

**Inter-Registrar Transfer Policy Part B PDP
Transcription
Tuesday 01 February 2011 at 15:00 UTC**

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Participants on the Call:

Michele Neylon – RrSG Chair
Robert Mountain - Registrar SG
James Bladel - Registrar SG
Berry Cobb - CBUC
Chris Chaplow – CBUC
Oliver Hope - Registrar SG
Kevin Erdman – IPC
Barbara Steele – Registries SG
Matt Serlin - Registrar SG
Paul Diaz - Registrar SG
Mikey O'Connor - CBUC
Simonetta Batteiger - Registrar SG

Staff:

Marika Konings
Gisella Gruber-White

Apologies:

Anil George – IPC
Baudoin Schombe - At-Large
Eric Brown – RY (all Tuesday calls)

Coordinator: Please go ahead; the call is now being recorded.

Gisella Gruber-White: Thank you. Good morning, good afternoon to everyone. On today's IRTP call on Tuesday the 1st of February we have Michele Neylon, Barbara Steele, Mike O'Connor, James Bladel, Kevin Erdman, Berry Cobb, Matt Serlin, Bob Mountain, Ollie Hope, Paul Diaz, Simonetta Batteiger, Chris Chaplow. From

staff we have Marika Konings, myself, Gisella Gruber-White. And apologies today noted from Anil George and Baudouin Schombe.

Can I please remind everyone to state their names when speaking for transcript purposes? Thank you, over to you Michele.

Michele Neylon: All right, thank you. It's Michele. As per usual I will ask you all have any of you got any updated statements of interest or declarations of interest at this time? Going once, going twice, sold. Okay nobody's got any changes to statements of interest.

Right, okay then there's been some activity, thankfully, on the mailing list. And we've had some input on various action points which is great. So at this juncture I'll hand over to Marika who's going to cover Item Number 2. Please bear with Marika; she's technically challenged today I believe. Marika, over to you.

Marika Konings: I'm not technically challenged but more socially challenged because my little daughter is at home and she's ill so you might hear some noise in the background from time to time. But I'll try to be on mute for most of the time.

Just very briefly on Item 2 the EPP status values overview; I sent it out some time ago and I actually owe you an updated version because I got some further comments internally.

But I wanted to know if there were any other changes that people are going to make or if people want more time to review it just so I have an idea of what is the expectation and how we can move ahead on that document and getting it up on the Website.

Michele Neylon: So anybody have anything to add here? Marika, you're just looking for more input from us is that it?

Marika Konings: This is Marika. Just wanting to know if people are still planning to make comments or, you know, whether I can just go ahead. I can send out the latest version that I have that has some changes, as I said, from someone inside ICANN. Or whether people still want some additional time to look over it and provide feedback?

Michele Neylon: Okay well just speaking as myself I'm not going to give you anymore feedback at this juncture. Is anybody - does anybody on this call have any plans to give any further feedback or input into that document? Simonetta says no. James has a hand up; go ahead James.

James Bladel: Yes, which document? Are we talking about the final report or the recommendations report? I'm a little lost...

Michele Neylon: No we're talking about EPP status values document.

James Bladel: Oh okay. I have no other input in that. Thanks.

Michele Neylon: That is that isn't it Marika? I'm not being...

Marika Konings: Yeah that's right. So I'll send the updated version around for one more time and give people another week if they still want to make comments. And following that I'll give it back to our communications department and hope they can (already) post it somewhere on the current Website. And as soon as the GNSO new Website goes live there should be a separate section on IRTF and it should be included in that part as well.

Michele Neylon: Okay perfect. Right then moving on; Recommendation 2 we were - we discussed that a bit at the last meeting. Marika and I reached out to various people in SSAC and they have not replied to us at all yet. So the status on that particular item is there is no status because they haven't replied.

Now James, you're on Number 4. Did you send that through? I think I saw an email from you earlier.

James Bladel: Yes.

Michele Neylon: Was that something different?

James Bladel: Yes I sent an email. Is Simonetta on this week's call?

Simonetta Batteiger: Yes I am.

((Crosstalk))

Michele Neylon: She's there.

James Bladel: So what I tried to do was capture her feeling - I mean, I think the first thing was not to necessarily recommend the policy but to recommend the initiation of an issues report. Just some other kind of language changes but I think I captured everything.

The one thing I would say I left out was the differing authority levels between the registered name holder and the administrative contacts between transfers and change of control.

You know, I think that that should be something that perhaps we could include but I didn't want the issues report to presume that that was, you know, I didn't want to give the issues report too much - too many leading questions so I wanted to leave that a little more open ended.

But otherwise I think it's fairly the same and I hope that she accepts it as a friendly amendment and not a material change to what she was proposing.

Michele Neylon: Simonetta, come on, repost.

Simonetta Batteiger: No I'm happy with the language suggestion. I'm not a stickler with my prior wording. I threw it out as a draft to discuss. So I like what James made out of this and I have no issues with that.

Michele Neylon: Okay so where - so can I take it then that you're happy to replace your suggestion with James's?

Simonetta Batteiger: Absolutely.

Michele Neylon: Okay. Does anybody else on this call have any issues with this? Matt, go ahead.

Matt Serlin: Hello. Just one...

Michele Neylon: Do I need to get more pins for you by the way?

Matt Serlin: Just one small little nit-picky thing...

Michele Neylon: Ah-ha - sorry, go ahead.

Matt Serlin: I would like to see the word aftermarket taken out and the second paragraph, "The workgroup also notes that IRTP is widely used in domain name aftermarket community." I believe that it's actually just widely used in the domain name community. So I would just suggest that we take out the word aftermarket.

James Bladel: I think that's a good idea.

((Crosstalk))

Michele Neylon: This is Michele. I would also support that. I would actually further add that I like where we don't refer with - about too specific a language, too specific a subset.

James Bladel: Yeah.

Michele Neylon: For God sake they might decide to call themselves something totally different in six months time.

((Crosstalk))

Michele Neylon: It's silly. If we can remove that kind of specificity in that realm, much better. Thank you, thank you; you're off the hook there for next week. You're doing well.

Right, anybody else have any other input, thoughts or anything else on Recommendation 4? Going once, going twice, fine, moving on. Chris.

Chris Chaplow: Yes, good afternoon.

Michele Neylon: Good afternoon, Chris. You did your homework as well and you sent around a document this afternoon. Have you got that there, Marika, on your end that you can put it up on the screen so everybody can see it?

Marika Konings: It's coming up.

Michele Neylon: Okay just so bear with us. Okay here we go. Okay, Chris, would you mind going through this please?

Chris Chaplow: Yes certainly. What it was was to try and look at the different roles, the different cases. So I put it into four columns; the first column who the registrant is; the second who the admin contact is. And then a description really of what was happening and then a comment that we can add.

So hopefully I'm sort of heading in the right direction here. And I was wracking my brains to try and find all the different scenarios, all the major scenarios. Probably...

Michele Neylon: Okay so this - sorry to interrupt you. So this is - this is something that - who gave you input into this so far just so we're clear?

Chris Chaplow: Just a little - just myself. I looked in the issues report at the sometimes quoted Go Daddy statement. But it doesn't talk - it just talks about registrant and about admin contacts.

