

**GNSO
Post-Expiration Domain Name Recovery (PEDNR) drafting team**

Transcription
Tuesday 17 May 2011 at 18:30 UTC

Note: The following is the output of transcribing from an audio recording of the PEDNR call on Tuesday 17 May 2011 at 1830 UTC. Although the transcription is largely accurate, in some cases it is incomplete or inaccurate due to inaudible passages or transcription errors. It is posted as an aid to understanding the proceedings at the meeting, but should not be treated as an authoritative record.

The audio is also available at:

<http://audio.icann.org/gnso/gnso-pednr-20110517-en.mp3>

On page:

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

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Attendees :

James Bladel - Registrar Stakeholder Group
Berry Cobb - Commercial and Business Users Constituency
Mason Cole - Registrar Stakeholder Group
Olivier Crepin-Leblond – ALAC Chair
Paul Diaz - Registrar Stakeholder Group
Avri Doria – Non Commercial Stakeholder Group
Alan Greenberg - ALAC Liaison to GNSO Council Chair
Tatiana Khramtsova - Registrar Stakeholder Group
Cheryl Langdon-Orr - ccNSO Liaison APRALO
Michele Neylon - Registrar Stakeholder Group
Mike O'Connor – Commercial and Business Users Constituency
Ron Wickersham - Non Commercial Users Constituency

From Staff:

Marika Könings

Margie Milam

Kristina Nordström

Apologies:

Jeffrey Eckhaus - Registrar Stakeholder Group

Oliver Hope – Registrar Stakeholder Group

Karim Mohamed Attoumani - Government Advisory Committee

Sivasubramanian Muthusamy - ALAC IDN liaison

Ted Suzuki - Intellectual Property Constituency

Coordinator: This is the operator. I'd like to remind all parties the call is now being recorded, if you have any objections to please disconnect at this time. I would now like to begin with a roll call. Do I have Kristina Nordstrom?

Kristina Nordstrom: Excuse me; I can do the roll call that's fine.

Coordinator: Oh okay. Thank you.

Kristina Nordstrom: Thank you very much. Thank you. Hello everybody and welcome to today's PEDNR call the 17th of May, 2011. On the call we have Berry Cobb, Cheryl Langdon-Orr, Tatyana Khramtsova, Mike O'Connor, Mason Cole, James Bladel, Paul Diaz, Alan Greenberg, Avri Doria, Michele Neylon, Ron Wickersham and Olivier Crepin-Leblond.

And from staff we have Kristina Nordstrom, Marika Konings and Margie Milam. And apologies from Ted Suzuki, Sivasubramanian Muthusamy, Jeffrey Eckhaus, Olivier Crepin-LeBlond and Karim Mohamed Attoumany. And may I also please remind you to state your name before speaking for transcript purposes. Thank you very much.

Alan Greenberg: All right. I think the agenda for today - I don't think we sent out a formal one but I think where we are is to complete the run-through of the comments, go back if we have the right people on the call to talk about the length of period of time.

I submitted a proposed replacement for Recommendation 7 and 8. And I think then we have to - assuming we have any time left we need to go through it and make a laundry list of what still needs to be done and try to figure out how we're going to get it done. Have I missed anything?

Not seeing a huge number of people point I'm wrong let's assume I'm right. Marika, do you have any idea where we left off last time? I think Marika must be on mute.

Marika Konings: Yeah, this is Marika. I think we left off on Item 53 on Page 16. Although there are a couple of items throughout the document in which I provided some additional feedback from staff but I don't know if you prefer to go back to that...

((Crosstalk))

Alan Greenberg: Why - yeah, why don't you lead us through those first?

Marika Konings: Let me then scroll back up. There was one item in relation to the implementation of RGP. And if people recall that there were a couple of comments that noted if we would be recommending RGP as a consensus policy it might also make sense to ensure that is implemented in the same way.

And I think the question was, you know, first of all whether it is indeed implemented in the same way currently or whether there are any differences and if so how do we differ?

So I spoke with some of our staff and they indeed confirmed that apparently there are some differences in implementation. But they also pointed out that apparently as part of the new gTLD program there is a specific provision there currently that talks about - let me just see if registry operating implements registry grace period it will comply with RFC 3915 and its successors which basically I think provides some of the elements with regard to implementation.

Alan Greenberg: Is - does that...

((Crosstalk))

Alan Greenberg: Does that - does that RFC include the RGP?

Marika Konings: I quickly looked at that RFC and I think it specifically deals with EPP so I presume it details those elements that relate to RGP and EPP but I'm hoping someone maybe much more technically versed might be able to confirm that.

One thing I did want to point out that I did understand as well that some registries have actually objected or indicated that they have issues with this provision in the new gTLD program so if the working group is planning on moving down that path or following maybe the example of the new gTLD program it might make sense to talk to the registries or I'm guessing further direct input from their side as to, you know, why they might have issues with that approach.

Alan Greenberg: Gee, I thought that was what the comment period was for. Michele.

Michele Neylon: Yes, Alan, just with respect to registries and the new gTLD stuff, I mean, we shouldn't forget that the - the registry - oh I'll try that again slowly. The guidebook for new TLDs is both a guidebook and still in draft form so while there might be aspirations to put certain things in there it's still not fixed in stone.

Alan Greenberg: Yeah - that's - but I've - that's correct but that's why we have specified they're included in ours because we don't have control over that. That's my recollection of one of the reasons that we were including it explicitly here is because in the last revision I think in any case it wasn't there and I don't believe there was ever any stated to put it in.

Marika Konings: And this is Marika. Just to confirm because that provision indeed if we're talking about whether, you know, RGP is a consensus policy this specifically says as well, you know, if registry operator implements registry grace period. It doesn't say that it has to. It just says when - if it does it will comply with RFC 3915.

Alan Greenberg: Yeah.

Marika Konings: So indeed...

((Crosstalk))

Alan Greenberg: I would have to go back and look at that RFC but I doubt if it includes things like the RGP period should be 30 days or, you know, other implementation issues regarding the RGP.

So I'm not sure that that really addresses the issue. Up until now the RGP has been something that each registry has done voluntarily and therefore they could in theory although I don't know if they did have specified different details. ICANN has never specified the details. Clearly we would have to if we - if it's a consensus policy. So I think that was the issue is - are there really implementation issues that are different from registry to registry.

Marika Konings: This is Marika. Isn't there - because they did, you know, go through the whole process doesn't - aren't there certain basic elements of the RGP that came out of that working group that looked at it even though it didn't get adopted as a consensus policy at the time? I mean, it's a question I recall seeing something...

Alan Greenberg: I'm not sure it was a formal working group to start with and at least my history doesn't go back that far. But any registry that proposed it as a registry service would have been free to make modifications should they choose. I don't know whether they did or not but - or why they would but they certainly would have been free to.

So I think the real question that we start off asking is are there differences in implementation right now that we might have to, you know, address in terms of either grandfathering or allowing them to get in line and what can we use as the model to specify what the details are for the future ones?

