

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

**Tuesday 10 May 2011 at 14:00 UTC**

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<http://audio.icann.org/gnso/gnso-irtp-b-20110510-en.mp3>  
on page:

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

(transcripts and recordings are found on the calendar page)

**Attendees:**

Simonetta Batteiger – Registrar SG  
James Bladel – Registrar SG  
Berry Cobb – CBUC  
Paul Diaz – Registrar SG  
Kevin Erdman – IPC  
Bob Mountain – Registrar SG  
Michele Neylon – RrSG Chair  
Mike O’Connor – CBUC  
Matt Serlin - Registrar SG  
Barbara Steele – Registries SG

ICANN Staff:

Marika Könings  
Kristina Nordström

**Apologies:**

Chris Chaplow – CBUS  
Anil George - IPC  
Oliver Hope – Registrar SG

Woman: Hello everybody and welcome to the IRTP call today on the 10th of May. On the call we have Michele Neylon, Kevin Erdman, Mike O’Connor, James Bladel, Berry Cobb, (Rob Mountain), Simonetta

Batteiger, (Rob Sherling), Barbara Steele, Paul Diaz, and from ICANN staff we have Marika Konings and Kristina Nordstrom. And apologies from Chris Chaplow and Oliver Hope. Did I miss anyone?

Okay. And I also need to remind you to state your names before speaking for transcript purposes. Thank you and over to the chair.

Michele Neylon: Thank you. Good afternoon everybody. Welcome to the wonderful world of IRTP. As there is a call in an hour's time in relation to UDRP and the review of UDRP, today's call will be 60 minutes as opposed to the usual 90.

As per usual, I must now - I'll ask you if anybody has an update or a change to their statement of interest/declaration of interest. Going once, going twice, no. Okay, all right then. Moving on.

Now I gu- some of you have some - little bit of homework to do between the last meeting and today. Okay then, so let's see. The revised FAQ and other (there) - what was changed in that Marika?

Marika Konings: This is Marika. What was up is actually the actual language proposal. I haven't done anything with the FAQ and I don't think there are any further changes there although we might need to revisit depending on what changes we make further here.

So a couple of changes that I made just in the - having just a clarification (one's being served) is there where people can actually find the transfer policy. The language that you see in blue on the first page, that wasn't added by (Bob) following the discussion on last

week's call, you know, putting it in a more timely manner in which an EAC can be filed.

In addition, I changed the four hours so I have the 24 and I think we agreed on four hours. I did mention in my email I think there was some discussion on maybe making (way more) four plus two where the two hours will be used or could be used by the registry to actually verify why the no response was received or - and, you know, decide accordingly why the transfer should be undone so that's something the working group needs to discuss.

And there's also this question of the - will or may result in a transfer undo. I think we initially made (it will) but there were some posts - I think Rob posted an email saying that he would really prefer that this should be may instead of will. So that's another item the group may want to consider.

Going on to Page 2, you'll see there on the top, something (really great). I think there were a couple of calls, a go just to clarify it would be we take correspondence in original electronic form. I think before we had original electronic documentation but I think we agreed to follow the language that are currently in the RAA in relation to some other matters.

And then there's an addition that I actually added because talking about sharing copies of documentation I presume that would be that should also be with the registry operator upon the (class) following a discussion we had where, you know, the registry operator could decide based on that one or two undo, the terms for - (especially) the one if people have feedback on that one.

And then what I did, I added at the end, and that will be separate, of course, from the language from the IRTP itself but that we need more for incorporation into the report from recommendations in relationship and implementation which I basically took from some of the emails that were sent back and forth in relation to how radar should be used in the first phase and also in the second phase.

And there's another mention that should go in here, something that we discussed, and Mike actually sent some proposed language that we deal with when this policy and other implementation thereof would be reviewed. And I think we agreed on the last call on the 12th and 24 months window during which implementation should be reviewed in order to make sure that it was functioned as appropriate.

So there're other changes that are - have been made to the version that's up on the screen.

Michele Neylon: Okay thank you. Does anybody have any issues, queries on this?

Barbara Steele: Michele, it's Barbara.

Michele Neylon: Barbara and then (Bob). Oh, don't worry. I was going to get there. I was going to get there. I may be Irish and I may be slow but I was getting there, getting everybody, you know.

Barbara Steele: Sorry about that. This is Barbara.

Michele Neylon: (Certainly), go ahead.

Barbara Steele: I just wanted to let everyone know, I apologize for the wait in which I sent it around, but I did get a fair amount of feedback from the registry stakeholder group relating to the EAC and the support that, you know, would be sought from the registries in general.