And I looked at our definitions from very early days and I tried to find some of our discussions on this but I've not found anything - I'll have to look a little bit harder back to our transcripts and some of our email - our mailing lists about that time. So it's very much a work in progress. And if this is the right...

Michele Neylon: Okay, all right...

Chris Chaplow: ...format - if people think this is the right sort of thing that we can improve and drop in an appendix...

Michele Neylon: Okay perfect. So this - so if people have suggestions for other things once you've walked us through these then it's - then they can be added into this.

Chris Chaplow: Yes. Yes so really...

Michele Neylon: Okay.

Chris Chaplow: ...it will be good to add as many in as possible and then work backwards and take some out that we think are just too similar and cloud the whole thing. So I've got examples there where we've got a company that's the registrant obviously and then the admin contacts and employee or ex-employee and the

company director is coming up and talking to a registrar and claiming the authority and asking to get the transfer reversed.

And that must be - I said in the note it's within the scope of the - of what we're about here and it's quite a common example I would have thought. And then some of the different scenarios again with company - a director as opposed to an employee.

And we've got one director claiming authority over another director. And that would be out of scope; I haven't put it in those words but I just asked the question how can the registrar make a judgment on this?

Michele Neylon: Okay just one second. Kevin has his hand up. Go ahead, Kevin.

Kevin Erdman: Yeah, this is Kevin. I just wanted to make a comment. I don't know if this has to do with a difference in law between jurisdictions but under US law the company director really wouldn't have any authority to do any of these actions rather it would be a corporate officer that would be, you know, I don't now if that really...

Michele Neylon: It's the same, Kevin, I think under Irish law it's pretty much the same thing. It's like a director means - is usually a shareholder who sits on the board of...

Kevin Erdman: Exactly.

Michele Neylon: ...a company. So in most businesses - like I'm a 50% shareholder in my company. I would be a company director. And if - God forbid you would try to stop me doing anything with an asset belonging to the company.

Kevin Erdman: Yeah but an officer could certainly do that. So...

Michele Neylon: An officer could as well. But this - if the - but a company director definitely has the power.

Chris Chaplow: Yes, Chris here. Obviously we want to try and denationalize it in some way with perhaps better wording. But the point we're trying to make is somebody with higher authority - highest authority in the company.

Kevin Erdman: Yeah, yeah, no I agree I just think we - from a US law perspective a director wouldn't have authority to do that.

Michele Neylon: So you're saying a company - if I was let's just say if I established a company in the US and I was the sole shareholder I wouldn't have the authority?

Kevin Erdman: Not as a shareholder; as an officer you would.

Michele Neylon: Oh I see what you're doing. Oh okay, so you're making the distinction between a shareholder and an officer, okay.

Kevin Erdman: Yeah, you know, if you're the president or the vice president or the treasurer then you would be able to, you know, sign documents and bind the corporation. But if you're a director the only thing you have to do is you can vote on whether to retain or fire the president but you can't bind the corporation to, for instance, a domain name registration.

Michele Neylon: Oh okay, okay.

Kevin Erdman: So, I mean, as long as we have a word in there that...

Chris Chaplow: Maybe CEO. Chris speaking here.

Kevin Erdman: Yeah.

Chris Chaplow: Because it conveys that authority and is fairly internationally recognized now.

Kevin Erdman: Yeah.

Michele Neylon: James, go ahead.

James Bladel: I'm probably going to be difficult or expose my ignorance with this statement so. I mean, I appreciate the effort that went into tracking down these various use cases but, you know, I think from a perspective of a policy development we have to be somewhat agnostic to all these differences.

You know, if a company were a public corporation that hired a janitorial service and made its janitor the administrative contact of its domain name, I mean, that would be very, very dumb of them but they're certainly allowed to do that and we would have to treat that name - that registration accordingly.

So I wonder if going into this level of detail is clarifying the process or complicating it. So I'm just putting that out there if - what is our ultimate goal of this exercise?

Chris Chaplow: Chris here. If you read the quote, by Sir Berry, just at the head of the table there, I went back to the transcript of our call and that's where it came from.

Michele Neylon: This is Michele. I mean, James, I understand where you're coming from. I think the problem that we were trying to address was tracing back to just see which kind of situations would be within scope and which weren't. So I think what Chris is doing - and correct me if I'm wrong, Chris - was iterating through all the possible situations, throwing them down and then just kind of putting whether - saying was in scope or out of scope. Matt, go ahead.

Matt Serlin: Yeah, Michele, I was actually sitting here with the same kind of thoughts that James eloquently described. I guess I'm not sure that it's possible really to capture all the different scenarios that one might run into in this. And so I, you know, I worry when we're looking at policy development that we're, you know, looking at this set of half a dozen or so different scenarios that that's really adding value at the end of the day. I'm personally not sure it is.

Michele Neylon: Okay. James.

James Bladel: Yeah I think Matt hit on it when I - when you're thinking - I don't think we can anticipate all the permutations. I think that we can probably go and talk to our escalation customer support folks and buy them a couple of beers and they would tell you some really amazing stories about what they've encountered out there in the wild.

I think the bottom line is that registered name holders are going to organize themselves and behave as they see fit and as they feel is best for them. And we as registrars have to manage and deal with that. And so I just - I want to be sure that we're not trying to capture all possible permutations because I don't think that that's practical.

And I want to be sure that we're not trying to do so in a way that writes policy that somehow takes into account all of the possible dispute legal questions involved in the domain name dispute because I don't think that's possible either. So that's just my thinking and I will drop off and stop being so difficult now. Thanks.

Michele Neylon: Thanks James. And believe me, you're not that difficult; we've got Matt for that, it's okay. Sorry Matt. Mikey and then Chris.

Mikey O'Connor: This is Mikey. I'm back from my little two-week ICANN vacation so I'm coming up to speed. But I don't imagine - I'm putting words in Chris's mouth maybe and maybe Berry's too - I don't imagine that the goal of this document is to define every use case. I think the goal is probably to document enough so that we can test our policy and make sure we're not making a blunder.

But I wouldn't expect that this document would become part of the policy; it's just an analysis tool. And so I'm less skeptical than James and Matt on this one.

Michele Neylon: Okay. Just - Mikey - just a follow up before you go. Where would you see this fitting in as part of a report? I mean, where would you tack it on? I mean, I understand exactly what you're saying and I don't disagree with you.

I'm just - the question I suppose I'm asking is how does one include that - or slash capture that in a fashion that doesn't make, you know, make it appear to be - how do I word this? Some kind of final discussion to end all discussions on the topic if that makes some kind of sense to you.

Mikey O'Connor: I think you do it the same way you do it with any analysis document. You stick it in the appendix. You say, well, this is a document that we wrote that we used to test some of the facets of the policy that we actually wrote.

It's not part of the, you know, you put a bunch of disclaimers around it so that people would know that it's not part of the policy. Because I think one of the things that we don't want to do is get way down in the weeds on every single word and phrase.

You know, we get into CEO versus director and all that kind of stuff. I think we sort of lost the value of this. What we're really trying to do is throw out a bunch of use cases and then test the policy that we've written to make sure that we haven't got something that's broken.