Okay I think that one's still a little bit outstanding. Regarding people who have objected to us including it for new gTLDs I think they better get some comments - some specific comments in quickly. I'm not sure

the registrar's stakeholder group is in a position to speak on their behalf but if they are then we'll gladly hear from anyone.

Any other thoughts on that one before we ask Marika to charge off again and...

Marika Konings: Yeah this is Marika. I'll check back as well on the document that that working group produced and try to find out indeed where that left off...

Alan Greenberg: Yeah. Chuck is probably the best one to try to pick his brain. I can certainly do that if you'd like me to. Other than that I'm not - I don't know what documents there were. There may have been...

Marika Konings: I can check - I can check internally as well...

Alan Greenberg: Okay.

Marika Konings: ...because I think there are some people that might have been around at that time.

Alan Greenberg: Okay.

Marika Konings: And they might - I know Dan Halloran I think might know as well what happened there. So I'll check.

Alan Greenberg: Okay.

Marika Konings: I'll check on that side as well.

Alan Greenberg: Okay. All right I'll let you. If you want me to do anything, get a hold of Chuck, let me know. And to the extent that there may be differences between them it would really be good to know that. I guess one of us can go read all the registry agreements but that's - I was hoping to avoid having to do that.

Okay any other items you were going back to check on?

Marika Konings: Yes, this is Marika again. I think there was as well Item 37 where we have suggested a clarification of the recommendation. I think we discussed there it relates to the posting of the fee - charge for post-expiration renewal of the domain name to make sure that this is a...

Alan Greenberg: Yeah, the question was...

((Crosstalk))

Alan Greenberg: ...was compliance's interpretation the way we interpreted and that is it must be a dollar number or currency number specified as opposed to a variable - a formula saying it will be derived based on some algorithm.

Marika Konings: Yes, correct. And I think that's a clarification that was also made in an advisory in relation to the RGP fee I think where they made some kind of (unintelligible) as well that that should be, you know, it should state the amount not some kind of yes we charge a fee or indeed a variable.

So I think in implementation of that I'm sure, you know, that would be linked so it can be clear from the line which that...

Alan Greenberg: Okay.

Marika Konings: ...it would be up for implementation.

((Crosstalk))

Alan Greenberg: So the language we are using should be sufficiently clear to make sure that the policy satisfy our intent and not the - looser than that.

Marika Konings: There's one sentence there that we suggested adding just to be really clear about what it intended so that's in the...

Alan Greenberg: Okay.

Marika Konings: ...in 37 in the red notes.

Alan Greenberg: Any - any such fee charge for renewal must be - a priori I think determined fixed amount. I think there should be an I on prior I think assuming my Latin is any good. Okay any other items?

Marika Konings: This is Marika. There was another item where we asked feedback from the registry stakeholder for clarification but I haven't received any feedback yet so that's...

Alan Greenberg: Okay.

Marika Konings: ...one outstanding item.

Alan Greenberg: Okay thank you. Ron.

Ron Wickersham: Yes this is Ron Wickersham. On the Item 37 this only is it correct that this is only concerning renewal before deletion and that the charges for recovery - are we changing the terms to say recovery after deletion and only renewal if it hasn't been deleted, is that - do I have that correct?

Alan Greenberg: I'm certainly recommending that we use the terms in that way that recovery is only for the RGP process and renewal is the name we use prior to and after expiration if it's still completely in the registrar's hands.

But, yes, the fee we're talking here is the renewal fee. The recovery fee, the RGP recovery fee, there already is consensus policy that says it must be stated in the, you know, on the agreement or registrar's Website or whatever.

Marika Konings: And this is Marika if I can make an additional comment on that one...

Alan Greenberg: Sure.

Marika Konings: ...Item 36 because that was actually not a question that was raised in relation to the RGP fee and in addition to that PEDNR fee that someone - the (unintelligible) commented there. And actually confirmed with staff that the only way a name can actually be redeemed during the RGP is by renewing it. So the RGP fee normally includes the renewal for one year.

Alan Greenberg: Oh okay so it does. Oh I guess we all believed because of the wording that it didn't. So - but it does include the renewal, okay, that's good.

Marika Konings: I don't know, you know, I don't know if indeed some, you know, break it out and maybe in their (unintelligible) but I think that the point is that, you know, to recover it you need to renew it so there's no way to just pay the recovery fee and then basically do nothing with it because it requires a renewal at the same time.

Alan Greenberg: Okay. Anything else before we go back to the list as we were going through it?

Marika Konings: This is Marika. I think that was it but I would encourage everyone to review the rest of the responses and notes just to make sure if, you know, if there's anything I missed just let me know.

Alan Greenberg: Okay. Just give me a second here to catch up on something. Okay what number were we at now?

Marika Konings: Fifty-three.

Alan Greenberg: Sixty-three, thank you. Sorry I'm trying...

Marika Konings: Fifty-three on Page 16.

Alan Greenberg: Oh, 53, okay.

Cheryl Langdon-Orr: Sorry.

Alan Greenberg: All right the comment for 53 is our standard one. And 54 is, "Clarify language by changing must include methods that do not require to must be by methods that include those that do not require."

I'm not sure this is - sorry, I've just come up with the same answer as I wrote originally. Not sure this is a simplification. Anyone want to speak to this? Marika, it's a staff issue. But, James had his hand up so perhaps we'll let James go first.

James Bladel: Yeah, I just wanted to cast my vote the original language was clearer than the clarification. Thanks.

Marika Konings: This is Marika. I think it was an issue where grammatically someone made the point that it didn't make sense the way it was written and that's why the other alternative was suggested so I'm happy either way.

Alan Greenberg: Yeah I think - I think ours is clearer than what was proposed but I'm certainly willing to do anything which would in fact make it really clearer. But how about when we go over it on the final language let's see if we can refine it but not agonize over it right now for the moment. We'll keep the original language.

Fifty-five, this is Recommendation that unless the name is deleted by the registrar at least one notification must be sent. The IPC agrees, suggests the recommendation be revised to state that for any post expiration notice - any post expiration notice must contain explicit information setting forth the proper procedure for the registered name holder to renew the domain.

I certainly have no problem with that. I can't imagine there are many reminder letters go out and saying you have to renew but we're not going to tell you how. But...

Cheryl Langdon-Orr: Oh well, you know.

Alan Greenberg: Registrars, anyone have a concern if we add this in? I can't imagine it's going to impact anyone. No one cares enough to put their hand up so we'll assume that we will add the language into the recommendation.

Fifty-six, James.

James Bladel: Well, I mean, I think we can...

Alan Greenberg: I knew putting my sword in the ground like that would do it.

James Bladel: I think we can agree with this in principal. I guess I would like to see what language is going into the recommendation. I want to make sure it doesn't include like let's say, you know, if you slip up and you didn't, you know, you didn't update your links or your help files or something, you know, because that happens from time to time that, you know, you lost your accreditation or something I guess I want to see what the language is before we can say yes let's add it to the recommendation.

Alan Greenberg: Better still we could ask you to draft it.

