - depends on the policies of the receiving registrar who took them over I guess.

Ron Wickersham: Right.

Alan Greenberg: I'm sure there's always going to be edge cases like that but I'm not sure we can cover those other than if we were to recognize that it's a very common occurrence but I suspect not. But as I said I don't think you can mandate that companies that are about to go under keep accurate records and pass them onto their successor. Not necessarily something we can predict.

Ron Wickersham: Yeah, yeah.

Alan Greenberg: Anything else? Go ahead.

Ron Wickersham: And in this case it was definitely that because one of the reasons they lost accreditation was that they didn't do the escrow so the records were...

Alan Greenberg: So they had established a practice of not following rules and not doing...

Ron Wickersham: Right.

Alan Greenberg: ...not having good business practices. As I said I'm not sure we can cover those educations as much as it would be nice to wave one's magic wand and do it.

All right I'd like to go onto the - we have a number of items that we've passed over for one reason or another in the responses to the user comments and I'd

like to go over those. Unfortunately the major one of those we were hoping to have Berry on the call and Berry is not on the call so I'm not sure what we'll do when we get to that one but - and Mikey is not here either.

But let's try to press on and see where we go. The first one is the response to Number 17, the ALAC statement. And that is somewhere around Page 5, starting on 4 perhaps.

Now we realized when we were going over this at the last meeting that although we have an extensive comment in the field it was really talking about the details of email addresses and such. And we never actually responded to the overall comment.

The question is what do we say? The substance of the comment is giving a number of specific - nine specific areas where the ALAC would like to see policy put in place so that there is consistent and predictable behavior during the end of lifecycle. Do we simply put a noted and we will consider it in our ongoing deliberations or do we want to have anything in there - more level of detail to that?

In general we have used the noted and will consider when we've had other advice which has been in the area that we've been talking but to date we have not had a firm consensus on which way to go. Marika is that a consider - would that be considered a reasonable answer to this?

Marika Konings: This is Marika. Yes, I think so.

Alan Greenberg: Okay.

Man: I'm happy with that.

Alan Greenberg: Anything else? Anyone else?

Ron Wickersham: This is Ron again.

Alan Greenberg: Sure.

Ron Wickersham: I have just a comment on - that bothers me slightly. And so just I - which is the fact that when we participate in the meetings that - I thought that should have about the same weighting as if we had made a public comment.

And yet - so I support having the public comments and even the - even including them from participants in the group but I'm - but I don't think it should diminish the arguments from those who did not make public comments but made the comments during deliberations of the group itself. So it shouldn't be a double voting or something like that.

Alan Greenberg: Yeah, I mean, when we get to the stage of trying to reach consensus on things the workgroup rules now have some reasonably detailed specifics on how to determine if consensus was complete or partial or, you know, significant minority views.

I don't know to what extent or how one would factor in the user comments in trying to determine the level of support for a given thing. And Cheryl, you're the expert on...

Cheryl Langdon-Orr: I was going to say perhaps I can help you here.

Alan Greenberg: Sure.

Cheryl Langdon-Orr: The workgroup deliberations are very particular about how the group itself is trying to reach consensus and product that it puts out goes through a number of processes which you all know (partly) well including public comments - call for public comments and then consensus calls and votes within the GNSO.

The weighting that is given to public comment is something that the workgroup considers but it is not a mechanism for double-dipping. And in fact it could be argued that if you have a individual or three individuals from a particular part - a constituency within the GNSO or in this case from at large or the ALAC then the voice they bring to the ongoing and lengthy deliberations in a workgroup process is not going back for a group consensus, in other words, being guaranteed as recommended wording from the - part of the organizations that they are recognizing.

So if I am speaking in these processes, in these deliberations, I'm speaking as a member of this workgroup. I will bring an at large and ALAC flavor just as I will bring registry or registrar flavors to our view and the experiences will be that.

But if the ALAC or at large wants to make a public comment that is not the same as having representation or influence in representation in the workgroup. And it's something that the new rules are very keen to grapple with and in fact some of the more recent cross-community activities have made it very, very clear whether or not you are in a workgroup in a policy process representing a organization or entity or not.

And if you're doing that you're in a very particular role such as liaison. And there you need to identify whether you are speaking on the entity's behalf or on your own. So we are making sure that it isn't a matter of double-dipping.

I hope that helps, Ron, because it's something that should be avoided. Influence in a workgroup process is a dynamic of a group of individuals. Ratification and public commentary and later vote is a matter for the entities.

Alan Greenberg: Yeah. I mean, there is an assumption that a workgroup which essentially to a large extent is a self-forming group because anyone can participate within some - sometimes, you know, a set of constraints. But in general they are open at least at the beginning of their formation.

And the assumption is that they will come up with results which will somehow reflect the general community and will later hopefully be approved by the GNSO...

Man: All right.

Alan Greenberg: ...which does have a formal voting mechanism with the various...

((Crosstalk))

Alan Greenberg: ...stakeholder groups and constituencies represented. But there's no guarantee that that happens. And for instance at large has a vote in this - a vote - an input into the consensus of this group but does not have a vote on the GNSO when the policy will finally be enacted if a policy comes out of it.

So there are certain assumptions made about this whole workgroup structure and I think we're going to have to play with it for a little bit longer to see just how well it is working or not working. But it's - it's not clear just how some of these things are working.

