

**Inter-Registrar Transfer Policy Part B PDP
Transcription
Tuesday 08 February 2011 at 15:00 UTC**

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<http://audio.icann.org/gnso/gnso-irtp-b-20110208-en.mp3>

On page:

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Participants on the Call:

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Robert Mountain - Registrar SG
James Bladel - Registrar SG
Berry Cobb - CBUC
Chris Chaplow – CBUC
Barbara Steele – Registries SG
Matt Serlin - Registrar SG
Paul Diaz - Registrar SG
Mikey O'Connor - CBUC
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Baudoin Schombe - At-Large
Rob Golding – Registrar SG

Staff:

Marika Konings
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Apologies:

Kevin Erdman – IPC
Oliver Hope - Registrar SG
Anil George – IPC
Eric Brown – RY (all Tuesday calls)

Gisella Gruber-White: Thank you. Good morning, good afternoon, good evening to everyone on today's IRTP call on Tuesday the 8th of February. We have Mikey O'Connor, Michele Neylon, Barbara Steele, James Bladel, Barry Cobb, Matt Serlin, Paul Diaz, Simonetta Batteiger, Bob Mountain.

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

If I could also please remind everyone to state their names when speaking for transcript purposes.

Chris Chaplow has also just joined the call. Thank you. Over to you Michele.

Michele Neylon: Good afternoon everybody. Hope you're all having a lovely Tuesday. Sorry, I had to think about that for a minute. Okay as per usual, I just want to note if anybody has an update to their Statement of Interest, Declaration of Interest?

Going once.

Going twice.

Sold. No - okay. Right then. At this point, I'm going to hand over to Barry so he can explain to us what he's been up to within the subgroup with respect to ETRP. Over to you Barry.

Barry Cobb: Thank you, Michele. This is Barry. Let me set this up for you, and I'll actually be turning it over to Mikey to outline the details of what we've come up with for this next proposal.

Basically, the subteam has met over the last three or four weeks. I don't remember - it could be as five. I don't - I lost count. Basically, we kicked off the subgroup by reviewing the old ETRP in its previous form. Our first call was a really great discussion. We had walked through several of the issues that were on the table, especially from some of the feedback that had come out from Brussels, et cetera.

We recognized immediately that we needed to kind of create a swim lane so that we could better get a better picture depicting what the ETRP process

would look like. We've developed that picture and we met for the second time, and it basically kind of created more work. We then needed to understand what the (hook's) in and out of the ETRP would be with respect to the existing policies of IRTP and TDRP.

And in parallel to that second meeting, there was also a suggestion at that time that the ETRP in its present form was becoming too complex and that perhaps we should - a recommendation was put forth that we should put it to rest and move forward with the other recommendations for the working group.

Not willing to give up on it just at that particular timeframe, I went ahead and developed current state swim lane documents of both IRTP and ETRP - I'm sorry, IRTP and TDRP. And while not probably 100% perfect, they do provide a decent picture of what we're dealing with current state for the process of those policies.

Having done that, and reviewing through the policy documents in pretty great detail to build these swim lanes, I came to the realization that the recommendation to kill ETRP - I agreed with it. There were issues with it in its current form, and it was time to take a step back.

In reviewing the policy documents for the swim lane - but I did recognize that there already is a restore procedure within the existing policy documents, and that perhaps we could leverage what is already in the policy documents to fit the need for some sort of urgent restore.

So what I sent out to the list last night is - basically, there were three attachments. One attachment shows the current state swim lane diagrams of the IRTP and TDRP, and also I believe it includes tabs of previous IRTP-A policy work. There was some process modeling that was done in that working group. So to create the swim lanes that you see today, I've reviewed through those old policy documents, and then as I've mentioned, I went basically line

by line through the actual policy documents to create the swim lanes you see today.

There's a second attachment which shows a proposed state. And so essentially within that proposed swim lane diagram, there are a series of red tasks basically. They're highlighted in red and white text where certain activities would be required for this urgent restore procedure.

And then, there's a third document which is the text of the current IRTP and TDRP policy documents with highlights of areas of those policy documents that would - may need to be updated if we were to implement some sort of urgent restore procedure.

So, I think that kind of sets up where the subgroup went, and I'm going to turn it over to Mikey, and he's going to give you the details of what the urgent restore procedures (like) (unintelligible). Thank you.

Mikey O'Connor: Thanks, Barry. This is Mikey. Marika, actually the text document's all I need in the window.

Yes. That's great. Thanks. Can everybody see it? Give me a no if you can't; otherwise, I'll assume you can.