James Bladel: Yeah, you know, I mean, as long as we paint with very broad brush strokes like one notification which includes renewal instructions, done. You know. Must be sent after expiration or something like that. It's just a parenthetical or a common phrase that we can put in there.

I'm just worried that if we start - okay what I want to say...

Alan Greenberg: I don't think you need to keep on talking; I think you've just drafted it.

James Bladel: Okay that's it then.

Alan Greenberg: Presumably Marika captured that.

Marika Konings: I did.

Alan Greenberg: Good.

James Bladel: Okay.

Alan Greenberg: That was easy. All right 56 is a we support. And 57, INTA recommends that the final notification sent by a registrar prominently indicate final notice to make clear that it is registrant's final opportunity. Oh you can read my comment. I don't disagree but I think it would need to make sure that it's language independent and might be gilding the lily just a bit too much. Michele.

Michele Neylon: I'll actually disagree.

Alan Greenberg: Oh okay.

Michele Neylon: How do I word this? If you put something like final notice you could actually end up scaring people in a way which has nothing to do with the actual registration because it's the kind of language that would - you might use in a legal threat or something.

I mean, we've had people complain to us because the standard page that was being displayed when an account was disabled due to it running out of bandwidth or something else used - that they had run

out of resources and we had one client who accused us of making defamatory statements about their financial well-being.

Cheryl Langdon-Orr: Bloody hell. Okay.

Alan Greenberg: I guess you shouldn't have done that. Sorry, that was a joke. James.

James Bladel: Yeah, I think I caught that and I think I agree. We're talking about Number 57 with final notice?

Alan Greenberg: Yeah.

James Bladel: Yeah see here's my concern with that. In other venues we've been struggling and wrestling with this idea of the fake domain name renewal scam. And I'm just concerned that if we require something to say final notice in a big flashing red font that they're going to use that to facilitate some of the renewal scams that we're seeing. So I don't know, I just...

Alan Greenberg: I was going to suggest that the renewal scams already use things like that.

James Bladel: Well and let's just say that if we start sending our stuff out that looks similar to the renewal scams then people are going to have an even harder time telling the difference. So I - I think, you know, with the language differences and the market differences people should be free to use whatever they think is most effective for their customers and getting them to renew. And those are trade secrets by the way.

Alan Greenberg: How do others feel on this? Do we want - we have all the registrars on the call - almost all the registrars on the call except Mason agreeing. Do we want to put any - and Mikey agrees. Do we want to put any language in, you know, sort of equivalent to saying this is final notice but - or just leave it to the registrar's good sense? Michele.

Michele Neylon: I like the idea of us having the discretion to know how to word things in such a manner that we don't upset our clients.

Alan Greenberg: All right we reject this suggestion and use words to essentially say that it would be a bit too - we believe it would be a bit too prescriptive.

Cheryl Langdon-Orr: In keeping what we've said in other places, so, yes.

Alan Greenberg: Okay, done. Fifty-eight...

Michele Neylon: Don't ignore Olivier.

Alan Greenberg: Oops I didn't see the hand. I'd never ignore Olivier. Olivier, yes, sir.

Olivier Crepin-LeBlond: Don't ignore me, Alan, thank you. Actually it's good that Michele pointed this out. I was going to say I agree with him. In the UK certainly final notice often shows some kind of legal threat coming up. So, yeah, definitely leave it to the individual registrars to decide.

Alan Greenberg: It means my gas is going to be turned off but...

Olivier Crepin-LeBlond: It may be turned off but you won't get sued for it, I mean...

Alan Greenberg: No.

Olivier Crepin-LeBlond: Or maybe you would, I don't know. Thanks.

Alan Greenberg: Only by my family. Any other items on 57? Olivier's hand is now down, no one else is up. Fifty-eight. This is Recommendation 13 that says...

Cheryl Langdon-Orr: Huh...

Alan Greenberg: Okay this says if the - a page is put up in place of the Website that was there that it must be appropriately labeled. Michele.

Michele Neylon: Yeah, okay Number 58. With respect to 58 their reply is out of scope.

Alan Greenberg: Okay I haven't - sorry, I hadn't actually gotten to read what the issue was. IPC agrees it would caution...

Michele Neylon: So where you actually agree with me.

Cheryl Langdon-Orr: Yeah, you're agreeing. Agree to agree. Next.

Alan Greenberg: Oh okay if I'm - I'll believe you that I'm agreeing to agreeing. Oh okay this was the one they shouldn't be allowed to put advertising on it.

Mikey O'Connor: Next.

Alan Greenberg: Oh okay.

Cheryl Langdon-Orr: Yeah.

Alan Greenberg: And we've discussed that interminably. Many of us feel strongly on it but it's not within scope.

Michele Neylon: Fifty-nine.

Alan Greenberg: Fifty-nine. Fifty-nine, support of the recommendation into suggest the registrar include a link to the - on the change page to connect to a renewal site. I think this is what we sort of said.

I think we said give instructions and we had a parenthetical saying wording must make it clear that instructions may be as simple as providing a link. I don't think we need to be anymore specific. I would take it out of the square parentheses and just leave it in the recommendation to - as guidance to the people - wording the final policy change. James.

James Bladel: Yeah, so you're saying going back to I guess it was fifty-whatever where we exacted that language on the fly you're saying that covers this as well?

Cheryl Langdon-Orr: Fifty-seven.

((Crosstalk))

Alan Greenberg: Yeah I'm trying to remember what your suggested wording was.

James Bladel: Yeah it was just something like, you know, including instructions for renewal. And the thing is if we saw - if we mandate you must include a link - well, Number 1 that assumes that it's going to becoming via email or some other electronic means when it could be paper.

((Crosstalk))

Alan Greenberg: The wording we have currently is giving instructions. And - but in response to I think it was Jeff who said but what if I just put a link up to the renewal site is that - will that be deemed to be instructions? And we added the parenthetical to say that would be okay and the final policy must be worded clearly enough to ensure that, you know, it doesn't have to be a numbered list from 1-5 giving instructions it could just be go to site xxx.

So I'm happy...

((Crosstalk))

Alan Greenberg: ...with the wording we have right now excluding the square brackets.
Cheryl.

Cheryl Langdon-Orr: Sorry I was being vaguely amusing. I suggested that if you incite xxx other things may happen. But I think what we said is clear enough.

James Bladel: Oh okay. Well I just - I'm not sure I would want to see something - prescribe a link.

Alan Greenberg: Well it doesn't. The current wording says instructions...

((Crosstalk))

Alan Greenberg: And then says wording must be clear enough that instructions may be interpreted or maybe as simple as a direction the (RNH at E) to a specific Website. We can change...

James Bladel: All right.

Alan Greenberg: ...that wording to make it clearer but I think that's - I think we used the term instructions originally and then, you know, said it doesn't have to be a six-point laundry list of instructions it could just be a pointer.

James Bladel: I guess I'm looking at Number 59 and not the parenthetical up above okay?

Alan Greenberg: Okay.

James Bladel: So that's why...

Alan Greenberg: Sorry, I understand. And I'm suggesting that what we have already without the square brackets I think addresses your issue and their issue.