And the last couple of the weeks are the first time that we've actually tried to implement the consensus rules from the workgroup rules. And we're - I think we're learning something about it as we go along.

Ron Wickersham: Okay very good. Yeah, especially in this case where Alan has let it be known that he composed the public response as well as participating in the, you know, that does - Cheryl's point that it has been...

Cheryl Langdon-Orr: Hang on, hang on.

((Crosstalk))

Cheryl Langdon-Orr: Yes he pinned it. Yes he pinned it but...

((Crosstalk))

Cheryl Langdon-Orr: ...to be a statement it's voted on by 15 people...

Ron Wickersham: Right.

Cheryl Langdon-Orr: ...who are decided by five regents who are underscored by 129 ALSs.

Ron Wickersham: Right.

Cheryl Langdon-Orr: Yeah, you don't get to be making statements on behalf of the ALAC
without a full ratification process.

Ron Wickersham: Yes.

Cheryl Langdon-Orr: So I don't really care for...

((Crosstalk))

Ron Wickersham: And my point should be while I support all of the points I'm just concerned
about the procedure and whether that - whether in the future whether that
should be made as a part of where we encourage participants and their - and
the groups they may represent to also make public comments.

Or - because it wasn't clear to me prior to this public comment that either I as
an individual or should go back to the group I represent to make a public
comment.

Alan Greenberg: Ron, you're raising a good issue and in fact it came up very recently because
the board in its motion after its retreat last month or this month in fact

changed something from a policy recommendation. And the change was made based on public comments.

And indeed if everyone who had been a party to the recommendation in the working group had made a public comment, you know, saying I support X and I don't support Y, the board may not have taken that action.

But the board unilaterally decided on a very minute detail in policy based on the public comment - on what was said in the public comments but not necessarily based on the deliberations that the working group went through to get its recommendation.

So you may be right that history may show that, yes, everyone should go write public comments because that becomes one of the key factors in final decisions. It would be unfortunate if that was the case because it makes sort of a sham of the whole workgroup process but maybe that's the way it's going to turn out, I don't know.

Ron Wickersham: Okay thanks.

Alan Greenberg: It came as a rude surprise to some of us on that group. Okay I think we went off track a little bit and the next item was Number 23. And I think, Marika, maybe you can provide a bit of background. This is from the business users' paper which was an 18 page document.

And I think this was a distillation of a number of statements they are that - to get predictability consensus policy is probably the way we have to go; that it can't be anything looser than that. Is that a fair statement?

Marika Konings: Yeah this is Marika. I really would have to look back at the actual document as it's already a while ago that I saw that. But I think so. I think they, you know, listed a number of items and I think this was kind of the overall gist of

that that, you know, consensus policies are required to indeed have openness, transparency and predictability.

Alan Greenberg: Yeah because some of their issues are listed, Number 32 later on, one by one but I think that this one was sort of the distillation saying anything less than consensus policy is not going to get the level of predictability that they would like to see.

It's unfortunate we have no - we have neither Mikey nor Berry on the call but that's where we are. Okay given that what is our response to it? Is that another noted and we will factor that in into our deliberations? It's essentially saying the same thing that is a summary of the ALAC comments which said we want consensus policy to dictate what happens.

Not hearing any dissenting I will assume that's the answer. Twenty-five, now 25 in the discussion we said essentially is very closely related to the ALAC one in 17. This is one from Jothan. And I went back to that original comment because we were trying to decipher what AA meant.

And Marika, I'm really not - still not sure. There seemed to be a number of excerpts in Jothan's comment but I'm not quite sure where they came from so...

Marika Konings: This is Marika. I think AA stands for a comment that was submitted by (Andrew Aleman) I presume.

Alan Greenberg: Ah.

Marika Konings: He submitted a comment here earlier and it's part of the comments.

Alan Greenberg: I don't think there was - I don't think he did a comment in the actual comment period unless he goes under a different name in the email.

Marika Konings: That I need to check back. It seems to refer back to a comment submitted by AA so I need to check what's...

Alan Greenberg: Yeah, okay.

Marika Konings: ...if someone had a...

Alan Greenberg: I'm looking at all the comments that were earlier and there were only three. And none of them seemed to be AA. But in any case the specific comment is reduction in inconsistency will also help reduce trouble in perception.

Marika Konings: Sorry, the AA is (Axel von Anseck).

Alan Greenberg: But where did he make...

((Crosstalk))

Alan Greenberg: Where did he make the comment?

Marika Konings: I think that's probably someone that - I think it was under an other name; it wasn't listed as that - it was someone who basically, you know, described a scenario I think.

Alan Greenberg: Okay.

Marika Konings: Let me see what he was - it's the one that's called (Amon Devaman).

Alan Greenberg: Oh okay, fine.

Marika Konings: That's - is how it has it submitted. But it's...

Alan Greenberg: I see, okay, in the text it has someone...

((Crosstalk))

Alan Greenberg: ...else's name. Got it.

Marika Konings: Right.

Alan Greenberg: Okay.

Marika Konings: It's signed with (Axel von Anseck)...

Alan Greenberg: Yeah.

Marika Konings: So he's referring to that specific comment.

Alan Greenberg: Okay sorry I have missed that part completely. I'm not sure how to respond to that other, you know, that people presume that things are true which are not true other than to say education is one of the issues that we are going to be focusing on.

Mason Cole:: Alan I have my hand up if I may.

