

**Registration Abuse Policies Implementation Drafting Team
TRANSCRIPTION
Monday 18 October 2010 at 14:00 UTC**

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<http://audio.icann.org/gnso/gnso-rap-20101011-en.mp3>

On page:

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

Present for the teleconference:

Mike O'Connor – CBUC – Drafting Team Co- Chair
Greg Aaron - Registry Stakeholder Group – Drafting Team Co- Chair
Berry Cobb – CBUC
Faisal Shah – Individual
Philip Corwin – CBUC
Elisa Cooper – CBUC
Joi White - Intellectual Property Interests Constituency
Lisa Rosaya - Intellectual Property Interests Constituency
Kathy Kleiman - Registry Stakeholder Group

Apologies:

Fred Felman –Individual
Mary Wong –NCSG
James Bladel - RrSG

ICANN Staff
Margie Milam
Marika Konings
Glen de Saint G ry
Gisella Gruber-White

Coordinator: This call is now being recorded.

Glen de Saint Gery: Thank you. Good morning, good afternoon, good evening everyone. This is the RAP Implementation Drafting Team on the 18 October.

And on the call we have Mikey O'Connor, Elisa Cooper, Berry Cobb, Joi White, Lisa Rosaya, Faisal Shah, and Philip Corwin.

And for staff we have Marika Konings, Margie Milam, Gisella Gruber-White, and Glen de Saint Gery. And I do not think we have apologies from anyone do we?

Mikey O'Connor: All right we do apologies from Mary Wong.

Glen de Saint Gery: That's right from Mary Wong. Thank you very much Mikey and over to you. But may I just remind people please to say their names before they speak for the transcription purposes. Thank you.

Mikey O'Connor: Thanks Glen thanks all for joining us. I think we're going to dive right in. I'm I sort of have my fingers crossed that Greg is going to catch up with the soon but I don't see him yet so on we go.

So I just sent to the list a repeat copy of the matrix as it stood at the end of the call last week. So that's really a duplicate if either of these files will be identical.

And where we're at and our goal for today is to start with Item Number 7 which is in Row 14 of the spreadsheet and try and push through the columns that we've been working on this week to get done with that part of the work so that then I'll put them in clumps sort of, you know, big hard ones, little easy ones, medium sized ones.

And then next week we'll spend trying to put these in a sequence. I don't know if we'll do a poll during the week or not I'll sort of see how that evolves.

But today's goal is to really just finish up the subsidiary work, the detail work so that we've got a pretty good common understanding of what these critters are and then next week really try and do the sequencing discussion.

So with that I think we'll dive right in. And as I say we're on Row 14 which is Item 7.

Lisa Rosaya Mikey?

Mikey O'Connor: Yes go ahead.

Lisa Rosaya Hi. This is (Lisa Rosea). I just had a quick question. I know in Items 3 and 6 our recommendation for the next steps was for the GNSO council to send a letter.

Are we going to be involved in drafting those letters or is that something we're just going to tell them to draft the letter?

Mikey O'Connor: We won't be involved with drafting the letters. It's sort of up to the council. Usually I would expect that they would depending on how elaborate the letter is just go ahead and do it pro forma because the recommendation's pretty detailed in the RAP report. I'm sort of winging it here. Marika what's your guess?

Marika Konings: Yes this is Marika. I think based on, you know, previous practice run letters have been written that the council might ask staff to prepare a first draft or one of the chairs might take a stab of drafting such a letter of course looking back at the report and its recommendations.

But then those kind of letters are always put back to the different constituencies and stakeholder groups for a certain amount of time to provide input or comments.

So there should be an opportunity if, you know, if people feel that there's something missing or not reflecting accurately the recommendations to provide input.

So that is normally done before the letter is actually sent or that has at least been the recent practice when the council drafts and sends letters.

Lisa Rosaya Great, thank you.

Mikey O'Connor: Yes I mean the one thing I know for sure is that that's outside of our brief. We'll be done once we come up with the sequenced lists. It might be next week. You never know, if not hopefully the week after that.

Okay so if we look at Item Number 7, this is the recommendation that the GNSO monitor for the cross TLD registration scam and coordinate research with the community to determine the nature and extent of the problem.

The working group believes this issue warrants review but notes that there's not enough data at this time to warrant an issues report or a PDP.

So basically we're - the reason there are so many question marks in this row is because we're sort of treading new ground here and telling the council to do something that it probably hasn't done before.

But for the most part we thought that this was a fairly low complexity, fairly narrow, fairly small resource requirement thing.

We got a little puzzled about what this critter was and what the next step was. So let's work on that first because that may inform the first three rows.

If I look at the nature of this -- get to the right row -- a lot of us thought this was an advisory group which we've declared void because it doesn't really work.

Some of us thought it was a Drafting Team, Greg and I did. Mary thought that it was a working group. So let's just have a chat about what we think this critter is.