James Bladel: Okay I'm going to put my hand down. I just - I want to make sure that we leave things open, flexible, to account for different methods of communication.

Alan Greenberg: Okay.

James Bladel: And also not give - and also not give a phisher - which by the way is being - I don't know if it's a kudos to our size but we have seen fake emails, you know, enter your Go Daddy credentials here.

Alan Greenberg: Well of course.

James Bladel: That one gives a phisher, you know, a roadmap on how they can...

((Crosstalk))

James Bladel: That's it.

Alan Greenberg: Okay well, James, take a look at the wording we have excluding the square - including the words in the square bracket but excluding the square brackets and see if that meets your needs or not. I think it does but I don't want to put words in your mouth.

James Bladel: No I think it's fine as long as it's...

Alan Greenberg: Okay.

James Bladel: You know, as long as, again, it's not overly prescriptive because that's - I think that's a blueprint for bad guys.

Alan Greenberg: No and I think that's one of the reasons that the PDP group is saying that people who were involved in the PDP should be among those who review the implementation to make sure it meets the intent and not only the words. So I...

James Bladel: Okay.

Alan Greenberg: I think we all violently agree with each other.

James Bladel: All right.

Alan Greenberg: Recommendation 14, best practice is the point of contact. That's the point of contact issue. Sixty is support. Sixty-one is (unintelligible) ALAC recommends the secondary power of conduct should be supplied by all registered domain holders during their registration process; should be systematic and mandatory for all registrations.

Well I guess my comments is at all we discussed that at length and, you know, we suggested at one point that registrars could suggest it but there's certainly enough cases - and perhaps some business models where, you know, you're selling someone their single address that they may not even be advisable.

So I'm certainly - we can't make it mandatory. We could - we could go farther than we are perhaps right now. But I, you know, making it a best practice I think is probably about as far as we're likely to want to go without being far to prescriptive.

This came from the ALAC so maybe Olivier or Cheryl have a comment but first Ron.

Ron Wickersham: Yes, this is Ron Wickersham. The - my comment on this is I don't understand the mechanism. I'm totally in support of having the ability to include an alternate address. But I don't believe the Whois accommodates it unless you fudge it. And is that allowed? I mean, for instance can I go to my registered domain and put two addresses in even though there's only a blank to fill in one?

So it seems it either needs to be stronger. Just making it a best practice without any mechanism means that you feel powerless to help out on that best practice.

Alan Greenberg: I'll answer that I think our intent was when we wrote it and then go to Mason. I think we were thinking sort of if the administrative address is the domain in question then maybe you should have a billing address or a technical contact or something that isn't. Not fixing it the way you just suggested but by using one of the other address slots that is available. Mason.

Mason Cole: Mason Cole here. Yeah, I - I guess the question for me from an operational point of view would be what if my customer refuses to supply another address? I mean, if this is mandatory am I then to refuse the business of a potential customer?

Alan Greenberg: Well I think that's why we didn't want to make it mandatory.

Mason Cole: Okay that's good. I mean, I'm good with it as a best practice and in fact it might be useful for, you know, for me as a registrar to have that additional data.

Alan Greenberg: Yeah.

Mason Cole: But in terms of making it mandatory I don't think operationally that's possible.

Alan Greenberg: Olivier.

Olivier Crepin-LeBlond: Thank you, Alan. Yes, I don't think there was any question of making it mandatory it's just a case of making an alternative address available for - especially for those cases when you do have some registrants using their - the actual domain name. So if the domain gets suspended then how is it possible to get a hold of them if they don't have an alternative address? Best practice I'm sure would be great. Thank you.

Alan Greenberg: Yeah, I mean, unfortunately just explaining that to someone who's registering a domain name may not be the easiest thing to do. Michele.

Michele Neylon: Anything further than a best practice would not be supported by me.

Alan Greenberg: Okay.

Michele Neylon: I'm not - I've already gone through this in detail in the past. Others have spoken to it as well. So I'm not going to go back into it again. Best practice I'm more than happy to support it. Making it mandatory forget it.

Alan Greenberg: All right.

Cheryl Langdon-Orr: So we're - Cheryl here. So we're all in rampant agreement with each other on what the working group response should be.

Alan Greenberg: Yeah. I think so. Sixty-two, notification should be sent to all other points of contact associated with the registrant if more than one alternate point of contact exists for the record. This is from INTA.

My original answer was given the complaints about spam I think we have to leave it up to the registrar. One of the points of confusion is that it's not clear for any given registrar - up until now it's not clear which of the three contacts they have may actually be used if they're different.

Some registrars have said they use all of them, some explicitly only use one of them. We are now in another recommendation requiring that they tell the client ahead of time which they're going to use. That doesn't necessarily mean they'll use a backup one but at least means the client has some chance ahead of time of knowing. Michele.

Michele Neylon: Much as I hate doing this I'll have to agree with you, Alan.

Alan Greenberg: Oh dear. I'll try not to have that happen again.

Cheryl Langdon-Orr: Will you two stop that? This is ruining our reputation here.

Michele Neylon: Yeah, exactly.

Alan Greenberg: Okay we're coming up the length of renewal time soon; we'll have an opportunity to disagree on that one.

Michele Neylon: Oh don't worry, I'm sure we will.

((Crosstalk))

Michele Neylon: ...decide if INTA wants to do this then let - what we'll do is we'll set it up so that we'll give them all control of a registrar for a short period of time

using their mail servers and see how long it takes before they're black listed to hell and...

((Crosstalk))

Alan Greenberg: I'll let you offer that recommendation. All right in the absence of any objection we'll go onto Number 63. This is on Charter Question 5 which is should transfer be allowed during the RGP? Sixty-three is the registrant should be allowed - able to transfer to another registrar during the RGP. Main reason it'll be - enable a registrant to move to a domain if not satisfied with the service model or differences in price of renewal.

The price of renewal was one of the issues but I think it's a buyer beware issue from my point of view. And since we've been cautioned that there are significant potential problems in allowing transfer at this point and we are now going to require that all registrars offer the renewal which was the main reason for requesting a transfer before in that your registrar - the registrar of record did not offer RGP renewal or redemption.

I tend to say this is one of the buyer beware issues; you should have thought of that ahead of time. And it's nothing that we feel is - we have to address to address the problems we're looking at within the PDP.
James.

James Bladel: Yes, Alan, I'm going to go ahead and agree with you. I think that if we require RGP across the board that levels that playing field. And then it become simply a matter of price and service which we certainly don't -

we certainly get a little, you know, a little interested in when ICANN starts to wade into those areas.

The only other thing is that - the only other thing is just if we could mention in the body of our report the two events or times or windows where a domain name is likely to be lost or stolen is during expiry or during transfer. And I just feel very strongly that combining those two, you know, was going to create the unintended consequence of a lot more lost domain names. Thanks.

Alan Greenberg: Well I wouldn't point that out because transfer during expiration, although not the RGP, is allowed. So I'm not sure we want to highlight...

James Bladel: That is a...

Alan Greenberg: ...that's a dangerous area since we're not suggesting that that change.