Alan Greenberg: Oh I'm sorry, go ahead.

Mason Cole:: I agree with you, I don't - I'm not sure there's - number one I agree that education would be helpful. Number two I don't believe that the - that - as Jothan writes, a reduction in consistency would perhaps be links to a misperception about what rights are afforded by this example, by the holding of a trademark.

You know, if someone assumes that by having a trademark that exempts them from having to pay for a renewal that's entirely different from for example when they get a renewal notice. I just don't - I don't think the two are linked.

Alan Greenberg: No to be honest I don't see it either.

Mason Cole:: Yeah, but when it comes to the idea that there could be an education campaign for registrars who have built up - or registrants who have built up misperceptions over, I don't know, anything relating to a registration that could be something that could be worthwhile to consider.

But I just - I don't know that there is a good reply to Number 25 because the to just simply aren't linked.

Alan Greenberg: Yeah, I mean, there are other issues were there are misconceptions that I won't say are put deliberately there, but if you go to a, you know, a Web-hoster that advertises free domain names, and many of them do, there is a perception that they are - that the person is signing up for a free domain name. And they get surprised when someone expects them to pay afterwards, you know, in the renewal years.

So I don't know how we, you know, that's not just going to be education; I'm guessing that would fall somewhere under best practices or something like that that people not mislead customers. But I'm not sure how we can fix that in anything that we can do in this working group.

Mason Cole:: Yeah, I mean, if I may it's Mason again...

Alan Greenberg: Yeah.

Mason Cole: ...I agree, I'm not sure that - I'm not sure it is fixable. I mean, that sort of analogous to, I don't know, my cable provider saying I get Showtime for, you know, for - I get it free when in reality really I only get it free for 90 days and then it shows up on my bill.

Alan Greenberg: Yeah.

Mason Cole: Or it's, you know, or it's removed or whatever so...

Alan Greenberg: Assuming your cable provider and many Web-hosters to be forthright have a little asterisk and a footnote.

Mason Cole: Right, right, true.

Alan Greenberg: And some don't.

Cheryl Langdon-Orr: And - Cheryl here.

Alan Greenberg: Yeah.

Cheryl Langdon-Orr: And it's that point what set of expectations and predictability a registrant in this case, but a consumer in general, has on little asterisks and the footnote that's a (said) predictable things, it's an expectation. And in the absence of it you go well, gee, you didn't tell me that was the case.

That's something you can do in education. But and that does lead to, you know, the advantages for the industry if it agrees on how it's going to inform people about the fine print and details. And if consumers and registrants understand where to look for those fine print and details that's a good thing.

Alan Greenberg: Yeah If indeed there are any fine prints and the details and as most of us know if you've looked at some of the resellers, resellers, resellers Website hosting agreements there is patently little details there.

Cheryl Langdon-Orr: Oh yeah, yeah, no I agree. But by the same token in some areas, not in the domain name industry, but in some areas, certainly not globally, there might be some examples in the CC space but not globally. In some areas even that degree of detail and what is expected is codified by (agreemental) regulation.

Telecommunications is, again, one of those examples were something in mobile SMS and premium service activity, you know, the size of the fine print is defined. And if someone puts it either in a smaller font, unreadable, or whatever else that, you know, you've been a bad person and you get your wrists slapped.

So, you know, there are ways of doing it but that's sort of out of our area but it would fit in the general better education of the registrants.

Alan Greenberg: Yeah and certainly if we end up with a recommendation, you know, using one of those horrid words of, you know, there should be clarity or clearness or predictability in the agreements people signed that presumably ripples down through the resellers. And it's a judgment call obviously about what is clear and what is not but at least the tone should - could be there.

Cheryl Langdon-Orr: Yeah.

Alan Greenberg: All right did we decide on an answer, I don't remember anymore. Marika, do you have any insight as to what to write or do we want to keep on talking about this until we do?

Marika Konings: This is Marika. What I have noted it down that education is one of the issues the working group has focused on and agrees it's...

Alan Greenberg: Okay.

Marika Konings: ...is important.

Alan Greenberg: I thought we said something I just couldn't remember what. Number 26 we said we would revisit when Michele is with us. So if Michele could come out of print - out of mute and tell us how do we go about encouraging - is that

something within our remit to come up with a mechanism for encouraging registrants to do more active housekeeping on their domains?

Or is this one of the electrocution ones is the solution?

Michele Neylon: No, no, no, I mean, the kind of - okay to start with the kind of problem that we've seen in our experience is - and this has been brought up by other people previously in conversations. I mean, the kind of thing where Company X which is a, you know, a reasonable size company; they're not, you know, one guy sitting in his boxer shorts in the bedroom, I mean, it's like a company with offices and employees.

They end up with domain names being registered by various departments, by various members of their staff. The domains are spread all over the place. Members of staff leave the company, get hit by a bus, struck by lightning, etcetera, etcetera, etcetera, and then, you know, the domains expire and then it's oh my God it's the end of the world.

Alan Greenberg: Sure.

Michele Neylon: So, I mean, I think what I was referring to - and I can't remember the exact comments I posted. But the general gist of it would be, you know, that it's - everything about this is a two-way street. Personally I've always said I've got post-expiry isn't the issue it's pre-expiry.

So there is no way on this earth for a registrar to know that you have changed your email address unless you inform the registrar that you have changed your email address. And there's - and postal mail won't work if you have moved offices or something like that so that won't work either.