And once the test is done you put the testing gizmo in the appendix and just say that's all this is; this is just an analysis we used to test our policy but don't use it to interpret the policy; the policy stands on its own.

Michele Neylon: Okay thank you. Simonetta and then Bob.

Simonetta Batteiger: I agree with putting this in the appendix. And I think one thing we could do with this collection of use cases is we could structure it and say that we found examples of when it is relatively clear that someone has the authority to make

a decision on a domain name and then give us your (fees) examples where it's as within scope and that's where you - you as a registrar can start acting without having to give this to some kind of dispute resolution process.

And then also say we found other examples of when a dispute arises and a registrar can't just make the judgment and those are cases such as X, Y, Z; and there's a few examples of these in this list as well.

And then say that, okay, this is the reason why we said the current policy is sufficient and it isn't that easy to come up with a fast return mechanism that does all these use cases justice. And I think that's what this collection of use cases does show.

Michele Neylon: Okay thanks Simonetta. And then Bob. Bob, are you on mute?

Bob Mountain: I was and I was - and I sounded so eloquent to myself. No, Mikey and Simonetta made the points I was going to make. I think it's a good working document to kind of highlight the different scenarios. And for that I think it's a useful document.

If - again I think the points were well made to avoid getting into the weeds. But - and I do like it for that reason.

Michele Neylon: Okay thank you. Any other thoughts on this? One possible suggestion is - would be to put it into the working group's deliberations, you know, that as part of the deliberations we looked at some, you know, if we were to - something like, you know, some but not all possible scenarios just to get a better understanding of where it was applicable.

Okay then now where are we at? Recommendation Number 5, propose modified recommendations submitted by James and amended by Barbara. Okay now this is a - between James and Barbara. Ladies first I would say.

Barbara Steele: I guess what - this is Barbara obviously. What do you want me to do just to defend what I put forward or...

Michele Neylon: Well I - there was a lady and a gentlemen on and my mother brought me up - she didn't drag me up so I was ultimately going to give you the first option.

Barbara Steele: Okay so, yeah I basically just put it out there as an option since, you know, I've seen more and more online transactions requiring a positive confirmation. I thought it might be a good direction to go to even though it's quite a departure from the direction that the IRTP has used in the past for confirming transfers.

Michele Neylon: Okay.

Barbara Steele: I don't have any strong feelings about it...

((Crosstalk))

Barbara Steele: ...one way or the other.

Michele Neylon: No that's fine. Okay.

James Bladel: Am I in the right place, Michele? I thought we were talking about the reason for denial (unintelligible).

Michele Neylon: Oh well this is quite possible as well because you have to remember that my brain only works at one or two speeds; one slow and one is very slow. I'm looking at the agenda on the right hand side here, Recommendation Number 5, proposed modified recommendations submitted by James and amended by Barbara. So this...

Barbara Steele: I may be on the wrong one as well. So let me just take a look.

Michele Neylon: No, maybe, maybe not but - oh sorry, yeah, okay you were talking about Recommendation Number 9 that's what - okay this is what sort of the confusion is. Okay. Recommendation 5 is relating to the denial reasons, Number 6.

James Bladel: Yeah and this is James. I'll raise my hand.

Michele Neylon: No go ahead that's fine. I recognize you, James.

James Bladel: Okay so I tried to put together some draft language and Barbara, I think your primary edit was to remove the last phrase which was something that the - reasonably access method to remove the loss subject to the terms and conditions and limitations of the registration agreement. And I think that was your only change, correct?

Barbara Steele: That's correct.

James Bladel: Okay. I have asked internal - internally our legal folks if they're okay with this. I haven't received a response yet. Let me follow up on that now. I think that as long as it doesn't explicitly say that we can't use, you know, something different on our registration agreement I think that we're fine with this change.

But, you know, we certainly don't want - I understand that we don't want policy to, you know, take a backseat to individual registration agreements but we also don't want to weaken those agreements and say that, you know, regardless of whatever contract you've signed with your registrar, you know, you can always trump that I guess or something.

So, you know, I just want to make sure that there's a balance there, that's all. So I should have something back here fairly shortly. Thanks.

Michele Neylon: Okay, thank you. Anybody else have any other thoughts, comments? Mikey and Marika.

Mikey O'Connor: Let Marika go first.

Marika Konings: This is Marika. I just wanted to point to the comment that you see at the bottom of the Adobe Connect screen. And I've also included the email that I circulated late last week. Those are some comments I received internally.

And in relation to the proposed version by Barbara it was pointed out that this version actually does not mandate the removal of the lock or the proposed changes do not seem to provide much more clarity but merely maintain or expand the status quo.

And the suggestion was that the working group might want to consider adding something like, "And upon the request by the transfer contact the registrar must remove the lock or provide a reasonable accessible method for the transfer contact to remove the lock within five calendar days." And that (actually) the word (spaces) which you can (unintelligible).

Michele Neylon: Okay. Mikey.

Mikey O'Connor: Again I'm sort of coming back up to speed but it seems like James's suggestion pretty much guts the recommendation. So I guess I'm not real enthusiastic about it. I like the notion that Marika is talking about a lot better. It seems like otherwise what is the point?

Michele Neylon: James.

James Bladel: Yeah, well it's certainly not our intention to gut the recommendation, Mikey. I'm not sure that's best characterization for what we're trying to do here. We want to ensure that registrars have flexibility to develop services - products and services and then offer those with some reasonable, you know, expectation for continuity of the agreements that they've signed with their

registrar - with their customers. So I'm just trying to maintain that balance here.

You know, I think I'm okay with the idea of having a specified timeframe by which the registrar has to remove the lock upon request from the registrant. I think that's actually helpful. So if we want to find a place to shoehorn that language back into this recommendation I would support that.

Michele Neylon: Okay thank you. Simonetta and Mikey, do you have any comeback as well based on James's reply?

Mikey O'Connor: Well, no, I think it's - I clearly have to do a lot of homework here. But if we're basically saying that - that - the gist of what I hear from James is that no policy should in any way impact the contracts between registrants and registrars.

You know, if that's our premise then that's nice, we can dust our hands together and say we're done. But that's not what we're about. What we're about is trying to get some structure that's consistent across these that registrants can count on.

And so I'm not keen on the idea of tilting the balance towards varying contracts between registrars and their customers because that's, I mean, if that's really where we're headed that's great. But then, you know, we might as well just hang up ICANN altogether and call it quits.

Michele Neylon: James and then Simonetta. Sorry Simonetta, but I think James has a right to reply.

James Bladel: Well no, I just wanted to emphasize that that's not what we're - that's not the direction I feel that we're going. I'm just trying to leave some differentiation for all the different registrar models.

And not essentially try to re-write the registration agreement into ICANN policy so that the experience is commoditized.

You know, I think that there's a lot of different businesses out there offering a lot of different products in conjunction with domain name registration. And that, you know, we just, the policy needs to have some clear demarcations where those kinds of differentiations can take place.

That's not at all saying that, you know, that registration agreements trump policy. I'm not trying to say that at all. I'm saying that we need to have this balance.

So, you know, Mikey, I don't think we should hang it up. I don't think that that's the direction this is going at all.

Michele Neylon: Simonetta.