So, you know, overall I guess the end point that we're getting to is just that because there's really been very little documentation as far as the number of even hijacked cases that have existed that would warrant that, you know, there's some concern that asking registries to, one, be involved and then, you know, also step up to some pretty strange in SOAs for undoing transfers.

But that's causing a lot of concerns so I am happy to see that at least the information has been, you know, pushed back to say, you know, an undo may be done so I think that gives it a little bit more I guess more flexibility. But I did want to - and thank you for putting up the information that I had been passing along from the numbers of the constituencies. I don't know if we want to walk through those or not at this point.

Michele Neylon: Okay. (Bob). Well actually maybe we should (actually) have a look at that because it's on the screen. Sorry, Barbara, go back to you as Marika's put this up on the screen. So just the - this is feedback from the registry stakeholder group.

As mentioned during - in last week's meeting, many of the registries do not have the practical resources to quickly undo a transfer. If requested to do so, the SLAs are not realistic across all the registries.

Two, while the final report did propose the framework for an EAC and as for feedback- ask for feedback (on it).

Barbara Steele: Ask for - sorry.

Michele Neylon: That's okay. That's okay. Ask for feedback on it. The final report didn't specifically mention registry involvement or registry SLAs. It is generally felt by the members of the - by the majority members of the registry stakeholder group. This is a new requirement coming very late in the process.

Three, many of the registries feel that if a registrar fails to do something that it's obligated to do, it should not become the registry's obligation. The registry stakeholder group would rather see a compliance solution as will be the case if a registrar fails to execute a UGRP decision. Touchy subject, but anyway.

And number four, if the working group is considering creating new compliance obligations for the registries it should be justified. Every one on the working group has agreed the number of hijacking cases continues to be very small. The specific information relating to the number of cases has largely been undocumented.

We would prefer to see some real data on the number of hijackings that have occurred. At the end of the day, many of the registries have not seen any transfer dispute cases so there is concern that they would be held to stringent requirements when there has been little to no justification to support registry involvement.

Barbara Steele: And that's basically in the case of the hijackings because they're not even seeing, you know, regular transfer dispute cases coming through so, you know, the likelihood that a lot of the smaller registries would even see, you know, see hijacking cases coming to them, you know, there's just concern that, you know, they'd be held to these standards and would have to try to, you know, step up to them when in reality they're probably not going to see any cases anyway.

Michele Neylon: Okay. I'm going to go to (Bob) and to James. Does anybody this - at this moment have anything specific to say in relation to this email about - from the registries?

Man: Michele, I think we - a lot of us do but I don't know how many in the queue feel about this or new topics.

Michele Neylon: Okay then well, (Bob), is your thing in relation to the registries or in relation to something else?

(Bob): Mine is not so I'll defer if we want to continue on this topic.

Michele Neylon: Okay but I prefer to just kind of try and close stuff off instead of rather jumping around. So just keep your hand up and I'll move to the next person on the queue who I'm sure has something to say about this topic.

(Bob): No problem.

Michele Neylon: James.

James Bladel: Oh yes. So I'm just trying to kind of get my mind around this a little bit Barbara. Is this specifically that the requirement that a registrar - I'm sorry, that a registry may have to take action and undo a transfer because I think that that obligation is already in the IRTP. We're just kind of setting forth some new requirements for that, not the monitoring or the validation.

I agree that that is something new. The other bit of this is I don't know that compliance can help in the case where a registrar is trying to recover a name that has been fraudulently or mistakenly transferred and the other registrar is not cooperating.

I think that only the registry can assist in that scenario. I mean, am I understanding that correctly or what am I missing?

Barbara Steele: No, I think you are understanding it - it's Barbara again - and, you know, relative to your first point, it definitely is in the original IRTP but there's also not the requirement that it's turnaround in, you know, say an hour. I mean, I believe that it's five days that registry operators have to be able to undo a transfer in certain circumstances.

So, you know, the main concern that I am seeing from the stakeholder group is the fact that, you know, they're looking at very tight timeframes, at registries that, you know, have very small staff and, you know, perhaps don't have people who are, you know, kind of there waiting for a contact to come in to say, you know, they need to undo this and a timing that they would have to abide by, if you will.

James Bladel: Okay, so just so I'm clear, it's the timing - the timing requirements that's the potential for involvement in verifying claims that contact was

made or contact wasn't made. But the actual undo is already there. So that's not really a new requirement.

Barbara Steele: No, that is not a new requirement. I mean, I think everybody recognizes that that is in the existing transfer dispute. Well, in the dispute policy as well.

James Bladel: And the registries I think recognize that in certain situations they're the only ones, you know, not the registrars or even ICANN compliance could actually effect certain changes.