SMSs won't work if you've changed your mobile phone number. And the reality is that you end up with certain registrants feel that, you know, the registrar should be all seeing and all-knowing which is...

Alan Greenberg: Of course.

Michele Neylon: ...simply unreasonable.

Alan Greenberg: Any service provider should. People feeling that doesn't make it practical however. But my question I guess was focused around you said problems could be avoided if time and energy were focused on encouraging registrants to, you know...

((Crosstalk))

Alan Greenberg: I'm not sure whose time and energy we're talking about.

Michele Neylon: All right well to answer that, okay, I have no idea what you have in the - in Canada or in other countries but in Ireland for example we have the Irish Internet Association. We have small firms associations and various other groups like that that are in contact with businesses of all shapes and sizes.

For a registrar - for registrars to be trying to do business - we can only do so much plus as well we're seeing to have vested interests. So it goes back to the - this thing that Cheryl mentioned many moons ago about some kind of - I think it was an (outer)-based Website which was giving people some kind of education on domains. I think she knows what I'm talking about at least I hope she does.

Cheryl Langdon-Orr: Yeah - yes I do.

Michele Neylon: And, I mean, these kinds of things - somewhere - I would be much happier seeing ICANN spend a couple a hundred thousand dollars of its budget on something like this rather than getting a second office in California.

Alan Greenberg: They didn't ask us our opinion did they?

Michele Neylon: Considering they're spending...

((Crosstalk))

Alan Greenberg: Okay so what you're talking about it goes back to the education issue and presumably done at an ICANN level and then registrars supported by pointing to it at the appropriate times and...

((Crosstalk))

Alan Greenberg: ...things like that.

Cheryl Langdon-Orr: If I can just give an example...

((Crosstalk))

Cheryl Langdon-Orr: Yeah, sorry, go ahead Michele.

Michele Neylon: Sorry, no, I mean it wouldn't say it's just ICANN and just registrars, I mean, it's also a case of, I mean, ALAC and its (houses) or whatever national entities there are. I mean, it's, you know, it's - I see a lot of, you know, registrars need to do this, registrars need to do that. It'll be good to get, you know, these - pointing people at things that they need to do that instead of focusing on, you know, the negative side of things.

Alan Greenberg: Okay so essentially this comes under the description - the general section of education that we said we - at some point we need to focus on what are we going to recommend to anyone be it ICANN or subsets of ICANN or industry associations to do to try to make sure that registrants don't hurt themselves.

Michele Neylon: Yeah, I mean, we...

Alan Greenberg: You know, if indeed we formed a consumer's constituency or stakeholder group or whatever, not a consumer's, yeah, consumers, that is clearly the kind of thing that could come under their bailiwick also.

Michele Neylon: Well I don't see why it has to be consumers, I mean, I thought that was what ALAC was meant to be doing.

Alan Greenberg: Well...

Cheryl Langdon-Orr: Well that's the at large, the (ROLOS) and the ALSs that need to be doing that. ALAC's job is an advisory committee to the board that facilitates those activities.

Alan Greenberg: Yeah, I mean, there are certainly some ALSs that may consider this within their domain; other ALSs have, you know, are involved in Internet related things that are not specifically looking at consumer issues and that kind of thing.

But if there were a consumer constituency within the NCSG and there has been talk of that for the last several years then certainly consumer education is one of the things that their members, you know, have in their list of challenges and responsibilities.

So I think this one comes back to our education one and it's an item that we know we need to address before we wrap up.

Michele Neylon: Yeah, okay, I mean, basically from my perspective, I mean, as a registrar we can blog about it, we can tweet about it, we can put it on Facebook, we can say to people, we can remind them and all the other registrars can do the same thing. But the point being that, you know, other organizations might be in a better position to communicate those kinds of things to, you know, the mass unwashed, whatever, I mean, you know...

Alan Greenberg: Yes, when - under the general tone of education we're not in a position to necessarily advise or direct groups outside of ICANN what to do that we can certainly come up with suggestions for things that we can try to encourage other people to do.

Cheryl Langdon-Orr: If I may I've put in the chat...

Alan Greenberg: Sure.

Cheryl Langdon-Orr: ...the link that Michele was referring to. But I've also mentioned that, you know, as a resource, you know, we have that on CD and on thumb drives and what not sorts of things. And it says resources that we put out in Australia at least, to the influences and people who are in a position to directly influence and assist and educate registrants.

So the offices that assist businesses doing business name registration, we, you know, send it off to, you know, the practicing accounts and lawyer type groups, you know, various of the - times when we give talks in any of the professional organizations, you know, we give them a pile of these for them to then distribute to the end user because there at the interface where that works, they're the ones who are sitting down saying you need to have a, you know, a .com .au for this and oh as you're doing, you know, here's some background information for you.

And that's something ICANN certainly could do under the guidance of the requirements by industry and the desires of consumers.

Alan Greenberg: I'm happy with that. Marika, do you feel comfortable knowing - to draft something so we can take a look at it?

Marika Konings: This is Marika. Does someone have a good summary?

((Crosstalk))

Cheryl Langdon-Orr: Education by ICANN...

((Crosstalk))

Cheryl Langdon-Orr: ...and tools for use in outreach all same.

Alan Greenberg: Yeah. And - well and prefix to that the workgroup will consider the following.