What we did is sort of rolled everything into one document just to make it easier to review. I'm not sure that this is the final form that it ought to go into the report. But starting on Page 1, just by way of background, a lot of this ETRP urgent return stuff really harkens back six years ago to an SSAC report, SAC-007, which is about hijacking. And so what we've got is - by way of background, is just the relevant piece of that report to remind us where this is coming from and the - sort of the goal statement.

Then starting a little bit further down on Page 1 and rolling into Page 2 are sort of the introductory points that we wanted to make about sort of the

transition from ETRP to this approach. And so, there's a historical sequence here that probably needs to be fleshed out. This is written sort of in bullet form. Sort of secret code for the members of the working group, but we may want to use a few more words to do this. But the idea is to trace the chronology of how we created a draft ETRP that went into the preliminary report. That ETRP generated a lot of discussion. As a result of that, we took it back. And in this latest round of the conversation, took another look at it.

The conclusions we arrived at, as Barry said in - a minute ago, is A, the ETRP that we drafted the first time around is pretty complicated and has a lot of possible un-ended consequences. There seems to be a way to make some small changes to the existing IRTP and TDRP policies that would accomplish pretty much the same goals that came from the SSAC report and others.

And so, this is just the beginning of language for the report that says that we (unintelligible) will drop the ETRP proposal and substitute the changes that are coming up in the second.

And the final point, which I think is important, is to acknowledge that there are a lot of existing options for registrants when a hijacking takes place. And, I think we may want to flesh this out a bit, but you know, it's I think a good part of the report.

That's sort of it for introductory stuff. Then from Page 3, scroll down a little ways until you get to about Page 5, because basically from Page 3 to Page 5 is just a copy of the existing IRTP policy. And on Page 5, in very difficult to read yellow type - I'm going to have to take a look at my settings for these things, because when it was on my computer, they were all different.

Anyway, if you look at Section 2.3.4, what we did is we added a very broadly worded pointer to that emergency action channel that's suggested by the SAC. The thought here was not to get terribly prescriptive. To let registrars figure out the details of how this gets done amongst themselves, and for the

most part, acknowledge that registrars already have this. So rather than you know really get super prescriptive in the policy, just have something fairly light like this.

All of the delete stuff is basically just a repeat of the SSAC report, because I stapled it into the first draft of the report and the team yanked all that out and wrote this much shorter paragraph to substitute for all that. So, that's one of two changes to the IRTP that are proposed.

And then if you roll down to Page 7, the same exact thing is repeated there. I'm not actually sure that we need to repeat it now. We may need - we may be able to take that one out. That's a duplicate.

And then the only other change is on Page 8. And what we are suggesting is to add one more - essentially, undo a reason, Reason 4, which would be a request by the registrar of record at the time the domain was hijacked for the urgent restoration of a hijacked domain in conjunction with a request to initiate the TDRP.

So, there are really just two changes. One quite minor, which is to acknowledge the pretty much already existing emergency contacts between registrars, and then this one on Page 8, to add hijacking to the reasons for urgent return.

Then, the only other change comes on - in the TDRP, there's really only one change, but it shows up in several places. The first place that it shows up is on Page 11 of the document. It's highlighted. And what we're trying to do is essentially add another layer to the TDRP. A very light layer that does not launch the full blown...

Somebody's got a horn in the background. You might want to mute. That came in real loud.

And so, I think I'm going to scroll past this one. It'll make more sense. And I think given the fact that it doesn't really make sense, this probably needs to be reworded. But if you roll down to Page 13, this is where what we're doing - this is where we're doing the real change to the TDRP and essentially introducing a lower level stage to TDRP that's essentially just recording the registrar to registrar resolution of hijacking problems after the undo request to the registry, and saying, "Okay. We really, really would like to have you - the registrars resolve this between themselves," just like they do now.

"And if you're successful in doing that, simply record it. And if you're unsuccessful, then one of," - you know, the option is to go on then to the existing levels of the TDRP. But, we're expecting a very large proportion of the cases not to require that, just as it is today.

And so, the two changes on Page 13 really reflect that. The first one is to just create that layer, and then the second change is just to describe what would take place in that layer and acknowledge that this is just a recording step. There's really no dispute resolution going on here at all.

And if I scroll really fast through the rest of this, I believe that is the whole proposal. I don't know if anybody else from the subteam wants to chime in, or whether we should just roll out to the whole group at this point. But, that's what I got.