Simonetta Batteiger: I just move to play, but I'm honestly a little bit confused about the language that the recommendation because when I'm reading through the original text in the (IRKP), it speaks about reasons why a registrar may deny a transfer.

And Reason Number 6 is that the transfer contact has, what does it say exactly, expressed written objection to the transfer from the transfer contact.

So I, my understanding is that on the losing registrar site, the transfer contact said no, I disagree with the transfer of this name. Is that right?

Michele Neylon: They have no way to say that, or they have to say that, sorry.

Simonetta Batteiger: Well in the current wording of the policy says upon denying a transfer request for any of the following reasons, the registrar of record must provide

the registered name holder and the potential gaining registrar with the reason for denial.

The registrar of record may deny a transfer request only in the following specific instances. And then there's evidence of fraud, UDRP, etcetera, etcetera.

And then it's expressed written objection to the transfer from the transfer contract - contact. For example, email fact, paper document or other process by which the transfer contact has expressly and voluntarily objected through opt and means.

So what we're speaking about now is about removing locks. And I'm just a little confused by that because it seems to me that - I don't know where this language isn't clear and how our recommendation clarifies it.

Michele Neylon: Okay. Does anybody want to volunteer some thoughts on this?

Marika Konings: This is Marika. Sorry, I haven't raised my hand yet. But I think (unintelligible) on that issue because I think this is an issue that was also raised by ICANN compliance.

And also based on comments I think that were made by (George Karik) at the time in relation to the definition of voluntarily. So I'm happy to look back and send out that language again to the list.

And I think it might also be covered in some of the notes that are in the draft final report. I tried to capture discussion around this issue and the reason why we've moved to this recommendation.

Michele Neylon: Okay thanks Marika, Matt.

Matt Serlin: Yes, I was, just to pick up on what Marika said. But my understanding on the goal here is the notion that we're not just actually denying a specific transfer request.

But what we're trying to address is that some registrars have, through their services that they provide or their registration agreement essentially given registrants the ability to just block transfer requests in a blanket sort of manner.

So that's why the language here talks about a general objection to all transfer requests. Just to go back to maybe playing referee between James and Mikey. I actually see both of their points.

And, you know, I think the language is generally okay. The thing that I do kind of worry about, and Mikey kind of touched on it, is that it does, you know, someone could read this. And interpret it to mean that, you know, this policy essentially gives a registrant the ability through their registration document, which let's face it, not probably more than 1/2 of 1% of people actually read the whole thing.

The ability to, you know, slip language in there that gives them the ability to indefinitely, based on this language, block all transfer requests. And that I, that does give me pause I suppose.

Michele Neylon: Okay.

James Bladel: And this is James. That gives me pause as well. Thanks Matt.

Michele Neylon: Yes, all right then. Maybe for the sake of clarity, sanity and world peace, Marika could circulate the updated version with the - including the proposed additions to the list. And then maybe we can have a look at it.

There also seems to be a little bit of confusion with respect to exactly what people are talking about, possibly because there's lots of numbers. Marika then James.

Marika Konings: Yes this is Marika. Just to clarify, so we're talking now about the version that Barbara has proposed for the addition that is suggested in the comments, correct?

Michele Neylon: I think so, yes.

Marika Konings: Okay. I can get that out to the legend. I can add to that then the discussion that was on this issue that, you know, hopefully provides a background to the discussion we're having.

Michele Neylon: Okay, James.

James Bladel: Yes. I just wanted to say pretty much the same thing Marika said that we were talking about Barbara's version. I would add that we're also perhaps exploring ways to include the explicit timeframe which the registrar has to remove the lock, the five calendar days after basis. That was all I wanted to add, thanks.

Michele Neylon: Okay, right then. Now moving on. We're talking here about, sorry. I'm getting instance messages from people sending me weird things, people asking to leave voicemails on my phone. And I don't even know how to listen to the voicemails on my phone.

Hold on a second, somebody's changed. Marika have you skipped ahead?

Marika Konings: Sorry, I thought we were moving to the next item. Did I go too far? Do you want to go back to Recommendation 5?

Michele Neylon: I'm confused now. You've confused me. Hold on. So there's Recommendation 5 and there's Recommendation - I thought there was a second part to this? Oh Marika is right. Okay James is telling me that Marika is right and I am wrong. So I'm an idiot. Okay.

All right, thank you James. We'll just say Michele is an idiot and let's get over it. Okay then, Recommendation 7, the working group recommends standardizing and clarifying who (is stages) messages regarding registered lock status.

The goal of these changes is to clarify why the lock has been applied and how it can be changed. Based on discussions with technical experts, the work group does now expect that such a standardization and clarification of WHOIS status messages would require significant investment or change at the registry/registrar level.

The working group recommends that ICANN staff was asked to develop an implementation plan for community consideration, which ensures a technically feasible approach, is developed to implement this recommendation. Go ahead Marika.

Marika Konings: Yes this is Marika. The main question in relation to this recommendation is we've - I've added the underlined sentence based on the discussions we had some time ago.

And just to basically ask the group if people are comfortable with that language. And that wasn't (unintelligible) with that. And I just want to make sure that people had a chance to look at it and, you know, indicate if they're not comfortable with it. And otherwise we can hopefully narrow that down as a unanimous consensus.

Michele Neylon: Okay, does anybody have any issues, okay boys and girls would you stop arguing about whether we're going to be going to Singapore or Jordan. Eyes on the ball guys, eyes on the ball.

Does anybody have any issues with the, under the sentence the addition of this sentence? Okay, Paul Diaz go ahead.

Paul Diaz: Thanks Michele, no issue. I in fact strongly support it and think it needs to be in there based on all the discussion we previously had. I think it captures the concerns that I express very well. I'd like to see it go forward.

Michele Neylon: Okay thank you very much. Right then, so unless we hear otherwise, we have, what's the term again Marika, unanimous consensus or something?

Marika Konings: Right.

Michele Neylon: Sorry?

Marika Konings: Yes that's right, unanimous consensus.

Michele Neylon: Okay, sorry, perfect, okay then. Woohoo. Next, oh God help. Recommendation Number 9, new. Okay, this is one that's kind of causing backwards and forwards.

And okay, how do we want to deal with this? Does anybody want to throw themselves on the sword here? Oh okay, go volunteers. Okay, Matt go ahead.

Matt Serlin: Well I don't know if I'm throwing myself on the sword. I guess the, and I'll admit that I haven't weighted on this previously. But the, just reading this, you know, the one issue that I have is that we're talking about a piece of data that isn't publicly available.

So we're talking about the losing registrar that has access to an email address that's not visible on the WHOIS record could potentially lead to problems. So that, you know, if I have a client that, you know, maybe doesn't have a relationship with that registrar.

Or the domain was registered by someone in the company that isn't around anymore, whatever it is. And, you know, I'm not really able to help them much because I can't look at the WHOIS record and say oh, the email is being sent here or anything like that. So I think it's problematic, how about that.

Michele Neylon: Hold on a second Matt. Just explain your logic to me here. The email is being sent where and why is that problematic?

Matt Serlin: The recommendation says the registrar of record has access to the contact information for the registrant. And could modify their systems to automatically send out the FOA to the registrant.