Marika Konings: Done.

Alan Greenberg: Okay. Next item - the next and last item is Number 32. At the last meeting we went back and forth about whether to address these one by one or in a group. And I think we decided that they were different enough from each other that we had to do them one by one.

Some are going to be a lot easier than others and some might really require Berry, who wrote the (SIBA) document to be present on the call to go into it in more detail. But some of them I think we're in a position to come up with responses to pretty quickly.

And I'd like to continue going on that. We have another 20 minutes or so and I want to - I have another commitment; that like to make sure we don't run over today. If we end a few minutes early that would be fine. But I suggest we at least start and we may finish this quickly.

Okay the first one is adequate documentation and expiration process current in proposed models. If I can summarize the discussion last time - and I just listened to it this morning so I'm moderately up on it.

I think there was general feeling that we had no intention of trying to document the current process on the assumption that the proposed process

was going to be simpler. It was something that we said would be required but not necessarily done by this group.

There is a previous question or comments by Jothan I think that said essentially the same thing. I think we can use the same answer on that one. Seeing no hands or hearing screams.

The next one was one that I thought we were going to have unanimity on but in a very brief discussion last time we did not. And the recommendations have changed confusingly similar terms like automatic renewal versus auto renew grace period so that they are not confusing.

And I personally thought that was a - essentially a no-brainer because currently many registrar agreements - or registration agreements use the terms automatic renewal. And that is an expression describing the registrant/registrar relationship that is you will charge - the registrar will charge your credit card and renew it for a period of time.

And they also mentioned the auto renew grace period because they are talking about the 45 day period or something like that. And the statement has been made that those two terms in the same agreement to someone who doesn't spend their life doing this is rather confusing.

So I would be delighted to see a recommendation coming out of this group that we change those - that terminology to be sufficiently different that it's not confused.

There was at least one comment last time and it's from Jeff and he's not on the call so I don't know if anyone else wants to speak to it or we want to defer this one that they are both industry-standard terms and we don't want to change either of them. Any thoughts on the call?

Ron Wickersham: Yeah, this is Ron.

Alan Greenberg: Yeah and Michele after you.

Ron Wickersham: Okay. Yeah I was surprised that it would be difficult to get consensus on this issue because on the face of it they do appear so similar. But yet I can see that they are standard terms so I'm of the mind that as difficult as it is finding a better term for one or even for both if we want to be neutral, have to change both terms, might - then we would have something to - something concrete to discuss rather than just a should be better.

Alan Greenberg: Okay.

Ron Wickersham: And I'm saying this without offering a suggestion but...

Alan Greenberg: Yeah, I do have a suggestion but we'll go on to the other people first. But I will point out that in the registrar survey we did at the beginning of the process there were several registrars who confused the two terms. So let's go on. Michele.

Michele Neylon: Well the first thing just as a kind of, you know - I love to throw these little (spanners) at you from time to time, Alan. They're probably not confusingly similar if you're mother tongue isn't English. And don't forget that there are plenty of registrars and registrants who are dealing with this stuff on a day to day basis in languages other than English. So that just - I felt that needed to be said.

With respect to the first thing auto document expiration (unintelligible) currently proposed models, isn't there already a - a kind of a chart-type thing that was done out some time ago by - by Rob Hall or somebody?

Alan Greenberg: It's documented the procedure that was in place before there were a lot of other changes, you know, such as registrars being able to transfer auction-sell domains during the expiration process. It has been modified to try to

reflect that and as a result has become an exceedingly confusing chart but yes there was a chart, there was and is a chart and I think it's in our report.

Michele Neylon: Okay. How consistent (unintelligible) across registries, registrars and TLDs.

Alan Greenberg: Yeah, I'd like to stay on one bullet at a time at this point.

Michele Neylon: Okay.

Alan Greenberg: Okay Mason?

Mason Cole: I'm not an attorney so I don't know the answer to this. But do we know - do we know to what extent if any those names are built into any contracts or agreements either the RAA or the registrant/registrar terms and conditions?

Alan Greenberg: Well the auto renew grace period is definitely a term used in the registry agreement I believe, whether it's in the...

Mason Cole: Okay.

Alan Greenberg: ...RAA I'm not sure. So that is a defined term within ICANN.

Mason Cole: Right well - and I'm bringing it up - and again just like Ron I don't have a, you know, I don't have a solution to this problem but I'm bringing up what may be a difficulty, which is if those are baked in somehow as legal terms, then changing them requires the cooperation of lawyers which we all know is difficult...

Alan Greenberg: Yeah, certainly.

Mason Cole: ...at best. And then so I don't know if - it may be more trouble than it's - it may create more problems than it solves frankly if we seek to do that. I don't argue with the - I don't argue with, you know, the hope for outcome that we

eliminate confusion; I'm just pointing out that it may not be as easy as it looks. So we should take that into consideration.

Alan Greenberg: Well I can't do anything but agree with that. And a recommendation that we do something may end up being completely impractical.

Mason Cole: Yeah.

Alan Greenberg: On the other hand ICANN is continually reinventing new terms and we do this on a regular basis. I don't think there's any word within ICANN which is not used in at least two different ways.

Mason Cole: Right.

Alan Greenberg: And you have...

((Crosstalk))

Alan Greenberg: And in this case to take automatic renewal and tell someone it's not the same as auto renew which is the first part of each of the words is only - is not going to yield anything but a confused person.