Barry Cobb:

Hi, Mikey. This is Barry. Thank you very much. You know, so I guess in summary is you know we're essentially creating a red button. Whenever that red button is pushed, it needs to be tied to something so that it doesn't get abused, and that was the reasoning for tying it to TDRP. So that if there was some sort of abuse or hitting the red button, TDRP should be able to squash that because there are significant costs about going down that road.

And then the idea is that you know once the red button is pushed that we need to document it, and hence the Level 0 or 0 Level within TDRP. And if

everything is resolved amongst the registrars, the monitoring - the recording of that incident is documented and things return to normal. If for some reason the dispute can't be worked out, then it should just naturally progress into the first level of TDRP.

So, that's all we have. Willing for questions and - a lot of the documents have been sent out to the list, but we haven't really received much feedback.

Barbara?

Barbara Steele: Hi. It's Barbara. I just had a quick question, because unfortunately I had to drop off -- as you know -- from the call a little early last week when we were discussing this. What exactly do we gain by doing the reporting, other than the visibility into it? I mean is it to say whether or not this urgent return in the case of a hijacking is to raise a visibility to that? I guess I was a little bit uncertain as to one, who the reporting is going to go to, and then without an additional (meat) around this, what the expectations are? And, would there be any actions required by the registry operators, to the extent that the registrars are able to resolve it on their own.

Barry Cobb: Thank you, Barbara. I think the recording is really a byproduct. Ultimately, I think what missed in ETRP in its original form is that - you know, when it was invoked, it really - it didn't - ETRP was not designed to be a dispute resolution mechanism. But it was - but it didn't - it wasn't attached to a dispute resolution mechanism.

So, the idea of the reporting aspect is - again, it's a byproduct of trying to connect an urgent restore to the dispute resolution policy. And as Mikey mentioned before, we didn't want to tie the hands of registrars when they already worked through these issues, but you know we needed some sort of mechanism to prevent abuse of the red button.

Mikey?

Mikey O'Connor: Yes. As you got to the end, you hit what I was going to say. I think that in addition to reporting, it's the linkage. It's the fact that we need a graceful way for this process to transition to the TDRP if it doesn't work. And so by having you know, all of the registrar to registrar conversations recorded after the urgent return, we essentially made that connection between the two policies.

Michele Neylon: Paul Diaz and - sorry. Simonetta and then Paul Diaz, then James Bladel.

Simonetta?

Simonetta Batteiger: I think the other idea with tying it together was that the moment someone is actually disputing that this is a hijacking situation and you have to find some kind of way to hear both sides and figure out the story. With this, you're already within the TDRP environment and all you need to do is push it to the next level and it gets taken care of that way.

Rather than having to explain to someone now that they're - contacting their registrar didn't resolve the situation, they may have no idea what to do from there, so that was kind of the idea of bringing the two together. And also by recording those, you finally gather the data that will at some point allow you to say, "Okay. Maybe we were wrong in our assessment that this isn't big enough of an issue to flesh this out even further." Because if it turns out that we have hundreds of these 0 Level cases and we see some kind of patterns evolve from the recording, then that's a valid point as to what you really need to do to tackle this problem better.

And, that was one of the biggest challenges with the current approach is that we weren't able to figure out at all is this problem big enough to justify its own policy approach at all? I mean, what we did from - with our aftermarket survey kind of pointed that out. These people we spoke to said, "No, it isn't."

Now, there was an issues report at some point that said something is wrong here. But what this will do is it will enable us in the future to take a look at this again and figure out is this suggestion good enough or is there more work that needs to be done?

Michele Neylon: Paul and then James.

Paul Diaz: Okay, thanks Michele. Can the subteam folks please explain to me - these reporting requirements for the 0 Level, who's going to store this? Who are we reporting to? If registries are not involved at this level, it's not them. So if it's just a he said/she said between two registrars, how is this ever going to develop into a base of information we can access?

And I - to me, it just seems like we're adding in a bureaucratic requirement for something registrars are currently doing, as we all recognize. I'm having a hard time understanding how the proposal is moving us forward at this particular stage - at the 0 Level before a TDRP has been formally introduced. I mean, the whole definition of TDRP is there's a recognized problem between a transfer between two registrars. One of the registrars initiates. Registry operator gets involved. You go through the process.

I know we're trying to graft the original idea onto something that exists in an attempt to simply, but I'm not seeing at all how this 0 Level is going to achieve the sorts of things we're looking for. So please, somebody set me straight.

Mikey O'Connor: This is Mikey. Let me jump in on this.

I think that the - that there are really two kinds of registrar to registrar disputes. There's the kind that don't even require pushing Barry's red button, and I don't think those go into this process. I think the ones that do are the ones where that new fourth transfer or restore reason is invoked.