Again, that's a piece of data that isn't, I can't look at a WHOIS record and say to my customer that's trying to transfer a domain name the email address for the transfer is being sent here.

It's upon the registrant to contact the losing registrar to say where is this email being sent. I don't, I can't...

Michele Neylon: Okay hold on a second, stop, stop, stop, stop, okay hold on. So for this is, just so I can understand exactly what you're saying, from the - is this from the perspective of the losing registrar or the gaining registrar? Because I that we need to make that clear.

Matt Serlin: I'm talking about the position that puts potentially the registrant of the domain name that wants to transfer the domain to a new registrar.

Michele Neylon: Okay.

Matt Serlin: And let's just suppose that they don't have any relationship with the current registrar for whatever reason. The name was registered by an employee that isn't there anymore, whatever the case may be.

Michele Neylon: Why does that change anything compared to the current state - the current situation?

Matt Serlin: It doesn't. I'm saying I think that, you know, we've gone back and forth about whether or not we should recommend that, you know, a pick WHOIS model would help the IRTP process. I think this is the perfect example of why it would.

Michele Neylon: Okay. All right, James, Bob then Simonetta and for the record, Matt you confuse me.

James Bladel: Go ahead Michele or?

Michele Neylon: Sorry?

James Bladel: Do you want me to go ahead?

Michele Neylon: Oh yes, please do, please do (unintelligible).

James Bladel: It sounded like you were going to say something there. This is James speaking.

Michele Neylon: No, no, no, I'm just going to - I'm going to leave it as a plain statement, Matt has confused me.

James Bladel: Okay and I think my concern is different than Matt's. And I put this into my email last night which I apologize for the delay. A lot of folks may have not had a chance to see that.

My primary concern with this recommendation is that it makes the transfer process dependent upon actions of the losing registrar. And I think that that is a fundamental change in the equilibrium if you will of the current process.

And I'm not sure what that means in terms of possible consequences. But I'm concerned that they could be significant, unanticipated consequences for that. So I would very strongly oppose any proposal that may be transfer process dependent upon actions of the losing registrar.

Michele Neylon: Okay, Bob and then Simonetta, we'll let's let Marika slip in sideways first. Go ahead Marika.

Marika Konings: This is Marika, I'm also happy to go to the end of the queue. I just (unintelligible) concern that James expressed is some of the similar concerns I've heard internally in ICANN while, you know, we went through some of the recommendations.

One, alternative proposed that have been suggested and of course is not a golden rule, but it might provides some additional notice to the registrant that the name is being transferred is indeed requiring the losing registrar to provide notice to the registrant.

But not allow that as a reason to deny the transfer. So that might be an additional way that the registrant gets notice. And if there is a potential conflict, to start addressing it at that stage before the transfer is actually already taken place.

That might be an alternative approach and maybe alleviate some of the concerns. But as I said, of course, it's not a magic solution because it, you know, it wouldn't probably solve all the issues that arise. And we still the fact a (unintelligible) cannot check where that email has gone and it might not reach the actual person that's responsible for the transfer, just a suggestion.

Michele Neylon: Bob.

Bob Mountain: Yes I was actually going to make a point to note. I think the inaction and stopping the transfer is really problematic. I think we'll see transfers just getting completely gummed up both either, you know...

Michele Neylon: Sorry, just Bob, just to cut across you, just a point of information. You do realize that registrars can do that now, don't you?

Bob Mountain: Yes.

Michele Neylon: Okay.

Bob Mountain: Yes, yes. Yes, so I think the problem is that there's inaction on their part which stops it, which stops the transfer either on the registrant or the registrar. I think that could be a, you know, certainly on our end, that might be a problem.

So I'd be, you know, in favor of not implementing policies that would create that.

Michele Neylon: Okay.

James Bladel: Michele this is James. Can you explain what you just said because I think you lost me there for a second? When you said...

Michele Neylon: Okay, sorry. No, so okay. As things stand at present, a lot of registrars, not all but a lot, send out an email in compliance with the existing policy to inform the registrant of the outbound transfer.

The difference is between what is being proposed and what exists. And my understanding is that currently the registrars are not obliged to send those emails.

And that if the registrant does not do anything after five days, the domain will transfer automatically. The - a lot of registrars use those emails to offer the registrant the option to block the transfer there and then or to expedite the transfer there and then.

So for example, I was transferring some domains from one registrar over to ourselves, domains that I have registered myself before we were accredited. With some of the registrars you can expedite it so that once you get this email from (Net Sol) or (ENOM) or whoever.

If I click on the link saying yes, I want to confirm this, then they immediately acknowledge it over EPP to the gaining registrars and the registries and all these things. And the domain is immediately on our accreditation.

Whereas otherwise I would have to wait five days, and if I click on the no, I deny it then the transfer is blocked immediately. One registrar has it - words the email in such a fashion that you will end up clicking on it thinking it is similar to the other registrars.

And by clicking on the link in the email, you deny the transfer immediately. Yes, that's what I was referring too. Simonetta and the Barbara and we're - we've got four minutes left. So please be brief.

Simonetta Batteiger: I'll try. I completely agree with what James's points are. And I also think what Marika says and what I was writing can actually be pulled together because while I disagree with an inaction resulting in denial of the transfer.

I do agree with the losing registrar sending out an email that gives the registrant an option to either immediately acknowledge or deny the transfer. It would be desirable to have the same message be sent from everybody.

So I'm actually surprised because it was my understanding that the FOA text is something that is standard and should be used in the same wording by everybody.

So maybe the recommendation could be that the text pieces should be standardized. But I would disagree with an inaction being interpreted as denial.

Michele Neylon: Okay thank you.

Simonetta Batteiger: If we do choose to go down that route, we would have to make sure that we do adjust current wording templates. Because the current wording templates do say clearly on the gaining side that if you do confirm this, this will prove that you want this domain name to be transferred.

And on the losing side it clearly states if you don't do anything, this means that the transfer will go through. And I - my last comment on this would be if we wanted to change, this is such a fundamental change to how transfers are done. That I do believe for those people you would have to go back to the community and solicit further input and comments.

Michele Neylon: Okay. Barbara and the Mikey and then that is the end of the queue.

Barbara Steele: Hi, it's Barbara. I actually think that what Marika had put forward is a rather good compromise where the losing registrar would be required to send out the standardized FOA to confirm the transfer.

But then if they don't respond then to allow it to continue. So I think it's, you know, kind of a hybrid of what I proposed and what the current policy stipulates.

But I think if we could change it to mandatory with no confirmation meaning that the transfer would proceed, I would be happy with that approach as well.

Michele Neylon: Okay thank you, Mikey.

Mikey O'Connor: Like they said, actually Barbara said almost word for word what I was going to say.

Michele Neylon: Okay, so Mikey had the last word, but it's actually Barbara's word. No Simonetta, no, I'm afraid not. It's 4 o'clock on the dot. Sorry Simonetta. If you want to follow up on the mailing list, please do.

Berry are you going to take over for anything further now? Or what's happening?

Berry Cobb: Yes, we'll continue on for a little bit.

Michele Neylon: Okay perfect. Well in that case I will speak to you all next week. And thanks for all your input. And keep us up on the list because I think this is good. We're actually moving forward. And I'm very happy about that.