James Bladel: No I think that that one's okay. I think - I'm not as nervous about that one as this one.

Alan Greenberg: All right. Michele.

Michele Neylon: I agree with my learned colleague.

Alan Greenberg: And he's agreeing with me therefore you're agreeing with me again.

Michele Neylon: I never said you were the learned colleague, Alan.

Alan Greenberg: Well I know but James was agreeing with me so by inference you're agreeing with me. All right next. Marika, you're okay on that one now?

Marika Konings: Yes I think so.

Alan Greenberg: Okay. Sixty-six, given the rationale provided the registry stakeholder group is of the opinion there should be a proactive recommendation that transfer during RGP is not permitted. I think that's a better way of doing it than what we proposed. And I would support this. Anyone else? Mason. Please disagree with me this - this is just getting hard.

((Crosstalk))

Mason Cole: Did you say 66 because I'm lost now.

Alan Greenberg: I'm saying 64.

Mason Cole: Four, okay sorry. I'll take my hand down.

Alan Greenberg: That's the registry group saying we should not be silent on the issue of transfer during RGP but they explicitly say do not allow. All right we are supporting that. And the BC supports no action. Will the BC reps on this group complain if we actually say what they do with the - registry stakeholder group says? If any of them...

Mikey O'Connor: This is Mikey. I think I get to be the guy. Poor Berry's on his cell phone. No we're fine with this.

Alan Greenberg: Okay and Ron, you have your hand up?

Ron Wickersham: Right, this is Ron Wickersham. The concern I have is if the registrant initiated a transfer near expiration are you specifically saying that that attempt which may be in the procedural delay then expires and the registrant loses the right to transfer even though he initiated it before the expiration?

Alan Greenberg: I'm going to let a registrar answer that because I don't have a clue how that works. I suspect it depends how close to the end you asked. Michele has his hand up so I'll let you answer unless you're talking about something else.

Michele Neylon: No that was - in relation to that. I mean, I understand the concern but in general terms - okay let's say for argument's sake I have a domain name that is due to expire on the 15th of May. If I initiate a transfer for that domain before the 15th of May - it isn't (knacked) immediately, in other words rejected by the losing registrar and is basically in process going to be transferred the transfer will complete at the end of the five day period.

Transferring a domain that has expired to another registrar, while theoretically possible is usually more complicated. But again if the transfer had started it won't be in - it'll - as far as I'm aware it wouldn't be possible for it to go into RGP if it's actually pending transfer as it were. At least that's my own understanding but somebody else might be able to correct me on this.

Alan Greenberg: Certainly the registrar could - again I'm not trying to attribute motive but could receive a request to - registrar receive a request to transfer which comes from the receiving registrar not from the registrant.

Michele Neylon: No, no, no you can't.

Alan Greenberg: No? Pardon me?

Michele Neylon: Technically you could but it's not a legitimate reason to reject the transfer under the IRTP.

Alan Greenberg: No, no but my question is after a registrar has received the notification - I'm not sure what form it takes from the receiving registrar - could they then issue a delete before taking any other action? Does the registry get notified that a transfer request has been made?

Michele Neylon: Okay you're making this more complicated than it is, Alan.

Alan Greenberg: Well but I think that's - that was the scenario that was described; the transfer has been requested.

Michele Neylon: No...

((Crosstalk))

Alan Greenberg: And is then deleted.

Michele Neylon: Alan, if the - if you look at the IRTP the Inter Registrar Transfer Policy there are specific grounds to deny a transfer. My interpretation of the IRTP - and please somebody else help me out here - would be that if a registrar were to receive a transfer - a valid transfer request for a domain were it then to delete the domain that they would be in breach of the policy.

Alan Greenberg: They'd be deemed to have - to have refused the transfer.

Michele Neylon: No if you delete the domain you haven't refused the transfer you've deleted the domain.

Alan Greenberg: Yeah, no, no but I said deemed to have...

Michele Neylon: Well, yeah. I mean...

Alan Greenberg: Okay.

Michele Neylon: But that's my understanding. I mean...

Alan Greenberg: All right. It's an edge case. I'm not sure we need to look at it. We could pursue it with compliance a little bit and see at what point would this be a violation and what point is it, you know, purely, I mean, clearly if the registrant makes a request of the receiving registrar and in parallel of that within microseconds the registrar of record deletes that's perfectly valid.

Michele Neylon: Yes. If the registrar...

Alan Greenberg: You know, they have - they perhaps have no way of knowing that the transfer request - they may have in fact have an indication but we're not trying to look at at that level of detail.

Michele Neylon: We're going - this is around the goal...

Alan Greenberg: Yeah okay. Any - Ron, okay, I noticed Avri has some...

Berry Cobb: Alan, this is Berry. Just real quick...

Alan Greenberg: Yeah.

Berry Cobb: From a real term perspective I've got several experiences of trying to transfer a domain one to two days prior to expiration and every instance - every one transferred appropriately. So I don't think that this is an issue. I think once you initiate a transfer prior to expiration and I don't know the technical backend but flags are raised in the backend that even if the domain expires the transfer still goes through.

Alan Greenberg: Okay, now remember well deletions can happen at any time well before the end of the auto grace renew period - grace period. But in any case I think it's an edge case that I'm not willing to put a lot of effort into. Ron.

Ron Wickersham: Yes this is Ron Wickersham. Yeah, my concern is only the stronger language that the proactive recommendation that transfers not be permitted. So I'm hoping we don't word it so strongly that it creates a new problem.

Alan Greenberg: Understood. I think - I think we can carefully word it so that we are not - so that transfer after deletion are not allowed. I'm not sure of the right wording but we can make sure it's after the registrar has already taken the action to put it into the RGP. So I don't think that's an issue. But your caution is well taken and we should make sure the wording doesn't open up another problem.

I think we are done on this list not having anything past 65. Marika.

Marika Konings: Yeah, this is Marika. I just want to note I posted somewhere up ahead in the chat some information in relation to the RGP. It was actually a technical steering group that was convened that wrote an implementation plan of the RGP which was then authorized by the board for a voluntary amendment to registry agreements.

I don't know if you want to have a look at that now. I can pull that document up or if it's something to just send to the list so people can have a look at that and maybe that's something that the working group wants to refer to in relation to the RGP recommendation.

Alan Greenberg: So you're implying that when registries have asked - have requested to offer the service they have simply made reference to a standardized document and not come up with their own details?

Marika Konings: This is Marika. I don't know if they - how much room has been in there because it seems that there were specific amendments but I don't know how much room for, you know, leeway. I know - because I think one of the differences for example is on the, you know, when people are billed and things - I think they're different but I don't know if that goes to into, you know, miniature details.

Alan Greenberg: Right.

Marika Konings: And those are actually not outlined in that implementation note. So I don't know exactly how implementation note maps to the current implementation and there we would need to ask someone that's very familiar with all the registry agreements.