And as soon as the transfer restore is invoked, the registry is involved because they do the restore. And it's that layer of these that we want to document in the - in a very light addition to the TDRP, because the registries are involved, and I think that they probably document; although, I'm not terribly committed to that idea. It's just the one that pops into my head.

I think that one of the things that probably needs to happen is we need to hammer on this with those kinds of questions, Paul, and just make sure that we've got the mechanics right. I think what I'd like to do is stay at the conceptual level for awhile and then iron out essentially the operational issues that may need to be ironed out once we've agreed that this is the right thing to do.

Michele Neylon: Paul, does that answer you?

Paul Diaz: I'm going to wait for James and Barbara. I may come back. Thanks, Michele.

Michele Neylon: Okay. James then Barbara.

James Bladel: Hi, Michele. Thank you, James speaking. And I just wanted to thank Barry and Mikey and subgroup for the work that they've put into this. I haven't had a chance to read it as thoroughly as I probably should before opening up my yap about some of the ideas here, but I did have a couple of just off the cuff observations for questions.

The first one is relative to this emergency contact. To me, emergency is something besides three days. To me, emergency is 24 hours, if not you know even shorter than that. I know that I don't speak for all registrars in this area, but you know I think that the larger registrars - if this can be you know a line of separation or demarcation between the folks who - you know, who offer that kind of - or who have those sort of mature support organizations versus the folks who are kind of the more - you know, the folks who we have trouble with hijacking with. Let's just put it that way. Then so be it.

You know, I think that our industry has matured to the point where it's not unreasonable to suggest that registries and registrars have 24 hour contact for emergency support issues. So, I would suggest that we take that three days to 24 hours. That's just one observation.

The second one was relative to - and I guess this question is more for Bob and Simonetta. I know that TDRP has dispute in its name, but I think that when we start talking about hijacking, I'm not sure that it fits the bill as far as a full-fledged dispute mechanism the same way for example, UDRP or a court case might be. So, I'm not sure that tying it to TDRP alleviates that fatal flaw that we had in ETRP, which is they couldn't be abused for a claw back, you know of a disgruntled sale, a seller, or something like that. So, I'm just - I want to you know, kind of maybe open up the discussion in that channel as to why we believe TDRP is to solve that problem that ETRP couldn't.

And then the final one was just this idea - I think this goes along with what Paul was saying. This 0 Level between registrars is something that occurs. It may be frequent. It may be infrequent. But, the recording is something that is possibly - you're going to have some resistance from registrars. It's kind of like asking a bank to put in the newspaper how many times they were broken into last month, or somehow attempted to. I think that - you know, we like to think that we're doing the best effort in this (unintelligible) but no one really wants to talk about the security problems.

So, those are just my off the cuff things. I mean, if we want to move through the queue, or if we want to talk about those, that's (unintelligible).

Michele Neylon: Thanks, James.

Barbara?

Barbara Steele: I think the part that I - that may be missing here, and hopefully this will help Paul, is in the conversations that we were having last week before I dropped off, there was a recommendation that we added to Section 6 of the transfer policy itself. (Unintelligible) that basically would say something to the effect of you know, on a hijacking -- this is under the Registry Operator Obligation -- in the case of a hijacking that the registry operator would basically undo the transfer within a specific period of time.

So I think that piece is the piece that's missing for me, because obviously if there's an agreement between registrar of record and the gaining registrar, and we receive that -- at least here at VeriSign -- we will go ahead and facilitate the undo of the transfer. I think that that currently is happening you know the majority of the time between the registrars, that they actually work that out and effect the transfer back on their own.

But, I think that the piece that's really missing - you know, the whole hijacking problem was because there was not cooperation between the registrars, that you know, perhaps the name is now with a registrar that's not responsive. And so, there really were no other mechanisms by which to get that name restored back to the original registrar of record.

So, I think we're just missing some pieces here. I think the way it's currently outlined, at least in the revisions that are suggested to the text that's currently up on the screen. You know we would need to work through those, because I'm not seeing this disconnect, and I've been involved in many of the secondary calls.

Michele Neylon: Okay. Thanks, Barbara.

Bob?

Robert Mountain: Yes. I think to address James' question, I think one of the things that bothered people about the claw back was the - it seems somewhat arbitrary

to them the conditions in which a claw back could occur. So, I think people wanted more specificity on that.

And the second thing was that you know, recourse, you know, if the claw back was, you know, was used and it was found to be found not legitimate, you know, what was going to happen there.