Mason Cole: No I agree with you on that. My point is that, you know, if you've got, you know, several hundred registrars, which you do, and they all have slightly different terms and conditions governing their relationship with the registrants, you are going to have at least one attorney if not several hundred more say no that's, you know, that's a term of our - on which the company and the registrar to rely as a way to define their relationship and I'm not going to change it.

So, you know, only because it's been in place for, you know, if I'd had that customer for 10 years, you know, I as your attorney I'm not going to start

changing definitions on you because it creates too much confusion which is perversely, you know, the opposite of what we're trying to do.

Alan Greenberg: Yeah, indeed we've talked a lot about relatively unknowledgeable consumers getting involved in this. And the term automatic renewal is something which is used on magazine subscriptions and your cable TV and who knows what else and, you know, insurance.

Mason Cole: Right.

Alan Greenberg: I don't think we want to try to change that concept in general (unintelligible). On the other hand auto renew grace period is not something that flows off people's lips on a normal situation outside of ICANN...

Mason Cole: Right.

Alan Greenberg: ...and maybe there's an opportunity to fix it. Although as you say it may be just too impractical to do it; certainly in the short term.

Mason Cole: Yeah, okay.

Alan Greenberg: But to say as a principle we want to try to avoid having two different terms used in the same agreements which have completely different meanings I think that's an awful good principle.

Mason Cole: Yeah to the extent it's achievable I agree, yeah.

Alan Greenberg: Too bad our forefathers didn't recognize that when they were doing this the first time. Michele.

Michele Neylon: Just moving on which is to say that we note they're commons, we agree with the spirit of it but there may be issues with respect to implementing it and...

((Crosstalk))

Alan Greenberg: And, well, we agree - we note, we agree with the principal and we will look to what extent is practical or possible.

Michele Neylon: Well I don't think it's within our (agreement) to do that though. I mean, as Mason has pointed out a lot of these things are going to be in lots of different contracts.

Alan Greenberg: Indeed but I don't think we should rule out making the recommendation because it's going to be difficult or - difficult to achieve. It may not happen but that doesn't mean we shouldn't state it as an intent in principal.

Michele Neylon: No, no, that's fine but...

Alan Greenberg: But again...

((Crosstalk))

Michele Neylon: ...is all I'm trying to get at.

Alan Greenberg: Yeah, nothing we say is - everything we say is subject to implementation as we found out in a number of other PDPs over the last year including the gTLD one; implementation counts. Anything else on this one?

All right Point Number 3, provide consistent and informative domains status flags across registries, registrars and TLDs. To what extent are we - we are suggesting something akin to this with regard to the WHOIS status of a renewed or not renewed. The registries made a recommendation that - saying while we fix up that maybe we should fix up the rest of them.

And our response to that was that maybe something needs to be done but it's not in our scope. And I think this one falls under that same answer. To the

extent that we are recommending changes in status flags, if we do, you know, making them consistent and informative will be a good thing. Outside of that I think it's outside of our scope. No dissent? Let's go on.

Provide consistent service disruption across registrars on expiration. That comes down to does the DNS stop working? Does it get redirected, whatever? And I think that's - this is one of the items that we will be focusing on and making, you know, potentially making a recommendation on.

Mason.

Mason Cole: Okay so again I'm not a lawyer. Has not been given to the idea of liability for a registrar should legal action be taken against the registrar in the event of service disruption even if it's disclosed prior in the terms and conditions?

Alan Greenberg: Pretty much every registrar in the world that I know of currently disrupts Web service is not the other services near - around expiration. Have you been sued? I don't know.

Mason Cole: Well...

Alan Greenberg: I don't monitor those things, I presume you do.

Mason Cole: Yeah, yeah, well you're in business long enough you're going to get sued whether it's...

((Crosstalk))

Alan Greenberg: Well yeah, sued is not - the question is do they have a valid case against you?

Mason Cole: Yeah which, you know, requires you to get, you know, retain an attorney and incur costs anyway.

Alan Greenberg: Sure. I would have thought when it's post-expiration that you're - if your contracts are worded as carefully as registrars tell me their contracts are worded that probably shouldn't be an issue but I don't know.

Mason Cole: Okay, all right I'm going to let that go for now then.

Alan Greenberg: I mean, ultimately you're going to kill the service sometime if no one pays. We have Paul.

Paul Diaz: Thanks Alan. I just wanted to note here that I think we're going to have be careful, consistent kind of - goes against the competitive nature of the registrar market, differentiation exists. Some of the discussions we've had with other registrars talking about the work of this particular working group the idea that, you know, some are like hey don't tell me - they're not against certain things they just don't want to be told exactly when certain actions need to be taken.

And then I'm just very concerned that if - in trying to find a quote, consistent term, that we're, you know, going to start getting into prescribing how businesses should be run.

And, you know, while we're all - I think most registrars are for good communication, clearly defined terms, etcetera, that the group just needs to be very careful as we move forward about telling registrars when they should take certain actions if that's what was meant by consistent in this particular bullet point.

Alan Greenberg: Well, I mean, I think ICANN is legally within its rights - the original RAA said should ICANN come up with any policies regarding how domains are handled, expiration, registrars will follow them.

Now that doesn't mean we should make stupid recommendations and ICANN should enact stupid policies or ones that are exceedingly disruptive to large numbers of registrars and registrants. So I think we have an obligation to think about these things before glibly making the recommendation.