Alan Greenberg: All right. Perhaps one or two of us guinea pigs - and I'll volunteer to do it also - will look at that document and then, you know, make a decision whether we need more help from staff or we can come up with some recommendation that we feel comfortable with. If anyone else wants to take a look at it also just so it's not just me I'd appreciate that.

Okay I think we're done - this part at this point. Marika, could you put up the document that I sent out earlier on the rewording of 7 and 8? As I was going over 7 and 8 I realized - well even before we sent it out that it was - as they evolved they were two separate things and they sort of merged into one. And both of them ended up with references to who creates the content and what registrars are allowed to do or required to do with it.

And in retrospect it seemed to make more sense to separate the two functions. And I've tried to do that. I don't believe I've changed the intent of any of it. And I have tried to incorporate the responses to our comments in the bullets under Number 8. But if - maybe people take a moment to read it and are there any comments or thoughts of is this a good enough draft or do we need to discuss it at this point?

Okay James.

James Bladel: Yeah, James speaking. I think we're on the right track here. I just want to - I think I just want to noodle on this one for a little bit longer.

Alan Greenberg: Yeah, I just sent it out half an hour ago or so.

Cheryl Langdon-Orr: Yeah I haven't got into it yet.

James Bladel: The only thing that jumps out at me - and I'll just give you a preview of any possible comments. The only thing that jumps out at me is registrar must point to the ICANN material in communications sent to the registrant immediately following initial registration of the mandated annual Whois reminder. This is the last bullet point under 8.

Of course it's the word must that jumps out at me in that sentence. I'm also wondering if...

Alan Greenberg: Well for the first half of the sentence I think you're the one who suggested it.

James Bladel: Yeah, no...

Alan Greenberg: The second half came out of a comment.

James Bladel: I mean, it's possible but it doesn't look like me, it doesn't sound like me.

Alan Greenberg: Or maybe - sorry, yours was the Whois reminder.

James Bladel: Yeah.

Alan Greenberg: The renewal notice was out of the comments. Sorry, I had them backwards.

James Bladel: Right because - now that makes sense and that is something that does sound like something I would cook up. The first bit, I mean, because we do - and a lot of folks I think do, you know, congratulations on you the owner of a brand new shiny domain name; here's how, you know,

you can get started and here's all these really other cool products that we offer that can help you get going.

But I'm just trying to think if someone didn't send a confirmation email or an order - well I guess - or it could be paper I suppose or snail mail...

Alan Greenberg: Yeah I think we carefully used the word communication or something, I'm not sure.

James Bladel: Let me just noodle on that one a little bit longer.

Alan Greenberg: Okay.

James Bladel: I'll put my hand down.

Alan Greenberg: Anyone else? Anything stick out like a sore thumb? Michele.

Michele Neylon: Yeah I'll take over from James. I just put it on the chat there it was in the first bit there it's about instructions I prefer to use the term guidelines. Instructions suggest something very specific and as each and every registrar we'll probably be implementing things in different ways; guidelines would probably work better.

Cheryl Langdon-Orr: I agreed with that change in the chat.

Michele Neylon: The other thing is...

Alan Greenberg: You're talking about here and in - there was an earlier one somewhere else where we talk about instructions also on the - the Web intercept page.

((Crosstalk))

Michele Neylon: Alan, I'm only dealing with the - the document that's in front of me now.

((Crosstalk))

Alan Greenberg: Oh okay, fine. Okay so you're just talking about this one.

Michele Neylon: Yeah, I mean...

Alan Greenberg: Okay.

Michele Neylon: ...just, you know. The other thing as well is Recommendation 8, registrar must point to the ICANN material in a communication sent to the registrant immediately following initial registration as well as in the mandated annual Whois reminder.

Okay in mandated annual Whois reminder that's fine because that's definitely getting sent. Are you saying here that the registrar must send a communication to the registrant initially following the initial registration?

Alan Greenberg: I think that's what we originally said in our recommendation. I don't think I was inventing anything here. That doesn't say it's right but I believe those were the words that we had.

Once developed registrars are expected to link to or host that information on its Website - I'm reading the original - and send to the registrant in a communication immediately following initial registration as well as the mandated Whois. So that is in our current Recommendation 8.

Michele Neylon: Oh.

Alan Greenberg: And we originally had message and that got suggested - it was suggested that be changed to communication because we were being flexible as to how the communication would happen.

Okay let's think on this one and come back on it. My intent was not to change anything but just to reword it and re-juggle the thoughts and I think that's what I did. But I may have erred in that or we may want to rethink the whole thing.

I'm reluctant to rethink things that were not criticized in comments because that almost says we're going to implement a policy which is not as we described in our preliminary paper. And I'm a little bit reluctant to invent things completely at that point. All right the - we'll assume this one gets done but clearly we're going to have to - everyone's going to have to be happy with the wording.

It strikes me there was one other item which I mentioned on email quite a long time ago and I think James supported it. I think it was James. And that is it's the standard practice these days on PDPs to include a requirement to review status for, you know, are things working and for Council to receive reports on a regular basis.

And to do that I think compliance would have to change the wording of their complaint forms and such to, you know, make it more obvious what we're talking about. Maybe there's a requirement for some additional reporting also although I don't think I suggested that at that point.

I would think we should add an extra requirement saying - an extra recommendation saying that, you know, this policy should be subject to the kind of review that we've done on domain tasting for instance but I think is becoming standard practice. Any thoughts on that?

No, I haven't attempted to draft anything yet but is there a general belief that that's something we should be doing?

Cheryl Langdon-Orr: Makes sense.

Alan Greenberg: Responding to the huge...

((Crosstalk))

Alan Greenberg: One tick mark. I'll assume we should get it - anyone want to volunteer it or are Marika and I being volunteered to draft something? Marika.

Marika Konings: Yeah, this is Marika. We actually drafted some similar language for the IRTP report earlier today. And what we tried to do there was actually call out in that review, you know, specific items that we would like to see included in that review. So I think this is maybe a call to everyone if there are any items where you think that, you know, you want to see how that works over time or any issues that we maybe discussed but,

you know, didn't go further into but you think, you know, should be considered as part of a review I think it might be helpful if...

Alan Greenberg: Yeah.

Marika Konings: ...people have specific items that they think should be included that they should send their suggestions to the list and we can include them as part of that recommendation to review on a regular basis.

Alan Greenberg: Yeah. One of the things that - the thought came to me as I was talking - and I hadn't thought of it before is are there items that we should be wanting to include in registrar reports that are not there?

Obviously not ones that are going to give competitive advantage and such to people in knowing. But are there additional things that we need reported to be able to do that assessment or are we going to rely purely on the ICANN compliance complaints?

Again I'm not sure we can address that today but if anyone has any thoughts either what we should be looking at or we shouldn't be looking at anything more than if you can put it on the list.

All right we have a half hour to go. The only item I believe we have not covered on our agenda is the discussion on...

Cheryl Langdon-Orr: Days.

Alan Greenberg: ...there's a major item that we have - Cheryl?

Cheryl Langdon-Orr: I said days.