There was just a lot of ambiguity I think with the feedback that we got. So I think around the claw back, you know, the feedback from the (agrimogrist) just seems more specific about what we're - invoked at and what the recourse would be.

So I think anything we would do, if we wanted avoid that same kind of feedback again on that we'd want to come in with more specifics mainly around those issues.

Michele Neylon: James.

James Bladel: So real quickly - and there's so much stuff going in the chat I'm trying to make sure I'm not being passed by. It's quite a conversation. But if we were to go to the TDRP route, does that put the registry in the position of making the determination whether a dispute is a hijack for - or not, does it put - make the registry essentially the final referee in determining what (Bob) was saying that, you know, this is a legitimate hijacking or this is a disgruntled, you know, disgruntled or acting like a transaction gone bad.

You know, I mean I think somebody ultimately has to make that call and are we saying then decide at the registry call.

It's a sincere question because I haven't read the document as early as I need to, so just putting that out there.

Michele Neylon: (Do we want to take those)?

Simonetta Batteiger: Yes, the (system is on). I think the idea was - and I'm not sure if it's worded good enough in the current draft that you start this process and you try and work it out just amongst yourselves. So if you are successful with that there's no further need for anyone to get involved with this because there is no dispute if you are crystal clear this was a hijacking situation and you took care of it.

Now let's say this was a disgruntled seller who was trying to (plow) the domain back, what would happen is that a dispute will automatically arise because that buyer is saying you must be kidding me. You actually (sold) the domain name.

and what would happen then is that the same list from a zero level where it - no one really needs to get involved at the registry level into the regular TDRP policy and a dispute resolution process starts because now you have two parties and you do have to take a look at this and you do have to go through some kind of dispute resolution process to figure out what's going on.

At the same time, anyone who is like a major corporation whose business would get disrupted by these things always also have the opportunity to go to a court and get some kind of quick resolution done that way if the PDRP process is taking too long for them.

But that was the idea we have with this, so if you tie it - the TDRP from the get-go, the moment a true dispute arises, you get into the resolution process and it isn't free. So you are not as tempted to just go down the hijacking road and say, "Hey, this is hijacked," although it was just a claw back situation because it's a (center involved) but it wasn't and you actually sold this domain and you're just trying to sneak out of a contract.

There is a little bit of a punishment tied to this because of the cost of the TDRP. That was the idea.

Michele Neylon: Barbara.

Barbara Steele: I guess my comment goes back to, I guess, a couple of comments ago, but with regard to the registry operators being the, I guess, final say on an emergency return, I'm really not certain how that could be the case because, one, you're only getting one side of the story. You're getting the story from the losing registrar.

And it's pretty much just kind of a he-said, she-said type situation even though we don't have the she-said portion of it. So I guess I'm not sure on what basis registry operators since they don't have any relationship with the registrants, they really don't have any insight into who these registrants are.

I'm not certain how they can make any sort of an assessment or determination so I mean to the extent that, you know, we were to put the registry operators in this process to basically do an undo at the direction of a former registrar or record in case of a hijacking, I think that there would have to be a mechanism by which within a certain period of time there is either a dispute resolution case filed, you know, some sort of an agreement where the two registrars involved with the domain name would have to work out, you know, yes, this is a determination and we are all in agreement that it was a hijacking.

The name should stay back where, you know, where it originally was. Or, you know, there was a misunderstanding, it was a claw back or whatever, and the domain name needs to really be where it was transferred to. Sorry, it gets a little confusing with all the transferring back and forth, so.

Michele Neylon: Thanks Barbara. Paul D. and then James B.

Paul Diaz: Thanks Michele.

Michele Neylon: I'm trying to bring some equality here guys.

Paul Diaz: Barbara makes some excellent points and in particular I have a concern with the way we've set this up. We - the working group here, we're very likely going to introduce an unintended consequence in that registry operators are very unlikely to go out on a limb, listen to one side of the story and quickly make a decision.

Where the TDRP works right now, it is a deliberate process. The complain of the process is, in fact, that it often takes a long time to get to a decision point. And in the case that, you know, again what we're talking about is an alleged hijacking.

I think we've kind of lost track or sense of we need an urgent response. We need an expedited response. Grafting this zero level onto the TDRP I believe will create an unintended consequence that registry operators are more often than not just going to say, "We don't have enough information to deal with anything. We'll punt," and it's going to just push us right into the far more involved documented, et cetera, stage.

And so we've lost the ability to quickly try and get the name back. The red button is not really red. It's just you're pushing another lever working through the process.