Barbara Steele: Yes, definitely.

James Bladel: Okay. Thank you. (Those) were all my questions.

Barbara Steele: Thanks James.

Michele Neylon: Mikey.

Mikey O'Connor: Thanks Michele. This is Mikey. I had pretty much the exact same questions that James did or the same points. I guess my question to follow up is where do we go from here Barbara? I mean, this is kind of a spanner in the works. It's pretty late in the game. What was your thought as to how to get this resolved?

Barbara Steele: Is there any possibility that we can get some real data on the number of times that we had hijacking cases or situations?

Mikey O'Connor: I won't - this is Mikey again. I won't speak for the registrars but we've had that conversation before and there's been a fair amount of

pushback on that. Suppose that we don't. Are you saying that without data you will expect the registry stakeholder group to oppose this proposal?

Barbara Steele: I think that it will be a very difficult item to sell in the stakeholder group.

Mikey O'Connor: And the reason it would be difficult - more difficult - to sell in the stakeholder group then it would be in the registrar's stakeholder group which is the group that actually has the toughest set of requirements is? I mean, I'm sorry to be so combative, but this is quite a surprise and very disappointing reaction from a group which it seems to me if they can't uphold a reasonable SLA on this, then my sort of rhetorical question is what in the heck do they think they're thinking being registries? I mean, call into question their technical competence in my mind.

Barbara Steele: Yes I - I mean, I have to go back to the fact that, you know, the feedback that I'm getting is that there just aren't the resources there to do it. I mean, many of the - and I would say probably those that are using a backend service provider may be able to work that into their arrangement with that backend service provider to support an SLA, that's a pretty tight SLA.

But, I mean, it comes down to the fact that they just, you know, some of these registry operators, you know, do have very, very small staff. And don't have people who are available 24 by 7.

Mikey O'Connor: Just one last volley and then I'll relinquish the floor. And that is, you know, this is very much like the conversation we had several meetings ago about the ease with which even an extremely small organization

can rotate a pager amongst a super small staff in order to wake somebody up in the middle of the night on the one or two calls a year they might get on this.

So I guess I'm profoundly disappointed in this response. And I'll leave it at that.

Michele Neylon: Okay, thank you Mikey. Berry.

Berry Cobb: Thanks Michele. This is Berry. Let me start by saying to be quite honest I'm probably maybe the only one - I'm not surprised by the registry's pushback by a four hour SLA. To be quite frank, when we were discussing urgent return 2.0 and we put in a 24 hour SLA, I expected pushback with 24 hours because the minimal SLA that's listed in the current contract is I think 72 hours for any one of those three criteria for an urgent return.

Not an urgent return but a restore of a transfer. So anyway, I guess I'm just not surprised by that. My question to Barbara will be - is - before I ask this question, with respect to the data about the number of hijacks, I do agree with what Mikey said.

We've asked for this data. The registrars haven't wanted to share that. I too do like a, you know, more specific data that would always love numbers. But at the end of the day, I also do just James and GoDaddy stating that, you know, they see this as a very significant problem and certainly, you know, I don't question the motivations of James and those by, you know, trying to drive this home to finish because I they do recognize and see this as a problem.

There're many stakeholders that see this as a problem and it's an opportunity to correct it. So the question about this is back to the registry stakeholder group is we can't get the data to see how many hijacks there are but let's at least inquire how many transfer restores are requested at the registry level and what is the average processing time on those requests.

And then maybe we can at least start to shape an urgent return SLA around what registries can do today and then maybe try to bake in a ratchet path where the stretch goal is some day to get to four hours if we need it. That's all. Thank you.

Barbara Steele: We actually have a stakeholder meeting tomorrow and so I will definitely raise these questions to the overall stakeholder group and get some additional feedback on these things and specifically, you know, the number of (vital) transfer restores at the registry level and the (our return) on time for those.

Michele Neylon: Simonetta then Matt.

Simonetta Batteiger: I'm wondering, I mean, this is really all about those cases where you would start an EAC procedure and the other party does not respond. That would be the only time you would try to get the registry to do something.

And basically when that happens, you would work under the assumption that the non-responding gaining registrar agrees that the name should be returned because if let's say they wouldn't agree for whatever reason, and they just didn't - they failed to respond in time

and you do return the name, you would create the opposite situation and it would end up in a dispute.

So I know that some feedback I've received from some of the folks that are following this, I guess no one is really surprised that there is a concern in the aftermarket exactly around this point. So I really wonder if we have more opposition to this process proposal than we thought we would have and if this assumption that you can just undo the transfer when the other party doesn't respond within four hours is something that we will get through the next comment period.