Alan Greenberg: Oh. I was going to say it's the major item on our list that we haven't discussed yet and that's the request of a number of comments that the eight days should be increased to something. Although I think the ALAC one and by tacit agreement the Business one was don't increase necessary increase the eight days but increase the overall guaranteed period. James.

James Bladel: Hi. So I missed last week and I apologize for that. But, you know, one of the things we were kind of - I was trying to kind of lay some groundwork earlier on in the, you know, in our discussions when we first started cracking open the public comments is that we should probably decide whether - my hand has been lowered by the host. Okay, I don't know what that means.

Alan Greenberg: Just trying to shut you up.

James Bladel: I guess so, that's fine.

James Bladel: No I just wanted to say can we - I wanted to propose an idea that rather than, you know, I wanted to say can we step back from these comments for just a moment and say are there any for example that are asking for less time? Are there any asking for more time? Are there any asking for the same amount of time just at a different position so we nail it down as opposed to having it floating within that 45 day period.

Those people who were asking for more time, are they offering something new that we've overlooked or didn't consider when we came up with this eight days?

I'm just saying we've got a delicate gossamer compromise here that I know that took us a lot of - a long, you know, number of calls and a long number of weeks going through and, you know, some meetings in Cartagena and some data that might get me still fired yet to this day that was out there and all these things.

And I just would hate for a single comment to come in and start swinging around with a tennis racquet at something that, you know, we really, you know, I'm just trying to say this as gently as possible. I mean, can we make sure that there is a really compelling and good reason why we would reopen this discussion? And I'm open to the idea that there's one out there I just haven't see it yet. Thanks.

Alan Greenberg: Yeah, one of the things you did miss in the meeting last week is I did ask that the representatives of the group who requested longer time come prepared to talk about why and the motivation for it. And that was driven by your original comment that, you know, that there be some rationale not just I want it because I want it.

In terms of the other issues you raised of the - of the - of when the period happens as we have it as a floating one - there were one or two recommendations that suggested that it be fixed or for the full period or whatever.

And I think we've already addressed that I think last week in that basically we're saying we ended up with a floating one for some strong reasons. And we don't - although we understand it's more difficult to explain we think it's important in terms of registrars being able to have different business models and provide business continuity. So I think

we already put those to sleep. And the only one left is the longer period of time.

Does anyone want to speak to the longer period of time?

Berry Cobb: Hi, Alan, this is Berry.

Alan Greenberg: Sure.

Berry Cobb: So, I mean, I alluded to this in the past, you know, in the - I'm not necessarily speaking for the BC at this moment but it's a pretty good indication. You know, the BC in its comments did submit that they would like a longer period to recover the domain.

However at this point we're not going to push it. We are - I wouldn't call the word satisfied with the duration that, you know, that consensus has deemed to be showing right now so we're willing to just take what we can get and move forward. And really it's kind of in the nature of what James was mentioning. So that's kind of where we stand. And I asked Mikey if I misstated any of that to kind of either restate it or back it up or whatever. Thank you.

Alan Greenberg: Okay, thank you Berry. Cheryl.

Cheryl Langdon-Orr: It's more just a matter of making sure what I've said in previous conversations is at least, you know, going back on the record again now. And that is the advantage of something like 10 days is that when we have a world that has at least 24 hours in different hemisphere on a different day anyway that, you know, you're looking at well in excess of a normal working week.

But again I'm just making the point because I made the point before.
Thank you.

Berry Cobb: Sorry, this is Berry again. I'm mobile. Just to add onto what Cheryl was stating the BC's motivation behind it is we still feel overall or reasoning for - or that ask of a 30-day period is in general we believe registrants, if they are not aware that their domain is going to expire there's a good many of them that are just kind of clueless but mostly the motivation behind it is strictly about time away and the duration that can happen.

A lot of people go on vacation for three weeks and certainly the eight days while greater than one week is better than what we had, you know, that's the main reason we were pushing for the 30 days is just more practicality's sake. But like I said we'll stick with what seems to be on the table for now. Thank you.

Alan Greenberg: James.

James Bladel: Yeah, Alan. Do something a little differently here and I'm going to speak both in favor and against the eight days. You know, I think that there are a lot of registrars who are already doing more and would like to see more done in this area.

There are a lot of registrars that we've heard from - I don't know that there are any participating on this group but they certainly aren't shy about raising this in side conversations - that offer none and I think that that's perfectly appropriate.

And I guess, you know, when I say we're on a very thin and delicate compromise here I'm also talking about within our own stakeholder group over here on the registrar side of the house, fenced yard, whatever.

You know, I'm not happy with it either, Berry, but I think when we're talking about guarantees, you know, I guess I can live with the idea that a guarantee would be something less than ideal and then that gives, you know, my company an opportunity to differentiate itself by offering more.

And I think that's kind of ultimately why I feel like we should go with this as opposed to trying to hold the line for more and losing what we got. So I guess I'm kind of coming down the same area where the BC and Cheryl are coming from. Thanks.

Alan Greenberg: Okay. I've got one thought but anyone else want to speak up before I take the microphone? Mike - or Ron rather.

Ron Wickersham: Yes, this is Ron Wickersham. Yeah, one issue that I think isn't captured in our discussion that many of the comments have is the aspect that concerns uniformity. I know we discussed this at length and it's clear that there is not a perspective of the majority of the group to have identical policies.

Yet it's confusing on the face of it why there is an expectation of uniformity when I register a domain name, pay the fee I get it for a year. So since that is uniform and imposed by consensus and registration agreements there is a spirit that comes in some of the comments that isolating them out individually doesn't have, that is why

is it competitive what to do at 30 or 40 days after expiration - why is that competitive versus the year while the domain is registered?

And would it not - from the point of view of education having the very big differences from one to another makes it very, very difficult to ever educate the common domain registrant how to handle it especially since these policies are subject to change and simply having a registration agreement that says check back periodically to see if I've changed the agreement you're operating under is an unnecessary burden.

So I think we failed to capture that feeling that comes in some of the recommendations. But I have no solution because there is such opposition to having uniformity during expiration. So I think that just comes as a comment rather than a recommendation.

Alan Greenberg: Yeah, I'll make a quick comment on the comment and then go to James. You said that the one year is standard but in fact it's convention. A registrar is allowed to offer domain registrations for less than a year. They can't get it for less than a year from the registry but they can offer whatever terms they want to the registrar. And I believe in fact some do that. So I'm not sure there is uniformity there either.

James, you want to get in before I do? Go ahead.

James Bladel: Yeah, sorry, I had to explain a punch line. So...

Cheryl Langdon-Orr: No you didn't but thanks.

Mikey O'Connor: Cheryl's comment was complicated though.

James Bladel: Yeah, she is. I'm still unpacking that...

((Crosstalk))

Mikey O'Connor: There's some typos in there I think but I'm not sure, maybe not.

((Crosstalk))

Mikey O'Connor: Maybe those are terms of art.

James Bladel: So just - I mean, I guess it's not really a response or a comment it's just more just a continuation of I think Ron's train of thought which is that, you know, this is a - this is the reason why we don't have one registrar anymore or one registry.