So again, I - the more I'm reading this I think we're trying very hard but we're kind of pushing a square peg through a round hole here. I don't think we're going to achieve what we're looking for, i.e., a quick predictable way for registrars to assist the registrants in recovery a hijacked name and that we're very likely going to introduce the possibility that the likelihood that all we're going to do is add another layer of bureaucracy, wind up just using the same mechanisms we already have, mechanisms which do not have an expedited or urgent return capability.

Michele Neylon: Okay thanks Bob. Now just before I go to James, I've got to capture some of the stuff on the chat because I think there're a couple of things that are worth capturing. And Barry was wondering about who the re- dispute resolution providers are for TDRP.

I thought that there weren't any. James points out that there's the registry deciding between two disputing registrars and Barbara and Barry pointed out that there are - the first level is between - is the registry operators act as the dispute provider - resolution provider and then it's only at the second level that you kick into third parties.

Does anybody know off hand how many have actually gone to the second level to third parties? I mean, Barbara, you might have some idea since you probably deal with more then anybody else.

Barbara Steele: I wasn't certain if you needed me to raise my hand, but in the history that we've had the dispute resolution, I think we've had two that have been appealed to the second level.

Michele Neylon: Okay so that is out of how many domain names and - that have gone through in terms of registrations over the last of - how many - 25 years?

Barbara Steele: I can't tell you the total number of domain names but I can say of the number of cases that we've had filed and I'm going to guess it's probably in the neighborhood of only a few hundred since 2004, two as I've said, have gone - have gotten to the second level. But, I mean, obviously there are millions of transfers that occur.

Michele Neylon: No, no, no, no. But no, no, I've - so basically in terms of trying to map that to a meaningful percentage, we would fail miserably.

Barbara Steele: Yes. That's correct.

Michele Neylon: That's all I wanted to check on. And the other thing I just wanted to capture there was at least one registrar said that they have never even gone down - that far down the road at all because they just couldn't - they couldn't see any point. Sorry James. Sorry for the delay but I thought it was worth capturing some of this. Go ahead James.

James Bladel: Thank Michele and I believe it was valuable to capture that. There were some good conversations just going on in parallel in the chat. And, you know, I don't want to belabor some of the things that I think Bob covered very eloquently.

I just want to perhaps, you know, not be a pessimist but be more of a voice of caution that one of the important things that we found lacking about TDRP was that we needed to tie it to a more formal dispute process.

And, you know, we've kind of identified that TDRP has the word dispute right there in its title but I don't think it's the Droid that we're looking for. I think that it is, you know, as Bob mentioned, it's slow. It is very time consumer. It is not in any way expedited.

But more importantly I think that there's a gap here in that we're talking about a dispute between the registrants and I think that the registry, if I'm understanding TDRP correctly and it's entirely possible that I'm not - is designed to address disputes between registrars. There's some concern that there's this responsibility gap where we want, as a working group, we want to push this upstream to some authority to make a call whether it's legitimate or whether it's a hijacking.

And we've got the folks at the top trying to push this down and say, "We're not getting involved in registrant to registrant use. We're only talking to registrars. So I'm just concerned that this is - we're creating a crack in the sidewalk for these things to fall (unintelligible).

Michele Neylon: Mikey.

Mikey O'Connor: Thanks Michele. It's Mikey. I think that I want to maybe bring us back to the 60,000 foot level for a minute and remind us that six years ago, the (SSAC) said we should really do a better job of handling the urgent return of domain names when there's a hijacking.

And so I am absolutely fine with any tweaks that we need to make to make this work. But what I will not be fine with is returning to the (SSAC) six years later and saying, "We couldn't figure anything out." So I think as people are raising criticisms, they should also think of ways to mitigate the problem that they're describing and recognize that this is an old problem that we haven't, you know, the IRTF working groups have been running since then.

So we're not exactly speedy in our decision making either and I think the community is owed an answer that's better than too hard, too complicated. We can't. So I encourage people to dig into this and try and figure out a way to resolve the issues that are being raised.

I agree with James a lot. The three days is a bit long. Twenty-four hours is even a bit long especially if it's a corporation that makes its livelihood from the Web. And so I'm fine with the idea of shortening the interval up a bit.

I'm not terribly committed one way or the other to the linkage between IRTF and DTRP although I do think that this is a fairly elegant approach that deserves a hard look to see if we could work out the issues that are being raised because it does address a lot of the issues that, especially the aftermarket community was raising.