But that doesn't mean we shouldn't think about it and perhaps come up with a recommendation to do - that policy be enacted to require some specific thing. I mean, right now a registrar cannot sell a domain name for 12 years because 10 years is the limit. And yes it may disrupt someone's business model of selling a domain name for life but that's one of the limitations.

So I don't think - I think we have a responsibility to do things with care and understanding the issues but that doesn't preclude that we actually do make some specific targeted recommendations. Does that...

Paul Diaz: Yes.

Alan Greenberg: ...mesh or...

Paul Diaz: I think we're agreeing on the same point, that let's take care when we get to the point of defining what those steps would be.

Alan Greenberg: Yeah. And as - okay I'll take off my chair hat and put on my ALAC hat. And if you look at the ALAC comment we specifically said but there should be exceptions to handle business models and various other things. You know, that doesn't mean this group is going to say that but even the ALAC in its ferocity to get policy enacted says there may be exceptions and there may be special cases.

Marika do you feel comfortable about this one or do you want actual words?

Marika Konings: If someone has some good words I always prefer that.

Alan Greenberg: Okay. We were sort of hoping you come up with the good words. Let's see are we still on the service disruption one right now or are we on the next one, I've lost track. I think we're on the service disruption one.

I think the answer is this is one of the key points that the workgroup is looking at. And we will be considering during our deliberations how - exactly how to address it.

Next one, provide consistent notification, display of deletion, automatic renew, auto renew grace period, redemption grace period policies on registrar/reseller Web pages. I'd like to defer that one until Berry's on the call because I don't want to be debating what he means by consistent and I think the subtleties count in this particular one so if there's no objection I'd like to defer that one until Berry can participate.

Let me make a notation of that one. Provide consistent redemption grace period intervals rather than leaving it up to provider discretion. I don't think there are inconsistent redemption grace period intervals. I'm going to defer that one to Berry unless someone else can give some light on that short of asking him. My understanding is the RGP is one of the few things that is consistent to the extent that it's offered and available. No comments? Okay.

Provide consistent post expiration implications when registrants elect not to automatically renew domains and opt for - and opt-out of monetization of Web addresses. The first part I believe - it's the same answer is one of the key issues that we're looking at and we will consider it.

The opt out of monetization I think we have decided when we talked about it before that is out of scope in that the monetization does not directly control whether someone can renew it or not and therefore is not within what we're discussing. And I think we already answered that somewhere else although I'm not sure. Mason?

Mason Cole: Yeah that was - you just answered my question. I was - at first I was going to look for clarification because I wasn't sure what that meant but I agree with you that it's out of scope.

Alan Greenberg: Michele.

Michele Neylon: Pretty much out of scope. I mean, if the domain is - hasn't been renewed then what the registrar does with the domain isn't really of concern.

Alan Greenberg: Well it may well be and there are some people who interpret even the current RAA as not truly allowing that. But that's rather moot; it's not an issue on this PDP.

Michele Neylon: Yeah.

Alan Greenberg: If it doesn't directly impact the ability of the registrant to renew. It may be a horrible sin and against every rule but it's not our sin to correct. And whether it is nor is certainly something (unintelligible) to the discussion and not a discussion that I think we want to be holding.

Anything else? Next one, we're down to the last two. Shift all TLDs to thick registry model to aid in normalizing WHOIS based processes. I think as a recommendation in its own right that is completely out of scope for us.

It may well be that if we make a recommendation on changing WHOIS to reflect the current renewal status the people looking at implementation might decide that the only way - possible way to do this is with a thick registry and that could be a fall-out of it. But since I don't really imagine that's likely to happen and it's outside of our scope to explicitly recommend I don't think we can do anything about that.

Does anyone feel differently on that? It's interesting of course that with the new TLDs they will all be thick registries. And there may well be pressure in

the long term to convert all registries to thick. But again that's not our - not within the scope of this PDP. Comments? None.

Evaluate any conflict of interest registrar either generates revenue from renewal or monetization after market drop catching. Paul?

Paul Diaz: Thanks Alan. If Berry posted these I'd just like to go back to him and ask why - why is this an or statement - an either/or? I mean, all the others made sense in the context of this working group but this one seems like they're just trying to dictate a business model and I'd like to just follow up with him why. What is their justification or rationale for it?

Alan Greenberg: Well I can say what has been raised before; I wasn't the one who raised them but I - I could try to answer on this behalf but we could simply wait for him. I mean, the issue that's been raised a number of times is that there is hypothetically more money to be made in their domain not being renewed and therefore sold for - in the aftermarket than simply getting the couple of dollars you get per year out of renewing it.

And that's the substance of the potential conflict. I'm not sure we're in a position to evaluate it however. Mason? Anything else? Yeah?

Mason Cole: I'm sorry, Paul, were you finished?

Paul Diaz: I was only - you may make the point, Mason, because you've made it in the past about...

Alan Greenberg: Okay.

Paul Diaz: ...the tremendous acquisition costs that registrars incur to get those customers. I think it's extremely facile to say that registrars are more interested in grabbing the quick bucks and auctioning off somebody's expired

name than in doing everything they can to retain that very expensive customer.

Alan Greenberg: I don't think anyone's claiming that all registrars are in that position. There has been the claim made that some registrars may be in that position.