It's just an observation and I really - I'm - I hate to be the one who comes up with those difficult comments all the time because I really like this approach because it would provide an avenue to at least probably get to a good number of those hijacking cases where you really find a workable solution to it where you can at least get in touch or have something in place that forces a better way to get in touch with the other side.

I just really wonder if the return mechanism that gets pushed back from the registry stakeholder group due to the very short timeframe and also gets pushed back from a lot of domainers and players in the secondary market is going to be something we can sell.

Michele Neylon: Okay. Just one note, by the way. At present there is no formal comment period foreseen before submission of the report to the GNSO. Just so people - so that's clear to people. Okay then, who was next?

Matt Serlin: Me.

Michele Neylon: Who's me?

Matt Serlin: Matt.

Michele Neylon: (For the) Matt. Oh, hello Matt. How art thou?

Matt Serlin: Hello Michele. I'm well. How are you?

Michele Neylon: I'm fine. Always lovely to hear from you. Go ahead.

Matt Serlin: Thank you. Oh, I have the floor. Thanks. So, you know, I don't want this to be a beat up on Barbara session. So I'm cognizant of that. I guess I just want to make two quick points.

You know, number one, the point that the registries have about, you know, that there should be some sort of a compliance involvement, I think everyone on the phone agrees that that should be the case. The problem being, that doesn't help the person get the domain name restored.

So I think there're really two channels. And, Barbara, if you could, you know, communicate this back to the stakeholder group, is yes, on the one hand, you know, that's when compliance gets involved when you have a registrar that isn't fulfilling their obligations, I would fully expect it would - that compliance would get involved.

However, you know, the urgent return of the domain name still needs to be addressed and to James's point, the only entity that can effect that change is the registry. So while the registry is, you know, restoring

the domain name on the one side, ICANN staff and compliance is starting their process on the other side.

So we're not at all trying to shift the responsibility from registrars to registries and say, "Well, if a registrar doesn't act, it just becomes the registry's responsibility." No, the registrar still is going to be held responsible but that's a longer term process.

The more immediate thing is to get the domain name restored. Number two is I think we'd all like more data around the actual number of cases of hijackings. The only thing I would caution there is, you know, I don't think that there's a, you know, a concerted effort by registrars as a community to, you know, hide that information.

I just think it's frankly very difficult to gather it. You know, you're talking about several hundred different ICANN accredited registrars and some are more willing to share than others. Some may have good data, don't. Some may have domain names that have been hijacked that they might frankly not even know about.

So while I think more concrete, you know, actual hard data numbers would be valuable, I don't think it's realistic that we get it and certainly not at this stage in the process that we (unintelligible).

Michele Neylon: Okay thank you.

Matt Serlin: Thanks.

Michele Neylon: James.

James Bladel: Yes, thanks Michele. James speaking. And I want to echo a lot of what Matt was saying, particularly with regard to data. I think that in some respects requesting data in this scenario is a foil. You know, I don't know if it's - what, you know, 100 a month, 500 a month, 1000 a month. I don't know where the threshold is where people would actually change their perceptions of what we're trying to accomplish here.

You know, it's one of those things where the harm is disproportionate to a small number of folks. And I wanted to address something here real quickly. I think - I want to make sure there isn't - this response from the registries isn't predicated on a misunderstanding.

We have a four hour requirement for the registrars to respond to an EAC message. Did we place a requirement on how quickly the undo needed to occur?

Michele Neylon: I don't think we did James. Sorry, it's Michele. I don't recall any reference at any conversation or in any document stating categorically how quickly the registry had to act - had to action the undo.

James Bladel: So. Okay, so I just want to make sure that we're clear on that, that the response, the timeliness requirement is on the registrars on either side of the EAC. Once that has failed or if that communication attempt has failed, I don't know that we have hardened fact timeframes established for the registries.

And then the second point being that, you know, we talked a little bit about may versus shall and I think while some of us would like to see shall, this could - this response in - from the registries, if we step back from it a little bit, could be a very compelling reason why we might want

to look at may rather than shall even though shall would be my preference.

I think that if it's going to be this much of an issue then we should consider that. So those are my comments. Thanks.

Michele Neylon: Okay I see that Barbara has her hand up again. I assume she's coming back - I mean, I have put myself in the queue. The only - I think the others have covered pretty much everything I was going to say so I'm going to remove myself from the queue. Barbara, please go ahead.

Barbara Steele: Okay it's Barbara. You know, is there a timeframe, though, that people do think is reasonable? Obviously, you know, if you're looking at a four hour responsiveness from a registrar and, you know, these incidents are time critical, I guess what would be the expectation for a registry to undo a transfer? I mean, are people willing to stay consistent with what's currently in the policy and not the, you know, a five day turnaround?