I think the fact that DTRP today is slow and not being used is probably at least in my mind not sufficient to discard this option but rather an indication that maybe we ought to take a look at the DTRP and see what we can do to fix what seems to be a problem with that process.

So those are just some thoughts in response to the registrar comments that were made.

Michele Neylon: Okay I'll take Marika and then Simonetta.

Marika Konings: Yes, this is Marika. The question I have is actually how far the requirement to require a response from a registrar within three days or 24 hours, you know, will - I find that will already get us in achieving what we're looking for because I found this (could become) the discussions we've had on previous occasions that the main challenge is actually getting a response from a registrar because in all those other circumstances it seems that registrars are able to work out a solution between (themselves) trying to (solve) it quickly.

I'm just wondering, you know, looking at the complications that people have identified and actually undoing or, you know, go through a TDRP and linking the two, I'm just wondering that simple recommendation of making a requirement that there should be a response within three days or 24 hours, whatever the group agrees, whether that would already be, you know, a firm step in the right direction of having those situations worked out between registrars.

James Bladel: Michele, can I respond quickly?

Michele Neylon: Please go ahead.

James Bladel: Okay thank you. James speaking. And Marika, that is a good point and requiring a timely response is, while it's not a cure all, would definitely be a significant step in the right direction.

Many hijackers leverage the fact that they can move the (lane) names to slow or non-communicative res- registrars and they take advantage of that and keep the name in (trust) as long as possible. So that is a very important step.

Mikey O'Connor: And this is Mikey. I'd agree with that.

Michele Neylon: This is Michele just speaking on my own capacity as opposed to a chair. I don't have any issue with - for having to - with being mandated to do this because we do it anyway. It's a non-issue for us, speaking from my own registrar. Not speaking for anybody else. Simonetta and then Paul D.

Simonetta Batteiger: I'm wondering about a few things. I like the 24 hour idea. I wonder if this could be tied to a few more consequences, so basically for example, if 24 hours has passed by, you do not have a response from the other registrar. You file those, for example, with the registry of a hijacking case where you aren't able to resolve yet at the zero level.

Maybe at that point if this already has a consequence that the domain gets locked at the registry level until this is figured out might help. At the same time, when someone contacts the registrar and says, "Hey, my name just got hijacked," if that registrar gives the following response back to that person, saying, "Thank you for telling me about this. Tell me a little more what's going on. I'm trying to reso- to help you resolve this."

"The first thing I'm going to do is reach out to the current registrar of record. The second thing I recommend you do - and especially if you're a larger corporation or if this is like really endangering your operation, there's money tied to this, what I recommend you do is you go to your court right away. You tell them about this. You try to get a ruling from them ASAP that in the case I cannot resolve this for you within the next six or seven hours you have this court ruling and I can ac on that."

So that way you'll have this urgent response mechanism by prompting the registrant to take that action right away. And that doesn't require the other party to respond. It doesn't require a decision making at the registry level or anything.

And then if this thing goes through and after 24 hours you don't have a response, maybe this could be tied to the domain, will be (unlocked) but coming back to the original registrar. And if someone does come back and says, "Oh, no, no. I've purchased this domain," or whatever, brings up there case, then it gets escalated into a regular dispute process.

And that may take time and the other party also has the option to go to court and so there're a lot of options people always have to take action quickly. So I'm wondering by making few tweaks we can actually make this useful.

Michele Neylon: (Perhaps). And my (goal) - this is going to be historical. Matt is going to get the - get to have the last word I think.

Matt Serlin: Well, I mean, actually all I was going to say Michele is that essentially a lot of what's going on in the chat right now, and several people have touched on it in the chat and specifically what Simonetta just said, basically, you know, I agree.

I think 24 hours, you know, is something to strive for put a couple points that were raised in the chat, you know, Bob says that you have to give compliance something to enforce against. The problem is that that happens, you know, after the fact so there does need to be a sort of second level or escalation.

And then, you know, Barry brings up a good point as well for maybe some of the registrars on the phone and the folks that are participating in this exercise, you know, like Michele you said, we do it in 24 hours so it's not an issue for us.

But I do think you're going to run into some resistance or some hesitation from folks that, you know, aren't ramped up to provide that level of service. Now yes, you know, we could argue that they should be able to if they're going to, you know, if they're going to play in this game and they're going to,

you know, open themselves up to being in a business that is, you know, has the potential for a domain name to be hijacked then they ought to be able to respond in 24 hours.

So - and, you know, I think all of the comments in the chat are relevant. I agree with Simonetta that I think we, you know, need to do further work. And, you know, I agree with - I don't know if it was Barry or Mikey that said, you know, six years later I don't think we should simply walk away from it but I just think it requires obviously some further work. But we're - the discussions we're having here are absolutely on point.