I think that's the reason that I thought it was a Drafting Team is because we're really just asking the council to keep an eye on something.

We're not asking for a policymaking process. We're really just saying hey council why don't we figure out a mechanism to keep an eye on this process. And in order to figure that out we thought a Drafting Team might be a good way to explore this new ground.

What do people think about that, I mean just throw it open at that point and see what people's reactions are?

Anybody terribly upset if I called it a Drafting Team and let a small group of people go off and try to and figure out how to handle this thing?

Faisal Shah: Yes, you know, hey Mikey this is Faisal I don't think that's a problem.

Mikey O'Connor: I'm going to get myself together. I just realized I can't see the hands up. Marika go ahead.

Marika Konings: Yes this is Marika. I think it might be helpful then if it is a Drafting Team everyone agrees that you need to describe what the Drafting Team is supposed to do.

Because if I understand you correctly the Drafting Team will actually developed the procedure through which the council could actually monitor that activity instead of actually doing the monitoring itself. Is - was that what you were saying?

Mikey O'Connor: Yes that's precisely. So maybe we'll...

Marika Konings: Right. So maybe it would be good to specify that what the role of the Drafting Team is so is clear as well from the council's perspective what is required for that effort.

Mikey O'Connor: Say the Drafting Team to develop the monitoring effort/approach -- something like that. How does that sit with others? Any objections to that as an approach?

Not seeing any. So if that's true then I would go with the low, narrow, low choices in the first three columns.

And then in the next steps I would say - well for dependencies I would say there are none because the data is actually going to get developed by the monitoring. So I would go with no dependencies.

And the next step would be to launch the Drafting Team. How about that? Anybody? I'm going to kind of push today. So I'm more than open to course corrections but I'm also going to try and push us along here so that we get through all this.

Okay, the next one is the recommendation that the GNSO and the larger ICANN community in general create and support uniform reporting processes.

And I'm going to do a little backgrounder on this one for those of you who weren't in the working group because this is actually a pretty big deal even though it's a pretty terse little description.

Basically one of the things that we came across the working group was that we have all these policies but we don't have a mechanism to report infractions, progress, adherence, compliance.

You know, the sort of reporting mechanisms to record how we're doing on the policies are pretty diverse and in some cases pretty nonexistent.

And what that has caused in at least one example is the situation where subsequent PDPs - oh Greg's on the call. Welcome Greg.

Subsequent PDPs are stymied because they don't have very good data on which to base policymaking. So I just wanted to give that little description of the thing before we kick off.

And then if we sort of look at our row we're tending towards high broad big. And I would since the advisory group is mute I would tend to put us in the working group column. And we had a couple of dependencies.

So if we were to tentatively say this was a big one, high complexity broad scope high resources working group with a possibility of maybe a review of existing I know where that phrase came from -- I'll bet that's Berry, that gap analysis thing -- how does that suit people?

Because again in my push things along role, I'm sort of looking for hands up saying no that's a bad idea so that we can make sure that we're not getting off the track.

But if I don't see much in the way of objection I think that's the way we'll go.

And I guess a question for Marika. If we were to suggest a working group which would then eventually mean an issues report was the first step, how could we work in the notion of a gap analysis prior to the issues report? Because I like that idea a lot?

Oh and Berry's hands up. I'll go to Marika first and then come to you Berry.

Marika Konings: Yes this is Marika. If it's a working group and not a PDP there's no requirement for any issues report although it might be a request from the council nevertheless.

If you would recommend indeed a gap analysis for the working group to carry out it could be part of its charter.

Mikey O'Connor: Oh okay.

Marika Konings: So normally if a working group created - is created a first try a first step is normally to form a Drafting Team that develops the charter for the working group and as part of the charter, you know, different steps might be identified.

Also if there is a need for example to first have any issues report or a kind of report from staff on the certain elements or whether that's, you know, the working group is tasked with actually developing that report and the different elements that need to be further researched.

Mikey O'Connor: Cool okay. So I think we've got some flexibility there. Berry go ahead.

Berry Cobb: Hi Mikey, yes this is Berry. Marika just stole my punch line. So yes I would say that the gap analysis would be part of the charter if anything else. It certainly wouldn't be something that would probably be created in isolation before some subgroup got formed.

Mikey O'Connor: Okay so if we - see how do I want to phrase that? We said that it was high, broad, high working group then said (could) review existing conduct gap analysis, instructions, drafting, charter Drafting Team.

So the first - so the next step would be form charter Drafting Team, form - hack my way through this later but that's close I think. I think that's got it.

Berry your hand up from before or is this a new one? I've been...

Berry Cobb: Sorry I'll take it down.

Mikey O'Connor: Okay. I just realized that I sort of skipped ahead. I want to roll us back to Line 11 in the spreadsheet which is Item Number 5.

We left some stuff open on that. We said inquire of the RAA drafting can this issue be incorporated into their recommendations?