Or are you looking for something that is a little more - well, a lot more quick than that? So you know, any feedback I can get on that to take back to the stakeholder group I think would be very helpful.

Michele Neylon: Mikey.

James Bladel: If I could just respond.

Michele Neylon: I'm sorry James. Go ahead.

James Bladel: Yes, Barbara, I think that if we have - in order to go forward, we have to go with what is currently in the policy then we should. I think we recognize that the larger registries (unintelligible) both is, you know, are much better at respo- with more responses then (five days).

But I think that we need to be clear that that is a separate issue then whether or not we should have, you know, this required communication and response process on registrars that having the registries involved is somewhat of a separate issue.

Michele Neylon: Thanks.

Mikey O'Connor: And this is Mikey. Just to follow up on that same point, Barbara, remember this is in response to the question should there be a mechanism to effect an urgent return of a domain in the case of a hijacking? And five days is not, in my mind, terribly urgent. So ultimately I'll chime in behind Berry. I would like to see the five day window tightened up a bit because, you know, this is something that the SSAC came up with six years ago.

It's taken us six years to get to this point. It's simply astounding to me that a technical services organization, which all registries are, finds it difficult to respond in something less than five days to anything. Never mind an urgent return situation.

So I'm sorry to be so cranky and frustrated about this but again I - I am. This is I think a travesty for people who have every reasonable expectation that service providers can respond when their domain name has been stolen. Sorry.

Michele Neylon: Barbara.

Barbara Steele: Yes, I mean, I think that, you know, it's reasonable to think that, you know, larger registries would be more responsive just as, you know, it was pointed out before. You know, I think, you know, where we're coming across the problem is smaller registries who may not even ever experience this.

I think that's where, you know, you may find that there are going to be more issues. And I think that the larger registries obviously it's to all of our advantages and, you know, gives us, you know, in some cases a competitive advantage to be able to turn things around like that. So, you know, speaking on behalf of VeriSign only, I mean, obviously, you know, we try to be as responsive as we can to these types of situations and we do have the ability to be able to, you know, have the coverage that would ensure a quicker turnaround than five days.

But I think that, you know, to be on the safe side I think that if you're able to stick with, you know, what's currently in the policy you've got a better chance of getting the overall EAC through at least through the registry constituency or stakeholder group.

Michele Neylon: Okay thank you. Simonetta.

Simonetta Batteiger: I was wondering how you currently get a name back quicker than five days; what happens like if a court says this name has to return? How does this work then? Is this still taking five - or can it still take five days so the name comes back to the current owner or is there some kind of - oops - emergency thing built into what do registries do when a court dials up and does something? Just wondering.

Michele Neylon: Barbara.

Barbara Steele: Speaking from our perspective, you know, if we receive a court order, you know, obviously per the contract we have to comply with that order within the five days and send it back. I can say that from our perspective we typically do it the same day the it comes in; typically it's a matter of hours once we've done, you know, a series of validations to make sure that whatever we're being asked to do isn't going to adversely affect other domain names.

But it's, you know, it's definitely within 24 hours even with all of the checks that we do. But it's typically within, you know, hours of receiving the court order. I can't obviously speak for other registry operators because I don't know what their processes and procedures are but I do know that many of them have, you know, basically anti-abuse policies that, you know, allow them to take action pretty quickly on a domain name.

Michele Neylon: Okay thank you. Simonetta again and then probably Barbara because it's probably going to be (unintelligible). Go ahead, Simonetta.

Simonetta Batteiger: Well I'm just wondering then if we're discussing this more than we need to because if it's true that the - that VeriSign and other big registries which would probably be covering most of these cases anyway are capable to respond much quicker than the five days than they have when something comes in as being urgent and they would recognize that this stuff coming in is urgent then maybe although the policy gives them five days to deal with it in reality they would not

likely not take five days. Maybe this isn't even as thick of an issue as we think it is.

Michele Neylon: Okay anything else on this point at this moment in time? Okay thank you Barbara and apologies if you felt you were being ganged up on by other stakeholder groups; it was not intentional.

Barbara Steele: No worries. I have a tough skin.

Michele Neylon: Good to hear. Super Marika you have your hand up.

Marika Konings: Yes this is Marika. So I just would like to get a clarification based on our discussion. So based on the registry comments is there agreement then to change it from will to may; is that one of the points you've agreed on to accommodate the comments that were made? Did I get that right?

Michele Neylon: Everybody - there's lots of people saying yes. Mikey disagrees but Paul D, Simonetta, James and for the record me and Barbara all agree with making that change.