And I'll speak to some of you later this evening. Thank you. Good bye.

Woman: Bye Michele.

Man: Bye Michele.

Man: Bye Michele.

Berry Cobb: Okay for those that remain on the call, I'm going to start off by stating that this is the last time we're going to have the second hour call because half of the people that are interested can't stay on anyway.

I had asked for EPRP to be a line item on the first half of the agenda. But we'll push that to next week. So all I'm going to do today is just briefly go over the swim lane diagrams.

And imagine we'll go ahead and terminate this early. I sent around the PDFs last week. There were three PDFs, or yes, three of them. One of them outlining IRTP and TDRP in the current state.

The second one being a proposed state of IRTP and TDRP if in the context of an ERTP kind of solution. And then the third document was an extremely rough draft of probable areas in the two existing policy documents that would need to be modified. Or if we were to implement some sort of urgent return kind of procedure.

So I, Marika didn't get the PDF files, oh she did. The PDF files are loaded up in the window. I'm not sure how clear they'll come in on your end. The first one which I believe that is loaded is the current state.

Marika Konings: Berry this is Marika. The one I have is the proposed one. Do you want the current one?

Berry Cobb: No, you're perfect. Thank you. So yes, I won't waist anybody's time on reviewing through the current state diagrams. Like I said on the last call, I imagine that there is, you know, it's definitely not 100% perfect.

I'm sure there's a couple of activity boxes that need to be modified here and there. But it's definitely pretty close. I got people trying to get in. All right.

At any rate, so I think on Page 2 of the loaded PDF is the proposed state for some sort of urgent return. And what I tried to accomplish here is anything that was newly introduced, that decision or activity box is highlight with a background red and white text, and/or other little small diagram pieces that are highlighted with red text.

But as I've tried to summarize in the past, I think where ETRP wanted to go practically already exists in the current policies today. The only thing that we're really trying to add here is a line item that calls out an urgent return in the case of a hijack.

And so that part of the procedure would need to be updated. And then basically what would need to be bolted on to this is how such a procedure would be initiated in the case of hijack.

And then lastly is how would that be delivered once it was invoked? And the timeframe for which it would be delivered?

So with that said, I invite people to kind of zoom out on the spreadsheet, or I'm sorry, on the PDF attachment on the swim lanes. And I'm just going to go through this pretty quickly. Again I'm on Page 2 which is the IRTP proposed swim lane.

There are seven total swim lanes on the IRTP diagram. The first two denote the difference between the registrant and the admin contact, or more formally designated as the registered name holder versus the admin contact.

Then we have two swim lanes that denote the gaining and losing registrars. Then we have the registry. Then we have ICANN. And then the last line is basically miscellaneous other systems. Typically use that when you're going to start invoking some of the process stuff and integrating it kind of as the first step to your system requirements.

The idea of the swim lane is that it moves top down, left to right, left top being the beginning and usually the top right being the end of the process.

In summary, basically what happens is the registrant or the admin contact initiates the transfer. The FOA gets sent. There is logic that determines whether the FOA was authorized. Then it kicks over from the losing registrar perspective.

And whether they optionally send the FOA. There is approval logic on the back end if they choose to do it and/or deny the transfer and a (NACK) is sent, etcetera, etcetera, all the way up to where the domain is transferred and then it ends out. So that's kind of a quick synopsis of the current state.

The proposed state, which doesn't necessarily fit into the logic of a true swim lane. And what I've tried to accomplish here with the red diagrams that you see to the right-hand side, there are parallel lines that sit above these activity boxes and decision boxes.

And the reasoning for this is that really these types, this invoke of any kind of urgent return, the double lines actually stipulate that this is a parallel process that runs along the overall process.

And so the intent here is that any kind of procedure can be invoked at any time along this process. This isn't the most cleanest way to do it. But for now it serves its purpose.

And the other thing that I would point out to you in trying to decipher this diagram is that often when two roles can perform the same task, I've kind of provided you a little bit of both.

When you look at the two top swim lanes for the admin contact and registered name holder, either role can perform those activities. And when you break it out where each activity aligns to a particular swim lane, you

immediately get the takeaway of how complex that part of the process can be because two different roles are performing identical procedures.

The secondary method for sharing decisions and activities and diagrams like this is that you, and I'll point back to the red boxes, is that they actually hover on the middle line that delineates the both roles.

And so you'll see that for when the registrant would like to invoke an urgent return, the parallel procedure that a registrar, a gaining or losing registrar, would invoke if they recognized the transfer dispute.

And then as well back on to the left-hand side is the dispute procedure itself. Again, both gaining or losing registrars can induct this procedure.

The only other, okay, yes I probably should shut up. Barbara please go ahead.

Barbara Steele: I just had a question because I saw that you have you know transfer dispute mechanisms there at the registrar and the registrant level. But there's also according to the policy the transferred process available at the registry level if they're not able to work it out themselves.

I don't know if you also would want to put that piece in this diagram as well.

Berry Cobb: Okay so to clarify on that if I understand correctly let's say there's a suspicious looking transfer that just came across the wire, what - if I understood correctly what you're saying is that the registry by themselves could say this is a suspicious looking transfer and invoke a dispute resolution procedure on it.

Barbara Steele: No, actually that's not what I was saying. It's basically in the event that the registrars or the registrant primarily registrars are you know recognize a

transfer dispute but are unable to resolve it between registrars and the impacted registrant.

Then the registrars would be able to go to the registry to request under the TDRP transfer.

Berry Cobb: Correct. Okay so yeah, when I started diagramming this out there's - to answer your question Barbara that procedure specifically isn't drawn out the way that it needs to be.

What you're talking about in terms of that restore procedure and the three elements in the policy that can invoke that restore procedure is try to encapsulate it in the pan activity box that's labeled in the registry swim lane.

Evoke restore to original state for undue notice and to the right of those activity diagrams is the text of that policy and number one as you pointed out is that if both registrars agree that this restore need to be undone, they contact the registry and it gets undone within five days.

This is the exact procedure that I'm targeting for the expedited restore but what is missing from that existing procedure is you know the criteria by which it gets invoked and in the time frame in which the restore would be done.

And based on previous conversations of ETRP it doesn't seem like five calendar days would be quick enough. And so that would definitely be the point.

I need to step back up to the 90,000 foot level real quick because there are a couple of other pages in the document that's loaded into Adobe. The third page is kind of a mini-sub process about invoking the dispute procedures.

And the TDRP lists the line item in the beginning of it that it wishes the registrar, the gaining and losing register to work it out themselves.

And then if they still can't work out then TDRP gets invoked. And so that's what I tried to capture here by this dispute procedure that it didn't fit in the previous page swim lane because it's - it can be invoked at any particular time of the process, as soon as you leave start all the way up to close to when the end is about to occur in the process.

But it just didn't flow well so I had to secrete it, move it over on to a third page that kind of separates it out specifically for the introduction of the proposed for the urgent return.

I needed more space and then lastly the other thing I want to draw to your attention is Page 4 which is the TDRp process and what areas involved there would be required to make any change.

And essentially what we initially thought is you know if there was any kind of urgent restore that needed to be done, the problem with ETRP in its previous form is it was never intended to be a dispute resolution mechanism.