And we were going to pick this up next week. Well now we're here at next week.

Marika did you have a chance to visit with the RAA drafting gang to see if that would work?

Marika Konings: That's Margie's group but I think she's working on their final report. So I guess there's little scope but I'll let Margie respond to that one.

Margie Milam: Yes they're basically done with their work right now. So I'm actually publishing their report today.

Mikey O'Connor: Yes and I saw that announcement go out. So that says that we - that was a result of a dependency discussion. So we don't have refer to the Drafting Team as an option. And so I'm going to get rid of that.

We talked a bit about what this is. And I want to see if we are still fairly agreed that sort of medium across the board is a reasonable set of items. It's not as broad as some of the other things. But it's not a trivial one either.

And I want to see sort of what our thoughts are about this. We have a dependency left that says coordinate with the other Whois efforts.

And to clarify this is more of an operational Whois issue than it is the grand Whois debate if you will.

And I think at least for me I could see proceeding on this one independently of the other Whois effort so I'd be inclined to remove that dependency.

And in terms of what the nature of this critter is, get back to that, sort of saying it's a drafting group, an advisory group. Now Greg and I are thinking this is a drafting group.

You know, this is an awful lot like the one we just did where we're sort of asking the GNSO to do something new.

And I'd almost be inclined to take the same approach, do a working group, do a gap analysis approach to it. But it's not as broad as the Number 8, the Item Number 8. What do people think about that? Greg go ahead?

Greg Aaron: Well my question is how this fits into GNSO improvements processes because the GNSO council already has members working on improvement efforts. So...

Mikey O'Connor: This is the Whois one, that Number 5?

Greg Aaron: Oh we've gone way back up?

Mikey O'Connor: Yes I'm sorry, I dragged us back up a row because - several rows because...

((Crosstalk))

Mikey O'Connor: ...(we left) this one open last time.

Greg Aaron: Okay, all right.

Mikey O'Connor: Sorry about that. And so this is the one where we are asking the GNSO to determine what additional research and process might be needed to ensure that Whois data is accessible and appropriately reliable (enforceful) in consistent way.

Greg Aaron: Okay.

Mikey O'Connor: This is the Port 43 stuff and things like that.

Greg Aaron: Right. So we - one thing we identified was the RAA drafting.

Mikey O'Connor: Right and that's the one that...

Greg Aaron: Another would be a working group perhaps.

Mikey O'Connor: Yes and that's sort of where I wound up. When we - when you look back at the next step we - you and I sort of said Drafting Team is probably the first thing just to figure out how to do this critter and...

Greg Aaron: Okay.

Mikey O'Connor: ...lead that into a working group process.

And so I'm pretty inclined to treat this an awful lot the way we treated Number 8 in Row 16, the one we just did do a working group, review the existing systems, and instruct the charter group to sort of incorporate that review into their charter for that group. Does that work for you?

Greg Aaron: Yes it could go either way. I mean we could - we can always suggest to the council consider, you know, a couple of ideas.

Mikey O'Connor: Yes.

Greg Aaron: So just what's best.

Mikey O'Connor: Anybody else got strong opinions about this one?

Berry Cobb: Again this is Berry. You know, I'm happy with the working group as well. Because it does seem that this is more like you had - I think you used the word operational.

You know, because there's already provisions in the RAA that dictate that, you know, Port 43 should be available -- that kind of stuff.

So it's - I mean ultimately this just boils down to ICANN itself producing more reliable reporting and enforcement of that, true?

Mikey O'Connor: Yes.

Greg Aaron: Well this is Greg. There are some other aspects to it though also. I mean there's compliance of existing things.

But the work - the RAP Working Group also found that there may need to be additional requirements on top of what we already have. So I don't want that to get lost.

Mikey O'Connor: Yes the technical requirements. Because, you know, the problem that we were grappling with in the working group was the fact that it's so inconsistent that it's very hard to build systems and data on the wide variety of implementations of Whois across registrars and registries. And so part of this is just to get it more consistent.

Greg Aaron: Yes there are also some glaring holes. I mean you can - you're required to have a Port 43 server but the registrars are not actually required to have it up any portion of the time.

Mikey O'Connor: Yes I love that.

Greg Aaron: Yes which kind of, you know, it defeats the purpose.

Mikey O'Connor: Yes.

Greg Aaron: Honestly so we need to - so those new kinds of things need to be brought forward and that's what we have in the RAP report. So there's some substantial discussions there. So...

Mikey O'Connor: Okay so I'm going to say - pardon me?

((Crosstalk))

Greg Aaron: I was going to say are we at a conclusion on this one?

Mikey O'Connor: I think so. The one - the way I would do this is say it's medium complexity scope resources. It's a working group. I don't think there's any dependency with the other Whois efforts because this is purely operational.