Marika Konings: And is there any need to further clarify that, you know, if the registry decides to undo there's no specific time requirement or, you know, apart from what is already currently in the IRTP? Should it be clarified or is that something maybe for the FAQ to clarify that it is the expectation that it would follow the, you know, the current timeframes that are provided for this?

Michele Neylon: I shall let - I'm going to like throw the floor to Mikey for a second just to see what he's going to say. Mikey go ahead please.

Mikey O'Connor: This is Mikey. I'm on the previous point. I am going to lobby hard that if we are going to leave five days as the window in an urgent return, which drives me crazy but there you go, then it seems to me that that provides quite a bit of wiggle room already. And I am going to fight hard to hold onto the will versus may.

Because I think if we turn this into may and we say it's five days then we have failed the people who have been waiting six years for us to come up with an urgent return. And we might as well just scrap the whole bloody thing.

Michele Neylon: Okay. Simonetta.

Simonetta Batteiger: I'm just tossing out an idea here and it might address your concern, Mikey. If we get this in place and we start using it first starting to effectively collect the data that we've all been waiting for because in order to place an EAC you have to use the channel therefore there is going to be a record of how often this stuff keeps happening.

If we put in this proposal also the suggestion that Marika had mentioned before that we are going to review this within timeframe X you put in when we're going to start looking at this again. And by that time you will have a record of how many cases were unsatisfactory because you will now, based on what you've looked how often this took the full five days versus how often stuff got resolved quicker and things like that.

So you could even put something in that says if it turns out that on more than 10% of these cases or whatever you realize that this

timeframe is too long therefore the whole thing is unsatisfactory you will have to review this quicker than that. You might be able to get to the data that we've all been waiting for, collect some experience of this process and then tweak it to what it needs to be.

But at least you have a start with something that's better than nothing. And I think it's a step in the right direction after years of waiting.

Michele Neylon: Okay, thank you...

Mikey O'Connor: If I could just jump back in on that. I agree with you, Simonetta, I think that's a valid point. But I would very much want to set the aspiration correctly.

((Crosstalk))

Michele Neylon: Okay Mikey, for the purpose - to start to cut across here I think it is very clear that you have a slightly different more stringent point of view on this point. So you can express that as a minority viewpoint in the final report.

Mikey O'Connor: Great, thanks a million, guys.

Michele Neylon: I mean, that's - we know - I mean, I think we realize that I don't disagree with you and I don't think anybody disagrees with you. But we - it's a case of getting - it's a case of getting something now and then when we can review this in - after a fixed period of time then maybe then we'll be a much better position to push for something else. James and then Marika.

James Bladel: Yes just quickly this is James. I do agree with Mikey. I do believe that we need to move forward with what we have, with what we can. But I think...

Michele Neylon: You mean you agree with me or you agree with him?

James Bladel: I agree with Mikey in principal; I agree with you in...

Michele Neylon: Oh .

James Bladel: ...in practical terms and I think everyone's saying that in the chat is that we all want more but this is what we can get now and we don't want to lose everything.

But I think that there's a message here and the message for registries and a message for small registrars and a message for other participants. This industry is growing up and maturing, you know. The idea that we can still operate under the expectations or even in some respects the service level expectations of previous, you know, decades is fading fast.

Today we're talking about emergency documented and auditable communications for transfers. Tomorrow it's going to be law enforcement; the year after that it's going to be intellectual property and then it's going to work its way into UDRPs and things like that.

So this is just the beginning so we need to set the expectation I think clearly that if you're not in a position -registries or small registrars or other players - if you're not in a position to meet these requirements now you're really going to be in trouble five years from now.

So, you know, I just - I'm going to stop editorializing now. But I just think that - I think that we've got some expectations that are a little bit out of whack here and probably need to be adjusted. Thanks.

Michele Neylon: Marika and then Kevin.

Marika Konings: Yes this is Marika. Maybe one way to accommodate Mikey's viewpoint is when we write the notes on the review it might be - a specific point that should be incorporated and it would basically say like this review that takes place in 12 or 24 months should specifically consider whether indeed the, you know, may versus shall was appropriate or whether that should be changed.

And whether indeed the - undo or the return is being done in a sufficiently speedy way to allow, you know, the least harm or whether there should be a requirement for, you know, a certain timeframe within which the registries need to respond. So maybe it's a way of, you know, if we don't agreement on it now but at least it's a specific item that is looked into as part of the review.

I know if we had the time the further data will be available indeed on how long in practical terms it takes to undo transfers following, you know, failure of an AAC and have some, you know, material to actually determine whether it's appropriate to make further changes or whether the policy works as it's currently written.

Michele Neylon: Okay Kevin and then James.