But I think one of the short comings is that it was never directly tied to any dispute resolution mechanism.

So that gap is what I tried to define here is if there was an urgent restore that's requested, there's some sort of dispute that's going on behind it.

So we've got to do something about it and the informality of gaining and losing registrar working together and coming up with some sort of resolution sort of lost visibility and the importance behind and/or try to minimize gaining of somebody invoking an urgent restore on the back end.

So that's why the proposal is that there is a level zero that could be created in TDRP whereby that urgent restore gets documented but the formal TDRP

process isn't really invoked until the registrars at some point in time figured out that they couldn't work amongst themselves to resolve the issue.

I'm probably doing a really crappy job of explaining this. So I think overall you know this has been out on the floor for a week. I'm just going to open it up for comments and questions and I'll try to answer them.

I imagine some of this may be - seem confusing but I'm getting the impression that based on zero feedback from any of this that nobody's really interested in moving forward and looks like I'm getting the feeling that ETRP in its previous form or in this existing form is going to be put to rest.

The only other thing - the two things that I would say about it is A, sounded like that there was definitely a need for this so it would be a shame for all of this work to get pushed to the side, even discounting what I've done here.

But the ETRP work done up front, the contracted parties that participated on that seem like this was a good thing so it seemed to me it would be a waste if all of this just got pushed to the side.

Lastly I'll just point out that I think in IRTP part B which would be about 2020 that is a dispute resolution focused PDP and perhaps we can address something back then.

Because again an urgent restore is - it is a dispute of whatever color you want to call it.

So I'll open it up for questions or comments and we'll move from there. Mikey.

Mikey O'Connor: This is Mikey, thanks Berry for doing all this. I admit I've played hooky for two weeks so I haven't reviewed it but I will.

The - I think the notion in essence for me is that six years ago the SSAC came up with a recommendation that they handed off to the GNSO that said Dear GNSO, hijacking is a problem.

You all should figure out a way to solve that if you can. And I think it would be a shame if the headline is after six years of waiting we said it's too hard.

I just don't think that's an acceptable outcome. I think we have drive something to ground or go back to the SSAC and say you were wrong, hijacking wasn't a problem.

Current policy is sufficient but I don't think quote too hard unquote is an acceptable way to end a policy discussion.

You know I think we either have to make one up or we have to say no, it's not required. So I'm just going to lobby against the too hard outcome.

Berry Cobb: Thank you Mikey. Plus one in my department, personally even if it means missing a date that we're shooting for, this seems too important to just sweep under the rug again but that's my own personal opinion. Simonetta?

Simonetta Batteiger: I don't think that we don't have an outcome here, I think we do have an outcome and that says that we recognize that the existing policy is what you should be moving through even in case of hijacking.

And I think we have three things a registrant can do in case of hijacking. First of all they should be getting in touch with their losing registrar. In most cases their losing registrar will be able to work it out with the new gaining registrar and help them.

If they cannot help them there's still two things left that the registrant can do. Say they can go to court and get some kind of ruling from them that urgently

restores the domain back and then this court ruling takes care of the non-responsiveness of the new gaining registrar and all that stuff.

And the second thing they can do is they can move through this existing policy piece.

And I think if we can introduce one little piece there that basically says in case someone has a dispute and they claim it's a hijacking case it gets looked at with, I don't know quicker speed or something like that then we do have a very good three step process that someone should follow in case they - in case a hijacking situation.

And I think that is an outcome that we have looked into and we try to find a way to come up with something new, but we recognize that the existing process isn't as bad as we thought in the first place.

Berry Cobb: Thank you Simonetta, and I agree as well. Barbara?

Barbara Steele: I think that actually the addition of that fourth reason for the registry operator to return or do a transfer I think makes a lot of sense but I think you need to put some parameters surrounding it that either the involved registrars if a domain name had been reset if you will that the registrars involved have to either you know come to a final conclusion as to what did happen with that name within X period of time.

And maybe it's seven days, I don't think we should allow it to go on forever or they would need to file a transfer dispute under the policy with the registry operator or the second level dispute resolution provider.

Berry Cobb: Great, thank you Barbara and that's exactly what the idea behind the level zero addition to the TDRP was hoping to accomplish is you know when somebody hits the red button this is pretty serious. You know it's some sort of performance dispute.

And like I said we didn't want to take away the ability for registrars to work amongst themselves to get this done. But because the red button was hit there's got to be consequence for hitting the red button blindly.

And by invoking a level zero TDRP documents the fact that this happened and then it sounds like 99% of the time registrars are able to work amongst themselves.

They've come up with the outcome, pass it on to their appropriate registry and everybody's happy. But the 1% or half percent, I don't know what the numbers are that it doesn't happen you know there needs to be retribution I guess for hitting the red button.

And that was certainly one of the gaining comments that we received back in Brussels about the ETRP in its original form.

The only other comment that I would add to what you said Barbara is I think one of the key elements to any kind of urgent restore is the time frame in which it was restored.

And by my understanding of the original ETRP proposal I believe it was almost like a 48 hour turn around time frame and I was kind of surprised by that line item being in there from the - from representation from the contracted parties.

Because you know that request could come in Friday night and you have to have it done by Sunday and that's not normal business hours.

So my point is, is the time frame in which an urgent restore is performed, it needs to be probably less than the five calendar days that the policy stipulates today.

But what would the registries be willing to sign up for that doesn't overly impact cost in doing the restore, so that's one of the issues that would be - need to be worked out.

And Barbara I'm going to go ahead and let you respond to that since I was directed towards you.

Barbara Steele: Okay, this is Barbara, I'm assuming that rule still applies that we have to say our name. Anyway I think that maybe the way you word it is something like you know as soon as possible but no later than three calendar days.

Berry Cobb: Perfect, yeah, I'm definitely the last person that needs to correct policy language specific - I stick to the pictures. Thank you Barbara. Mikey?

Mikey O'Connor: I'd be willing to go behind Chris since he hasn't spoken yet.

Berry Cobb: Go ahead Chris please.

Chris Chaplow: Hi Berry, yeah, once again thanks very much for doing all this and obviously you're pretty familiar with this a lot more familiar than we are but from where we're looking it looks great.

I'm just wondering where we are with this now in the overall. You did just sort of comment on that earlier but I didn't quite understand, because this is a little - this is a sub team that you're on now if I'm not mistaken.

I wasn't originally on the sub team but I - last week or the week before saw so many people drop off the - on the Adobe I thought well I'd better stay on or you'll be talking to yourself.

So you said this is the last one, is this sub team now reporting back next week to the main team with a positive proposal or is there something going on in the background that I've missed somewhere?

Berry Cobb: Well to be honest Chris I guess I was probably just being hasty in my comment by not receiving any feedback about any of this.

To be perfectly honest I guess I kind of expected either someone from the registrars that had put a kibosh on the ETRP that they would either continue with the kibosh or start to support this. So I don't have any indication in that regard but to answer your question I - while this second proposal definitely needs to be further flushed out in terms of the details and certainly like the service levels that we just talked about, some of that needs to be refined.

The only thing I know to do at this point is kind of take it back to the larger working group and say all right, you know we agree that ETRP in its previous form is dead.