And then in the next steps I would use pretty much the same language that we used in Item Number 8 which is to form a charter Drafting Team and include "review existing systems and conduct gap analysis" in the instructions to the charter Drafting Team as the approach.

Because I think that a gap analysis on this would also be very useful.

Because we began to do that in the RAA working group, you know, you and (Rod) and I. But it would be good I think to get some of that done early in the process.

So if people are okay with that approach I think that's the way we'd would go.

Greg and Berry your hands are up from before so if you want to chime in feel free but I'm assuming that you did...

Berry Cobb: Okay. Mikey this is Berry.

Mikey O'Connor: Yes?

Berry Cobb: Just a quick question then is, you know, guilty as charged. I didn't study this particular recommendation as much as I should have in the RAP group.

But if the RAA Drafting Team which is a current PDP, you know, that's no longer an option. But part of our recommendation what albeit whether it's technical requirements or what have you, I think Greg you specifically touched on the fact about availability of that server and that kind of stuff. That sounds like that wouldn't be a contractual change that's requiring a PDP to make that.

So if we put this together a working group here, will that go far enough to actually get to the end state or desired state where we actually wind up adjusting the RAA to include that - those availability contractual requirements?

So I'm almost I guess I'm really asking the question is almost is shouldn't this be a PDP if that's what we're gunning for?

Mikey O'Connor: Margie?

Margie Milam: Yes I wanted to comment on Berry's question. All - (but) the RAA group is now done I don't see anything wrong with this group and, you know, suggesting to the GNSO that this issue get lumped into whatever the next steps are for the RAA as recommended in the Drafting Team Report.

Because as I mean you guys may not be familiar with the work but essentially we came up with a list of priorities and next steps for just turning those priorities into an RAA.

So there's obviously more work to be done with respect to the RAA. It's just that the Drafting Team it - for the moment it's concluded its work.

So maybe you want on this one you might want to recommend that the GNSO council throw this issue into consideration along with the other items that were reflected in the report.

Greg Aaron: Berry this is Greg. It's there are two different processes that could lead to the same place but they take very different routes.

The RAA discussion is about all kinds of different things. And that could lead to changes in the RAA or you could go the other way which is PDP which leads to a consensus policy which could end up basically creating a similar requirement, you know, whatever we're talking about.

So they're very different processes. They could go the - they could end up in the same spot. But...

Berry Cobb: Okay thank you.

Mikey O'Connor: So...

Berry Cobb: The only - just let me respond please real quick. The only reason I brought it up and, you know, I guess I - although I never have worn a registrar hat before and I don't think we have registrar representation, I do know that there's a lot of anxiety from a registrar perspective about how a lot of things are getting lumped into the RAA efforts when it's not an actual formal consensus policy PDP.

And this could be one of those things that we might get pushed back on. But I'm happy with Margie's response and we can move on. I was just kind of curious. Thank you.

Mikey O'Connor: One way we could handle this is give them as Greg suggested, a couple of choices. We could say that the nature of the effort is either to refer to the RAA Redrafting Team. What's that team called, RAA Drafting Redrafting?

Margie Milam: I think it's just the RAA Drafting Team.

Mikey O'Connor: So we could refer to them for follow-up or PDP. It sounds like we're pretty unified that this is a PDP rather than a working group, last little conversation and leave it at that.

How about that as an approach give them two choices? Just let the council figure it out? I think that the scope stays the same. It's medium-sized, it's not gigantic.

Not hearing anybody screaming so I think that's what we'll go. We'll call it with no dependencies.

Marika Konings: Mikey this is Marika. I think one note is that instead of putting, you know, submitting to the RAA Drafting Team it might be better to put - for the council to submit it or for the council to consider putting it together with the recommendations off the RAA Drafting Team as probably by the time this gets to the council the RAA Drafting Team might have already been dissolved.

Mikey O'Connor: Okay so it would be include in the - include the recommendations of the RAA Drafting Team for follow-up. How about that? Does that work?

Screams, that's always good. Okay sorry to drag us backwards in time but we got that one done.

All right so now we're back down to Item Number 9 which is Row 18 in the spreadsheet.

This is a meta-issue. And what we were talking about is the collection and dissemination of best practices.

Recommend that the GNSO and the larger ICANN community in general create and support structured funded mechanisms for the collection and maintenance of best practices.

We were fairly comfortable that this was a big thing, high complexity, broad scope, medium to high resources.

We're going to have to take a look at our nature of the critter because advisory group doesn't work.

Details, we all called it an Advisory Group because it was so cross community. Greg didn't comment on this one, neither did (Joey).

But everybody who commented called this one an advisory group so I think what we would have to do is call this one a working group.

Mikey O'Connor: This is the item Number 9.

Man: Nine, right. Well it's the - is it or is it a GNSO improvements question?

Mikey O'Connor: I wouldn't have, you know, I think my reaction is...