Paul Diaz: But this proposal from the (CBUC) would apply across the board and that's what I don't understand it's - they're dictating models; they're not trying to create a fair policy here.

Alan Greenberg: Let's continue with the speaker list. Mason.

Mason Cole: Well, yeah, I mean, there's, I mean, I see like seven or eight arms of issues shooting off of this one bullet point.

Alan Greenberg: A good last point. And we are past the hour and a half by the way so I don't want this to go on too long. We can resume it later but let's go through the speaker list. Mason.

Mason Cole: Well, yeah, I mean, I do agree with Paul. I mean, at the root, I mean, this seems like quite an overreach for this group. I mean, if the purpose of the group is to prevent unwanted - or unintended expirations of names then dictating business models post-expiry is not appropriate.

I mean, again, you know, my company provides an aftermarket service for more than 200 registrars. And I think that there is an assumption being made without any facts being provided about why this would need to be addressed in the first place.

And in our experience, you know, fewer than one time per month is a name submitted for auction when the registrant calls in a panic and asks for it to be taken out which we promptly do I might add if that does happen.

I just - I find it to be candidly an arrogant assumption about registrar's business models that a conflict does exist; that we would prefer to throw a customer over the side for, you know, for an auction rather than maintain a productive customer relationship.

When you look at where revenue is generated from customer relationships it is not through - primarily through domain name related transactions; it is primarily through other services provided that customer after a domain name is used as the acquisition point for that customer. So I'm very, very troubled by this and I just - I find it to be completely inappropriate.

Alan Greenberg: Okay. I guess I'd like to defer that any more substantive discussion - I'll let Michele get a chance at the mic - but defer until - when someone is here from (SIBA) to discuss it because I don't feel it's fair or appropriate to do it otherwise. But, Michele, I'll give you a moment and - but we'll resume this at some time in the future.

Michele Neylon: Well I'll echo what Paul and Mason were saying. The other thing as well is that if we make - manage to make changes, proposals, whatever, so - to deal with whatever outlying cases may possibly exist where registrars don't inform their registrants, etcetera, etcetera, then I see this entire thing as being completely moot.

If the registrars are giving the registrants notification and warning of pending domain expiry and the registrant chooses to ignore that what happens to the domains afterwards is, you know, it's irrelevant. And I'd echo all that was said previously. But my...

Alan Greenberg: Okay I could add something but again I'm taking the role of Berry and the business users and I don't feel comfortable doing that so I'd like to defer the completion of this discussion until a future time.

Next meeting next week, everyone ready or do we want to - or are schedule such that we prefer to do two weeks at this point?

Mason Cole: Mason here. I'd prefer two weeks, I'll be traveling.

Alan Greenberg: Marika?

Cheryl Langdon-Orr: Yes, two weeks.

Marika Konings: Yeah, this is Marika. Just to point out that the document deadline for Cartagena is coming up, it's the 15th of November so people might want to think about whether there's something they would like to put out for community discussion or review in time for the meeting.

Alan Greenberg: I think we'd like to put out the - finish putting out the responses for this and the results of the survey in some public forum. I'm not sure whether it takes the port of an - the form of a (managed) report or some other document but I don't think we're in a position to have any firm proposals to discuss at Cartagena; the timing is just not going to allow that.

So I would like to get the results of the work we've done since Brussels out there. And I think we should have adequate time to meet that deadline.

A meeting two weeks from now puts it - where are we right now? That would put it at the - sorry - at the 2nd of November which is just two weeks before. I feel comfortable waiting the two weeks. And I think that will give us enough time to close out whatever document - to decide next week on the - next meeting on exactly what forum.

And perhaps we can have a discussion on email looking at the - investigating what our options are in terms of putting something out. I don't see putting it out for formal comment at this point but I think making it available to the community does have some merit.

Does - do people feel comfortable with that?

Cheryl Langdon-Orr: Yeah.

Alan Greenberg: Yeah?

((Crosstalk))

Alan Greenberg: Then two weeks it is. And we'll do on email trying to investigate what our options are for putting something out to try to get any feedback or at least reaction from the community. And I think we need - Marika, what's the deadline for scheduling meeting rooms?

Marika Konings: This is Marika. We've actually - we haven't even received the forms yet to start booking meetings but what I can do is just plan in a meeting if there's any preference for a day/time I can put in that request and we have a space and we can decide closer to the date what we exactly want to do.

What will be foreseen is an update to the council and I think that's tentatively penciled in for Saturday afternoon.

Alan Greenberg: Yeah, no that one I assume is a given. But at this point it's not clear whether we want a public meeting or there'll be enough workgroup people to actually do some substantive work. If we're actually at the stage which I'd like to be by December on trying to decide how we wrap up this working group then a face to face meeting may well have some merit if there's going to be enough people in attendance.

((Crosstalk))

Marika Konings: This is Marika. I can ask - I can work with Gisella and maybe we can, you know, send out a request to everyone to indicate whether they're attending or

not. And what I can already do in the meantime as well is to start reworking the initial report to, you know, change it from...

((Crosstalk))

Alan Greenberg: That would be useful because if indeed a significant number of people are there we want to try to find a time where they can actually attend the meeting and minimize conflicts. So if you could start working on that with Gisella we'd appreciate that.

Okay I thank you all for I think a very productive meeting. And we're at least making some progress. Thank you all.

((Crosstalk))

Mason Cole: Thanks Alan.

END