Kevin Urdman: Yes, this is Kevin Urdman. I wanted to voice support for the Mikey minority view and see if we can look at it from a slightly different perspective which in my mind if there is a big pushback from the small registries what is the downside for the small registry?

Well if they think that, you know, this doesn't happen much at all then there's really no downside for them because they don't have a huge portfolio and so they're likely never going to be implicated in one of these undo's.

And then further the downside is if they don't respond in the four hours all it has is it undo's the transfer and if it was in fact a lawful transfer that, you know, somehow got misinterpreted or, you know, someone was using the EAC route as trying to game the system they can get the transfer redone.

So in my mind I don't - you know, even though the small registries may be wanting to push back on this I don't see that they have a large downside unless they are of course complicit with hijacking cases in which case, you know, ICANN ought to further follow up with them and, you know, take a look at their accreditation and all that. Okay.

Michele Neylon: Okay thank you. Okay I'm going to move on because I've had poor Bob sitting there waiting with his hand up for ages and ages and ages and he's been very, very patient. Bob, please go ahead.

Bob Mountain: Yes this is Bob. Regarding the verbiage that we made a change on the document that's displayed now this was something that James and Mikey and I spent a lot of time over the past few days going back and forth on and where we ended up is what you see which is the sort of -

the verbiage is really around a timely manner sort of standard of reason.

Just so everyone knows this was not necessarily something - there was a lot of debate and I think at the end we're still not on the same page. There's a high level of discomfort on my part with the lack of a fixed timeframe.

Now Mikey has pointed out that the fixed timeframe however gives a opening for the hijacker however I think that the lack of a fixed timeframe leaves this open to a lot of - I think we're going to receive a lot of complaints and a lot of feedback from people who are concerned about having no timeframe and having domains that they own be potentially subject to an undo after a lengthy period of time.

So just to put this into context I think there, you know, again there is some concern about timeframes and we had a lot of debate. And we're still not I'd say totally in consensus on this.

Michele Neylon: Okay. Does anybody have any other thoughts on this? Mikey, you were working with Bob, sorry, my brain has really slowed down again this afternoon; I apologize. Simonetta has got her hand up. Is there anything you guys can add to this?

Actually just for the record Bob and I had a chat about this and a couple other completely unrelated matters yesterday. I think it was - was it yesterday evening, Bob, we were talking? I'm completely confused about time. I think...

Bob Mountain: It was yesterday your time, yes.

Michele Neylon: Yes. I was trying to - I understand where Bob is coming from and I was trying to see if we could - if anybody had any reasonable suggestion on how to address this without opening the door to other issues. Mikey and then Simonetta.

Mikey O'Connor: This is Mikey. I would simply echo what Bob said that this is a middle position between diverging viewpoints. I pretty emphatically feel that this is unnecessarily a dilutive of what we're trying to do. And so I can make a pretty good case on the other side. So I think this is one of those ones where we disagree and I could go on and on about why but probably don't need to.

Michele Neylon: No, no that's fine, I mean, Mikey, that's perfectly fine I'm just trying to - I'm trying my best to mediate all parties to get a - get something that everybody can - everybody hates equally. Simonetta.

Simonetta Batteiger: Yes I wanted to just jump in and kind of support Bob and the feedback that I have received. And when I'm thinking back about the comment period we had prior to when we came out with this EIC channel idea there was a lot of feedback about the timing being completely open for when any kind of return procedure could be started.

So I had assumed somehow that we were still working with this - with the timeframes that we had discussed weeks ago earlier where we were kind of trying to define what is urgent, when is it that there is really a huge loss of business. And it usually - it would happen if a substantial corporation or a big Website goes down because of a hijacking situation.

And you really try to resolve this within hours. Those folks would realize this and I would be very surprised if it would take them more than 24 hours to realize that their Website is down.

So to me these cases where this is really urgent and you cannot wait 10, 15 or even 30 days to get something resolved is exactly in the - exactly after something has happened first 24 hours maybe, five days maybe, seven days, I think if we take 30 days for something to be urgent this would be lenient. I cannot believe that someone can make the case that it took them 30 days to realize that their name was hijacked before - and then still needing to have an urgent return mechanism.

I'm just a little puzzled by this and why it wouldn't be possible to put in something like that where if you just gave it a 30-day time period for example I think a lot of the feedback that we may get on leaving it open would go away because people are like okay well 30 days is something I can live with or five days is something I can live with or seven days is something I can live with.

But leaving it open is I think inviting more of the feedback that we've already received.