((Crosstalk))

Man: Do we have to...

Mikey O'Connor: ...tell me more.

Man: ...in other words...

Mikey O'Connor: I wouldn't have thought of it as - I thought of GNSO improvements as pretty narrowly process oriented how does the council work kind of thing rather than an actual program to collect best practices but, you know, tell me more.

Man: I think that's actually exactly what we're talking about how does the council conduct it's business and manage the policy process? I'm curious about Margie's perspective because I...

Mikey O'Connor: Well...

Man: Because it would be weird to have a Working Group to figure out how to do a Working Group or something like that.

Mikey O'Connor: Yeah but this is Number 9, this is Row 18 where what we're really talking about is the...

Man: Exactly this is how...

Mikey O'Connor: ...where people submit and collect and maintain and distribute best practices which I wouldn't have thought of as part of the process of the council but...

Man: Well we're asking the council to do something here. Now they - it's not a free for all as far as I had recall where people just throw in best practices and maintain them it's the council authorizes an effort to create some best practices and then people go off and do it. Which is, you know, kind of like we suggested with malicious use.

But, you know, we're talking about something which is a little different than what they've done before. I was curious - Margie understands a lot more about the GNSO improvements process and...

Mikey O'Connor: Yeah. Marika's got her hand up. Maybe Marika are you a...

Marika Konings: Yeah.

Mikey O'Connor: ...(unintelligible).

Marika Konings: This is Marika. The GNSO improvement project actually stems from Board mandated requirements or a description of what should be improved in the GNSO ranks you need the Working Group guidelines and the PDP as well as the structure of the council. So I think at this stage it would be difficult to include this kind of work even though, you know, some might consider it fits with other elements there into that package as that was a Board mandated initiative.

And, you know, I'm happy to look back at the (DGC) report if it mentions anything relating to this kind of activity to see if that would fit but at this stage - I see Margie has her hand up and she might have a different view, I think it's difficult. As well as many of those initiatives are already moving into the implementation phase and some work teams are actually already being dissolved as they have completed that work. So in my view it would be a separate initiative even though some elements might have things in common with the GNSO improvement activities.

Mikey O'Connor: Let me go to Berry just so maybe he gets to say something instead of...

Berry Cobb: Yeah I was going to side with Greg because - but unfortunately Marika shot that down and I agree with Marika as well. So - because it is, it does fall under that bucket.

So I guess what we're dealing with here is, you know, and personally I think it's kind of the cart before the horse and I think when I filled out my own response here I tried putting this Meta issue before the malicious abuse best practices recommendation that would set the foundation for that group. But looking at the prioritization and even though we haven't marched down that road yet there's probably a pretty good chance that this Meta issue will be further down the list than the malicious abuse.

So what I was going to suggest is maybe we put here as an activity to do nothing for the moment and let's use the malicious use best practices Working Group as a exploratory kind of mechanism to see how that effort works and, you know, do the pool of lessons learned and everything once that group concludes.

And then perhaps the fallout from that will get folded into to a bigger activity at that point in time that the GNSO can look at folding it into it's bylaws or whatever kind of structural changes need to be made to allow this to happen.

Mikey O'Connor: What if we made that a dependency? What if we said that this should fall behind that one? Would that work?

Margie Milam: Hey Mikey it's Margie if I may comment. I had my hand up.

Mikey O'Connor: Yeah go ahead. Yep sorry.

Margie Milam: I think - I guess I'm confused as to what we're talking about. Are we talking about recommending that a Working Group evaluate best practices on this issue? Because if that's the case I think we're fine. I don't think there's a issue with that.

But if the recommendation was to have a Working Group or have the GNSO Implementation Team, you know, Improvements Team come up with a model

for how to do best practices then I can see that being a little difficult and I think that's what Marika was referring to.

So I don't think Marika was indicating that you couldn't pursue best practices just merely that a recommendation that a formal model for that, you know, be developed is something that the GNSO Improvements Group isn't really doing right now.

Mikey O'Connor: Let me weigh in on this and then, you know, Greg and Berry can steer me if I go wrong but I was thinking of this one as the broader case of the item 2 in our list the - of nonbinding best practices thing.

What we got to was saying that, you know, and this was a conversation that I remember me and Rod especially being pretty keen on was the notion that ICANN in general not just the GNSO could benefit the community a lot by getting better at collecting, maintaining and disseminating best practices in lots of areas not just malicious use.

That's the reason that we were pretty united in the advisory group notion because we in the report said this was a Meta issue because it's beyond the edges of the GNSO. It's really a broader ccNSO, you know, all of the constituencies kind of thing.

And not - I'm going to push back on the notion that this could be so narrowly defined as to drop into the GNSO improvements bucket because, you know, at least in my recollection it's quite a bit broader than that. So let's see, Margie is your hand up from before?

Margie Konings: No that's - yeah that's from before. I'm going to take it down.