Michele Neylon: Thanks Matt. Just a little bit more things from the chat which, again, I think it's important to try and capture some of this. Just in relation to if something were to become a consensus policy one of the quick things that a couple of people mentioned is, you know, the compliance and what a couple of people are saying is that, you know, beginning to test this would be kind of lower hanging fruit as it were.

It would be easier to test this then (testing) other things that might be a little bit - what's the word I'm looking for - ambiguous. That'll work for now. Right. We are kind of running close to the ti- to the edge in terms of time but as we only have a couple of meeting left before San Francisco, and I - no, we're not going into a second hour. Don't worry Barry, I mean, unless you want to.

But I think you mi- think you'll be by yourself. I cannot stay on this call for a second hour. If other people want to stay on beyond - hello? Ouch. My ear.

Mikey O'Connor: That was weird.

Michele Neylon: That really hurt actually. Anyway, the next steps and - with respect to here - to this, okay, just with respect to the (SSAC), the - I had pinged them. They had - they did not reply. So Marika followed up with Dave Piscatello early today.

And he's come back with a bit of input. I had been hoping to discuss this on the call today but we didn't really get time. So I'll ask Marika - oh, excuse me - Marika and I can have a look at that and just see. I don't think there's anything kind of strange in there that he wouldn't want forwarded into the list so we can forward that to the list. Marika, is that okay to forward Dave's email to the list or is there something weird in there (after my)...

Marika Konings: Yes, this is Marika. I'm sorry, I just got disconnected so, yes, my (unintelligible) actually be because I think for all of the other recommendations that we seem to have almost (finally) like language or at least I haven't seen any further comments on that.

And I think that as (unintelligible) could probably explain, we got some input from (Dick Discatello) on a possible (warring for) for recommendation two. So if people agree with that, I can, you know, finalize the languages that we have in the different sections and send that around for a last round of do people agree. Is there anything else on this set of recommendations so those can already be integrated into the report?

And I guess then the only thing remaining is the discussion on the ETRP and I don't know if people have an idea on how to move that forward so we can put something out in time for San Francisco, if there's a way to facilitate discussion on - the meeting this week ahead of our next call - I don't know.

I'm trying to see where - what we can do to pull it altogether in time for the publication deadline. And another question on that will be I know that we've discussed as well whether we need to poll the recommendations again, which of course would add additional time but another suggestion would be that we just do the change thing as what we've done for the initial report, is where we just say, "Look, these are the recommendations that the working group is considering putting forward. And, you know, before we finalize these and then put our different stamps on them, we want the community to provide input."

It would take away the need for polling but still, you know, we put forward what the working group so far has brought agreement on.

Michele Neylon: Okay thanks Marika. Does anybody have any thoughts or input that they want to give on this? But you've all gone very quiet. (Rob Goldings), you're being very quite. I should ask you if you're actually dialed in. Are you dialed in (Rob)?

(Rob Goldings): I am, yes.

Michele Neylon: Any thoughts?

(Rob Goldings): I mean, the - one I posted in the chat but the tying into the TDRP, I think is a reasonably good idea as long as there is this way of getting it back for all the TDRPs (expression).

Michele Neylon: Okay. Fair enough. Okay then, I think Marika, you have a - you've incor- you have a draft of the final report - a draft-draft final report. That's (sort of a metaphor) but up to - that's updated with the latest discussions of the ones we had prior to this meeting or something close to that. Would that be right?

Marika Konings: This is Marika. Indeed, there's a draft but I think, you know, we had a deadline on that for - which is probably already - to get the changes. So my recommendation would actually be that I update the - incorporate all those changes that were in there. I think they were very, you know, benign including the public comments, some of the (strong) notes on the discussions we had.

And then already started incorporating the different recommendations that we have agreement on and then send that out to the list so people can already start reviewing that and making sure that everything is covered. And then hopefully the only thing then we need to add is the agreed upon or final language on the ETRP recommendations.

Michele Neylon: Okay perfect. I unfortunately have to drop off this call so I'm going to - is any other qu- things anybody wants to raise now? And if not, could we please continue the discussions via the mailing list because I think we've - people have been very productive on the mailing list over the last couple of weeks and I thank you all for that.

Anybody have anything else that they want to add? Okay, I'll speak to you all next week then. Thanks everybody.

Man: Thanks Michele.

Man: Thanks Michele.

Man: Thanks Michele.

Man: Thanks Michele.

END