Here's the second proposal, what do you guys think, should we continue on or just say that the working group couldn't come to consensus on it.

I hope that it's A, but not really sure what the next steps would be. Mikey?

Mikey O'Connor: Thanks Berry, it's Mikey. I'm curious, I wrote a little draft with a couple of tweaks to insert into the existing ITRP and TDRP. And curious, did that ever get to the sub group during my two week hiatus?

Berry Cobb: Yes, it was the third attachment as a PDF that still highlighted yellow highlights that you provided. And I didn't make any edits to any of those, I left it in its form that you had left it at.

And I just put the caveat that really the yellow highlights are the areas, the targeted areas that would need to be updated to match the proposal.

Mikey O'Connor: Is there a way to throw that up on the Adobe Connect real quick, either you or Marika have godlike powers to do that?

Berry Cobb: I think I've got the godlike powers but I haven't done that yet on the Adobe client so it's going to take me a little bit. Marika you still on line?

Mikey O'Connor: She may be tending that kid.

Berry Cobb: She said that she needed to drop off so I think she did. I don't have the power to put it up here real quick, I'll try to find it.

Otherwise it was sent out though Mikey.

Mikey O'Connor: Let me walk folks through it because I think that this actually could be pretty simple. And if anybody can find the document in their email queue feel free to tag along.

But basically the only change to the IRTP is the addition of that fourth reason for denial, the notion of request by the registrar of record at the time that the domain name was hijacked for the urgent restoration.

And the only other change - I inserted a great big chunk of language out of the SSAC report higher up in that document because what the SSAC - you know it sort of gave a nice piece of context that said you know here's what's going on and here's sort of the texture of what the thing ought to look like.

And the key concern that they had which I think everybody shares, I mean it's really the reaction from the community is that this reason be crafted carefully enough that it can't be gained, but it can't be used by all those use cases that we've talked about, you know the seller's remorse case.

But really the only change in policy is the addition of one more reason and then the other tweak comes in the TDRP and again the tweak is pretty minor and basically says that the TDRP gets invoked every time there's a dispute instead of every time there's a dispute that can't be resolved by the registrars.

But what that is really doing is just documenting in most cases these things. So you know I called it in the document the level zero activity in TDRP and I think there again it would be a pretty minor affair in 99.9% of the cases because that's the - or at least that's the impression of my number of times that these disputes are actually just resolved between the gaining and losing registrar.

But what it does is a couple of things, one it builds a record of how often this all happens and it gets us back to the bogey man of no data, what this would do is it would document all of the disputes, even the ones that are currently being resolved between registrars.

So we would begin to get a sense of the scale of the problem and if it turns out after a few years that we're writing policy that addresses you know 100 cases a year then we've got a different situation than if we're writing policy that addresses 50,000 which right now it's very hard to know.

The other thing that it does, is gets the TDRP process started so that if it has to go to the second phase, the current first phase that could happen a lot more quickly because the process would already be underway and we could take some of the delay out of it.

I think with those two changes carefully crafted you know but one to two sentence changes, we could pretty much lick this thing. That's just my sense.

So I'd encourage folks to take a look at that little draft, kind of ignore all the SSAC language except for the intent of that language which is you know I just stapled the whole chunk of the report in there.

But I wouldn't expect all that to be in the policy and the last thing that the SSAC was recommending I'm not as - I don't feel as strongly about.

They had a recommendation that there be an emergency action channel with a bunch of metrics as to how fast that channel had to respond. I view that as something that may be a little overblown and it maybe - in most cases, especially in the large registrars I'm sure that already exists.

And it may not be appropriate, it may be in fact overly heavy handed to put that in policy. But I left it in just because I just stapled the whole chunk of the report in there.

So at a minimum I would think of that as a first draft of a recommendation that we could hand back to the larger group and defend on the next call, that's my thought.

Berry Cobb: Thank you Mikey and just to add real quick and then we'll move to Simonetta, again just to reiterate the whole invoking of PDRP at the level zero, yes it does provide the metrics, yes it would perhaps expedite moving to level one of the TDRP if it needed to go there, but I think the most important part is that most of the stakeholders that are involved with TDRP do recognize that it's not a cheap endeavor to go down, hence why it's probably not used very much in today's world.

So the third goal of tying any urgent restore back to the TDRP is again to try to minimize or prevent it being gained per the feedback that we got.

And then there's just one minor correction Mikey, in terms of documenting the hijacks and level zero being invoked, the only visibility to metrics that we get for a hijack is if the urgent restore is invoked, if there are other transfer disputes that are being worked amongst the registrars themselves we wouldn't have visibility in to that.

I guess it's only in the fact that if the urgent restore is invoked that the level zero would be - the TDRP level zero would be invoked by which we document that. Simonetta?

Simonetta Batteiger: I'm just trying to summarize so we have something that we can bring back to the group, is what we're proposing to say that we took a look at the proposal for ETRP and said this doesn't work.

What we do think will work is to refer people back to the existing policy, let people know that they can go get a court order if they wish to do so but first of all they should start working through their existing registrar to have them attempt to solve the situation by actually talking to the gaining registrar.

And then adding into the IRTP policy document two pieces which is what Mikey said, A, have registrars have an emergency phone number that is shared amongst the registrar group of - or stakeholder group so people can have access to somebody at any one registrar that they need to solve a situation with.

And the second piece would be to have the level zero pay for data collection being introduced. Is that what we're putting forward or am I missing something?

Mikey O'Connor: Let me jump in Berry, one other thing and that's that fourth reason for denial, the hijacking one so with that one, yeah, you nailed it, that's perfect.

Berry Cobb: And just to bolt on that not only the fourth reason but the time frame in which it could be per Barbara's suggestion earlier, up to best effort up in two, three calendar days or whatever registries would be willing to sign on for.

But yes, that in essence is the proposal and I would in fact enjoy if maybe either Simonetta or Mikey would do the presenting because you guys do it in a more summarized basis than I do.

I get down into the weeds pretty easy. But yes, I agree.

Simonetta Batteiger: Mikey do you want to chair, I have a pretty full week this week, I don't know if I'll get around to go back to the transcript.

Mikey O'Connor: Yeah, I can do that. Basically I think what I would do is push the draft that's already there out as the document to discuss.

Do - in terms of the preamble that you put in, that - this part of the call is being transcribed too, right Berry?

Berry Cobb: Recorded, not transcribed.

Mikey O'Connor: Right, so I can come back to the MP3 for that, I'm happy to do that.

Berry Cobb: Yeah, so Mikey maybe sometime later this week we can get together and strategize real quick and then if we want to make any changes to the document then we'll do that and then send it out by end of the week so people can review in time.

And Marika said she'll make sure that ETRP is the first line item for the next call on the agenda.

Mikey O'Connor: Great.

Berry Cobb: So that's all I - Simonetta maybe what I'll do is put you in as a review person just to take a quick read before we launch just to make sure I've captured it right. Would you be okay with that?

Simonetta Batteiger: Sure.

Berry Cobb: Okay, that's all I have for today, any other comments or questions before we bring this to a close? Sounds good, so thank you everyone and we'll talk next week.

Mikey O'Connor: Thanks Berry, great job.

Chris Chaplow: Thanks Berry.

END