Mikey O'Connor: Well I think Berry just dropped something into the chat that, you know, I think is right, you know, that really what this one was about, Number 9 was about building that platform, that institutional vehicle for best practice, you know,

almost center of excellence kind of management structure. And then our recommendation Number 2 is sort of one of those topics that would fall into that bucket.

So it seems to me that the sequence could go either way. You could either create, you know, as Berry suggested we could either do that Number 2 recommendation first and use it as a model and I kind of like that because then we get some real work done and build the model at the same time.

Or we can do something like this where we conceptually have the conversation about how to collect and manage best practices and then do recommendation Number 2 as sort of the first project in that pile.

I'm feeling a lot more urgency about getting something done so my inclination would be to say let's do Number 2 first, use it as a model, learn what we learn and then leave this as a down the line activity that promulgates that model more broadly throughout the ICANN community presuming that it's the huge success that we hope it is. That seem like a reasonable approach? Now that's quite different Greg than what you were describing so I'm really want to circle back to you and see if I've gone way off the reservation here.

Greg Aaron: I'm - yeah I'm not in favor of over thinking things to the point where nothing ever gets done.

Mikey O'Connor: Yeah.

Greg Aaron: So I'm okay. I'm fine going ahead with the malicious use thing and seeing how it works and there could be some good learning. That's an interesting point, I like that.

Mike O'Connor: Yeah, okay. So let's do it that way. Cool. All right so then with the way that we would do this is we would say it's high complexity, broad scope, I would say that I could be argued high or medium since we will have had in this

sequence we will have had the learning from the other one it might be a medium.

But on the other hand it's across the whole community. I think I'd lobby for high on resources. I think it then has been transmogrified into a Working Group, a policy thing. I think that dependency is the malicious use PDP which is our item Number 2.

We had another dependency, community input and participation. Let's see who (unintelligible) that one? Was - (Berry) was saying we should encourage that. (Mary Wong) said cross-community participation which I would not say is a dependency but in both cases I would call that more of a critical success factor that this thing will not be very effective without that.

But I'm hesitant to put dependency in there because dependency to me at least means that a certain other piece of work needs to get done. So if it's all right with everybody else I think I would take the community input and participation and put that in instructions to the drafting team.

Berry Cobb: Mikey this is Berry. In terms of the community input I mean that's part of the Working Group process so I mean I'm happy just removing it. I think it'll just clutter up the dependency of, you know, the critical dependency is the malicious use effort.

Mikey O'Connor: Yeah, okay. All right so that's what I've got high, broad, high, Working Group malicious use and launch the drafting team. We are chugging right a long. Not sure we're going to get through them all. So let's take a quick one-minute timeout and sort of see how we want to handle the next few of these.

We've got - starting at Row 24 Items 12 through 16 we've got no action required showing up a lot. So if we were to try and get through 10 and 11 in the next ten minutes that would give us I think a lot of grist for the sequencing conversation next week. So if it's okay with you all let's try and do that.

The next one is uniformity of contracts and in this one we had two views. View A was that the Working Group recommends the creation of an issues report to evaluate whether a minimum baseline of registration abuse provisions should be created for all in scope agreements and if created how such language would be structured to address the most common forms of registration abuse.

And View B was opposed to the recommendation for an issues reports. So I don't know quite what we do with this on. Greg, Berry you guys were right in the thick of this discussion. You want to kind of clue us in on...

Greg Aaron: Well the decision at this point - this is Greg. The decision at this point is whether the council wants to go ahead with it or not i.e. go ahead with an issues report. So if they want to do that then the next thing is request issues report.

Mikey O'Connor: And so then the next - the nature of the work would be PDP.

Greg Aaron: Next step would be yeah issues report and then they go from there if they want to. I mean I - the council will take a look at the consensus level and they'll have a debate and then they'll do whatever they want to do.

Mikey O'Connor: Yeah. All right. Well...

((Crosstalk))

Man: Yes I agree with Greg as well. It's really up to them to vote on it and then from there then we take action. So I guess in terms of what we put here is since we have two views then we need to give them two options. If they choose View A, it's continue with an issue reports, if they choose View B, do nothing.

Mikey O'Connor: Right.

Man: Right.

Mikey O'Connor: So if we say that - okay so in the next steps and in the nature of the work - so nature of the work I'll start there View A, PDP; View B, no action. And then the same kind of language would be in the next step View A would be request issues report; View B, no action.

Talking about dependency we had RAA complications question mark. Not sure - let's take a look at who sent that. Greg wrote a pretty long note on this. "Contemplates changes to existing and forthcoming registrar and registry agreements. The new TLD registry contract will be finalized 8/20/10 and the RAA drafting team is already far along. May complicate those efforts or open up old issues again."

If we were to summarize that is that a dependency or is that - in other words do those things need to be done before this starts thus being a dependency? Or is it more a cautionary note to the...