Michele Neylon: Simonetta, James made a comment on the chat there, I mean, I could make a comment as well but I'm trying my best to remain relatively neutral. What about a parked domain? If you are - if you are a - if you have a parked domain you're not going to be actively doing anything with it every single day of the week are you? I mean, you're going to -

it's going to be sitting there and you've probably noticed the changes to it depending on how actively you're looking at your earnings.

Simonetta Batteiger: Correct you may not realize it immediately but again you would realize it very quickly if this one of your high earners. You wouldn't necessarily realize it if this was a domain that makes \$5 a month. And then again I would say this isn't as urgent as a domain that gets taken away that makes, I don't know, \$500 a day.

But those you would realize when they go away because your earnings take a step hit quite quickly otherwise if it's one of the ones in your long tail I don't know why that would be considered as urgent as the domain that really makes the big bucks.

Michele Neylon: Okay. Mikey, James, Bob and I'll throw Matt - Matt and Berry into the queue if because they're putting stuff on the chat and which I think is kind of pertinent to this. Bear in mind we've got about 7 minutes until the top of the hour. Mikey go ahead.

Mikey O'Connor: This is Mikey. I'm not going to - I'm not going to attack that particular point that Simonetta just made directly. I feel like we've been over this ground before. I'm going to introduce a different idea and this is part of the conversation that Bob and I had in which I listed out the circumstances where the claw-back person - Bob and I were debating about my evil twin who tries to claw back a name sometime after.

And I said look, you know, what a bad actor needs to do is they first have to get pretty public pretty uncertain scheme to breach a contract that they've already signed. Then they have to convince their registrar

of a lie that the domain was hijacked rather than the truth which is I'm having seller's remorse and I want to claw my name back.

Then the losing registrar has to issue an EAC which presumably they would vet up their chain before they would fire it off at random. Then the gaining registrar would have to miss the four-hour window which we've had that discussion before - most of them probably won't.

Then the thief contract breaker has to win a series of inevitable court suits. And then they have to survive the TDRP. So this notion that this is going to be hugely used and hugely disruptive and hugely a problem for the aftermarket I think is basically pointing at a very scary edge case that has an almost zero probability of ever happening.

Now in terms of the timing my main rant on that is if you put a date out there, 30 days, 60 days, 41 days, whatever that timing is is an instant bulls-eye on the calendar for the hijacker to wait before they do anything to the domain. And I am absolutely convinced that as soon as we do that the hijackings will tend to cluster right after that deadline.  
End of rant.

Michele Neylon: Okay thank you Mikey. James and Bob and - though I hate to say this could you please try to be succinct because we only have about 4 minutes until the UDRP call starts.

James Bladel: Thanks. James. Very quickly I think this is - this discussion is why although I may have personal feelings that are strong one way or the other I think that we need to stick with the reasonable and commercially practical. I think there's language to that effect in other areas of the RAA and other agreements. And I think that's just what

we're going to be able to go to market with and then we can review this and see how it's going.

I wanted to echo something - and I think Matt is kind of hinting at this and I think it goes back to some of Simonetta's statements. I think it's important that we have aftermarket perspective on some of these issues and I'm glad to hear them here however just as a legislative body needs to pass laws that affect everyone equally I think that we cannot discuss policies and domain names whether or not they are valuable or not valuable in terms of the names; whether they make the \$500, \$5 or zero dollars.

You know, if it makes 5 cents that's important to somebody. Someone went to the trouble to register a domain name therefore it's important and therefore we should protect them all equally applying to whatever commercial values they may have. Thanks.

Michele Neylon: Okay and Bob, I'm going to let you have the last word. Hopefully I won't regret this.

Bob Mountain: Yes, you may. This is Bob speaking. I think just to expose some of the other points that Mikey and I were making back and forth. My big concern here is that we're making - once the undo is done it's the problem of the - in all likelihood the legitimate owner to get it back. So yes if it takes a court case it's still though you've made a very quick reversal and now it's my problem.

And that's - I think that's the issue that we're going to hear about is that this thing can happen very quickly after a very, you know, potentially lengthy period of time and now it's - and it is an edge case but we will

hear about it that it's my problem as the domain owner. And I have to fight to get it back. So I think that's the one issue that - and I'm not sure how to solve it but it seems to me that's where we're going to hear it about. So that's all.

Michele Neylon: Okay doe anybody have any other issues that they wish to raise at this time? Okay then I'd like to thank you all for your input and everything today and I look forward to speaking to you all next week I suppose or for - apart from those who are on the PEDNR call this evening. Okay. Thank you. Bye, bye.

James Bladel: Thanks Michele.

Marika Konings: Thanks Michele.

Paul Diaz: Thanks Michele.

Mikey O'Connor: Thanks Michele.

Michele Neylon: Thank you.

Gisella Gruber-White: Thank you very...

END