((Crosstalk))

Man: They might (unintelligible) they might be parallel activities. I don't know if they're true dependency though.

Mikey O'Connor: Yeah. So there's - what if we said something in dependency something along the lines of there may be parallel activities or interactions with other RAA activities such as gTLD.

Okay. Try and nail down how big this critter is. Is it medium or big? Is it medium across the board or hard? I would tend to put it in the (I hard) broad category but Berry is your hand up for this one? Go ahead.

Berry Cobb: It is for this one but not for those three cells.

Mikey O'Connor: Oh okay.

Berry Cobb: But I would be happy, you know, at minimum medium, medium, medium just to answer that but - and then once we finish this I have a question.

Mikey O'Connor: Just take a look here. Go ahead Greg

Greg Aaron: This is Greg I think it's complicated for some of the reasons mentioned in the RAP report. It's very open-ended for example and it's an attempt to deal with unspecified problems that may occur in the future. So I think it's got to be complexity high and it's got to be - it's going to have to be a Working Group so it's pretty decent resources required.

Mikey O'Connor: Yeah. I'm looking back at the details real quick and we're pretty evenly divided but the more I talk about this the more I'm leaning towards high, broad, high on this one too. So let's go with that.

Berry Cobb: This is Berry, I'm happy with that.

Mikey O'Connor: Okay.

Berry Cobb: So Mikey while you're filling in those three cells I have a question for the more experienced crew here and I didn't really think about this question until this particular recommendation. Is how do we anticipate the council will vote on these recommendations?

Will they go line item recommendation by recommendation and vote whether they agree with each recommendation as presented to them? Or is it going to be kind of bundled up as one big package and they say do you agree with them all or don't or - I guess if there's some light that could be shed on that.

Mike O'Connor: I'm going to take a stab it at. Greg you can too - Marika, Margie feel free to chime in. But it's my understanding that our charter is to come up with a

suggestion for sequence of the work, that's our primary deal and that there are two caveats.

All of these other columns are columns that are created wholly in the twisted mind of Mikey and the second is that this is nonbinding. That they will - they are really just asking us to think this through and that then they'll pick the items that they want to do off of the list one at a time. But that they wanted our advice as to which ones should go first and whether there were any interdependencies in them.

This a lot like the IRTP thing. And the difference is that the IRTP we clump them into blobs and then the council said okay fine those blobs look good. I think in this case the council would tend to take a more granular view and do them one at a time. Any other folks want to chime in - Marika?

Marika Konings: Yeah this is Marika. I don't really have an answer to the question because indeed I think it will be up to the council and I'm sure they don't have a clear view yet as they haven't seen this document and probably need some further discussion. But I do think the idea is to have a discussion over the weekend in Cartagena provided that the work team or the drafting team, you know, finishes it's work on time.

And presumably that will be an open discussion and I'm sincerely hoping as well that, you know, as many members of the drafting team can be present there to engage in that discussion and, you know, provide guidance or answer questions that the council might have on how to consider these recommendations.

Mikey O'Connor: Yeah. Anybody else in the queue on that topic? Faisal, go ahead.

Faisal Shah: Actually it's a little bit - maybe it's not on that topic. But I guess I want to go back just real quick and I was just trying to - and taking a look at the - our initial draft I thought that Berry's group did a really good job in terms of setting

out a road map for how we would go about, you know, how we went about analyzing the contracts and found that there wasn't any uniformity.

And I'm just wondering whether - it doesn't seem to me based on what I'm taking a look at that it would be that complicated to set out a baseline of registration abuses and then at that point try to figure out what the language is that needs to be incorporated in all the contracts. So I'm going to disagree that they're that complicated and it should be high but it should be low or medium based on what I'm reading in the draft report.

Greg Aaron: Yeah. The significant opposition disagreed with that view that it would be easy or that in some cases that it was relevant. So I think we're going back and revisiting an issue there.

Mikey O'Connor: Yeah.

Greg Aaron: But this would be a PDP process which is never less than medium and I think it could be fairly complex because again it's a huge scope among other reasons.

Mikey O'Connor: Yeah. I think the difference Faisal is that - well Berry and I was on that team to although I didn't do much heavy lifting compared to Berry but, you know, we came up with a draft but there was far from agreement about what was in it that's part of, you know, I mean that was the battle. That was one of the epic battles in RAP drafting or in the Working Group.

Faisal Shah: So it was a - I think we had what 14 and I think eight (unintelligible) or something like that majority kind of went with it?

Mikey O'Connor: Yeah.

Faisal Shah: No, I understand I'm just - I guess I'm just trying to figure out whether it's really that complicated of an endeavor or is it pretty much laid out once you

figure out what the - once you figure out what the abuses are which is what this RAP was supposed to do. Then the question is really the competition may come in in terms of the language that has to be adopted and, you know how it's approached, whether it's going to be general or specific. I think it's better to leave that out though.

Greg Aaron: Well part of the issue with the proposal was that it wasn't about existing problems exclusively it was about trying to deal with also future abuses that might pop up and putting something in place to deal with those. And the problem was you can't create a policy that deals with something unless you know the scope of a problem and have identified the root cause and those kinds of things.

That was one of the sticking points for me and some of the other members of the group. So that's why I'm saying it's a high complexity. You're trying to deal with unspecified issues in the future in a lot of cases.

Mikey O'Connor: Yeah - this is Mikey that was Greg just for the transcript. You know, I was in the majority view on this one but I would think that this one's pretty complicated Faisal. I think that - and I don't want to belabor this I'd really like to get one more row done because then we could jump right in but nobody said it was low in the detail, we all said it was high or medium.

Faisal Shah: Right so - okay I mean I just didn't want it to be - I just wanted for the record, to put on the record that I didn't think it was - perhaps I'm missing something but I think maybe - I thought the subteam did a pretty good job in terms of how they laid it out so I just wanted to put it on the record.

((Crosstalk))

Mikey O'Connor: (Unintelligible).

Faisal Shah: And also that maybe it is a medium, maybe it isn't so complicated. I don't want there - I don't want us to be - to forestall doing anything only because we think oh this is so complicated but anyway...

Mikey O'Connor: Yeah. I think this one's going to get forestalled because we didn't have agreement in the Working Group, you know, this one I think is going to have a very tough discussion in the council no matter what we put in terms of...

Faisal Shah: Yep.

Mikey O'Connor: ...complexity. Okay. Let me just push us through this last one. I know we're seven minutes over. Can people hang on for another couple minutes and just wrap this up? Because then we've sort of done the ones that we really have to decide on and then we can get onto the next phase.

This was the cyber squatting one and again we were split. We had one view that recommended initiation of policy development for - request an issues report to investigate the appropriateness and effectiveness of how any rights protection mechanisms that are developed elsewhere in the community for example new gTLD program can be applied to the problem of cyber squatting in the current gTLD space.

And the other view said initiate such process is premature that the effectiveness and consequences of rights protection mechanisms proposed for new gTLDs is unknown. Discussion of RPMs should continue via the new gTLD program. Experience with them should be gained before considering their appropriate relation if any to the existing TLD space.

This clearly another one where we're going to have to give them a View A, View B. And I think it's kind of the same deal, high broad complex PDP if you go with View A and no action if you go with View B. And again I think we have to throw this one to the council. Does that work for others? We're starting to

lose folks. That okay - Faisal is your hand up for this one or is that left over from before?

Faisal Shah: No I'm going to take it down.

Mikey O'Connor: Okay. Why don't we tentatively treat this one just like we treated the previous one, Number 10 and that way we've got a list I can go off and start clumping them together and then we'll get going on the sequencing thing next week.

And Greg you and I might want to cogitate about what we want to do about the ones 12 through 16. Maybe have a quick call sometime during the week.

Faisal Shah: So Mikey on this one, the cyber squatting one you're going to go with - it's going to be View A, View B. If we go with View A which is application of the RPMs immediately then we go to a issues report and if it's View B then nothing is done? Is that...

((Crosstalk))

Mikey O'Connor: Yeah. That would be - I think that's a PDP.

Faisal Shah: That's a PDP? Okay.

Mikey O'Connor: And then the first step of that would be an issues report.

Faisal Shah: Okay. So we're going to let the council then decide what they want to do?

Mikey O'Connor: Yeah. On these two these have to go to the council because we were split and so I think we treat these exactly the same.

Faisal Shah: In terms of complication it's going to be the same thing?

Mikey O'Connor: Yeah. It's going to be the identical high broad, high View A PDP. It's going to be the exact same cells that we had in the other one including interaction with other RAA activities I think. So I'm going to go with that. Kind of pushing us a little bit.

I appreciate y'all staying on the call a little long and with that we'll wrap up this week. Next week expect to hear some stuff on the list. Keep an eye on the list because I may send something out as a worksheet for you before the call to sort of do some prep on the call. And we'll start sequencing next week maybe we'll even be able to get done next week. There you go. Anything final thoughts Greg before I wrap us up?

Greg Aaron: No good job Mikey, thank you.

Berry Cobb: Hey. Mikey this is Berry I would just recommend if it's possible maybe do a doodle poll or something. Can we maybe shoot for two hours if that fits with people's schedules? That way we know we can wrap it up next week.

Mikey O'Connor: I am going to plead DI on that one and say (unintelligible)...

((Crosstalk))

Berry Cobb: Okay. All right. Okay.

Mikey O'Connor: So we'll do one on that...

Woman: (Unintelligible).

Mikey O'Connor: Okay. Thanks all. See you in a week. Bye bye.

Man: Okay everyone.

Mikey O'Connor: (Miriam)?

END