There is uniformity and there are areas where we've determined that that's beneficial. And then there's areas where we have allowed people, you know, a competitive marketplace to differentiate.

And I'm a strong believer that that's the reason why - and no offense to my friend Paul - that's the reason why I things are so much better now despite all of our problems why we have so much growth, innovation, lower prices and amazing services that we had when it was just the Network Solutions show back in the 90s because, you know, all of these competitive elements have sprung up.

And I think that it might be very tempting now to look at a problem in terms of a, you know, in the context of consensus policy and say well we need to put this part of the genie back into the bottle now. We've

gotten all this great stuff out of this marketplace; I don't have to send a fax into - and a check and then wait three weeks to get my domain name, you know, this stuff is happening fast and cool and cheap.

But I'm scared to if now; I want it to go back into the bottle. And I think that in many respects I think that we've already turned the corner on that. We are probably on our worst days in our current environment still better off than our best day under the previous arrangement. And I think that we should always continue to look for ways to do better but always recognize that there's going to be differences and that differences mean choice. So thanks.

Alan Greenberg: Thank you James. Anyone else? All right I'll do a little bit of my pitch. I think the reality is there's no way we're going to come to consensus in this group that we should set the minimum guaranteed time at 40 days or something like that.

It's just not going to happen. And therefore I don't think consistency is something that we're going to be able to achieve no matter what number we arbitrarily assign whether it's 85, you know, 43 or 22 or whatever. So I think we're going to have to live with that part.

I have a question for, you know, James and Paul and Michele and if you get the answer wrong you owe me a beer somewhere. Is your expectation that major registrars are likely to take this consensus policy as we're recommending it and say okay we used to give 40 days like Tucows or 30 something days like Go Daddy but we're lowering it to eight. Is there any real expectation that's going to happen? And...

James Bladel: No.

Alan Greenberg: ...by forcing the eight-day consensus policy we're going to end up - forgive the language - screwing the registrants?

James Bladel: Nope, I don't think so. I mean, this is James. I don't see us making any changes.

Alan Greenberg: Okay.

James Bladel: We're already exceeding that.

Alan Greenberg: And I don't see Tucows backing down on their 40 days and certainly not because of this policy; they may change their policies but I can't see this triggering it.

So, you know, I'm not as worried as some are that saying we want 30, you know, I went into this whole process saying our target was 30 but realistically we were never going to come out with 30. And therefore the level of uniformity at that level I think is impractical.

Cheryl Langdon-Orr: Yes.

Alan Greenberg: So I think part of the answer on this one is the discussion we had just prior to this one that is trying to come up with some level of measuring. And, you know, assuming we put through the policy as recommended, it gets implemented are we going to have a mechanism of recognizing that there is still a problem, that oh my god it shouldn't have been eight, it should have been 15 to address the, you know, the two week vacation or it should have been 15 business days to address the three week vacation.

Are we going to have a way of recognizing that we still have a problem? I mean, the problem is never going to be substantial compared to the overall number of registrations but will we be able to recognize it? Olivier?

Olivier Crepin-LeBlond: Thanks Alan. Olivier Crepin-LeBlond for the record. I've heard the different arguments and I can understand - can as in C-A-N - understand the idea that of course it would be - it's a competition issue. Some registrars would like to give more time and some would like to give less time.

Cheryl mentioned a bit earlier the idea of having 10 rather than eight. And I just wonder, you know, the great concern that we have is definitely people going on holiday, people not checking their emails daily, users that will be cut out by these eight days because they've spent some time away and they come back and they come back to their domain not being with them anymore.

And so I understand that if you're going to look at - if we're going to push for 30 days, yeah, that's certainly going to curb some of your competition - competitive advantages because those ones who are currently practicing this will lose their advantage as far as this is concerned.

But 10 rather than eight I just wonder why - and why two more days because in general people go on holiday in batches of seven. So they usually go one week at a time and some are lucky enough to go for two weeks without checking their emails. But the smallest amount is usually one.

And what happens by the time they go back the first day they have to deal with all sorts of other - let me use that word - crap at the office. And after that they'll start dealing with the rest of stuff. I guess that losing their domain name might be part of the crap on the first day as well but still. Thank you.

Alan Greenberg: And we have a long speaker list. Michele.

Michele Neylon: I said this before, I say it again. I'm getting tired of having to say this because I'm beginning to sound like a broken record. Olivier, you know, with all due respect what the hell? The...

((Crosstalk))

Michele Neylon: ...is here is that we have - we've gone through this rather long comparatively tortuous working group where we have discussed ad infinitum every single possible edge case imaginable plus some that probably aren't imaginable.

The key thing is this, if coming out of it there is a guarantee of several things that registrants are given notifications before expiry. The domain is going to be held by the registrar and guaranteed - and this is the key thing here - for the eight days which we can support.

I really cannot see how, you know, this - this fixation with people's holidays and everything else. You're trying to say to me that people are going to ignore all the notifications before they go on holidays and then suddenly when they come back they're going to start paying attention to them?

Anyway, no I really don't - I really don't think that this is going to make any difference. We are - we seem to have a degree of consensus on this eight days and we have discussed this at length. And I'm perfectly happy with the eight days for the purposes of this. But if we start moving into the entire thing about people on holidays and everything else we're going back about oh, I don't know, six months.

Alan Greenberg: Yeah, I'll interject for a moment. Avri made a comment on the chat that I think is worth - addresses to some extent, Michele, your question of why are we talking about this again. We do have a comment period. We are obliged to talk about it again since it was raised in the comments. And that's what we're doing. What the outcome is we'll see. But I think we do have an obligation to reconsider it because the comments were raised. James.

James Bladel: Yeah, thanks Alan. James speaking. So I think that what we came up with, you know, the reason I like this - well I don't like it but the reason I thought this was good for a minimum guarantee was because it was a week and a day so we covered everybody possible, holidays, we covered vacations, we covered, you know, banking whatever things that they do.

And, I don't know, the Queen does something in England and they have to close the bank or something until her flowers are back in the vase or I don't know how the thing works.

I guess what I'm saying is I think we've got - as the shortest possible timeframe for those people who wanted zero and yet the longest useful timeframe for those of us who wanted more.

So my point is is that while I think it's easy now to say well why not just two more days? Why 10 and not eight? Well I guess my answer is why eight and not zero because that's where we're headed back to, you know, I think if we start - if we start extending this or do we start tweaking this I can't caution enough how difficult it was to get registrars to this point.

And I guess, you know, I can't extend enough how much the registrars who participate on this group have maybe burned some internal political capital to get us to this point. And, you know, I would like to see all three registrar reps vote as a block and not, you know, split up and it's over something like this.

So I just want to just make sure we're looking at - a guarantee where there was none as opposed to the length or the utility of that guarantee because certainly ICANN will presumably still be here a year or two or three or five from now and we can come back and we can say yeah this is too short; we need to extend it and we'll have, you know, the son of PEDNR as a sequel somewhere out there in the future.

Alan Greenberg: Heaven help us.

James Bladel: Yeah, I won't be around for that just forward notice on that. But anyhow...

Alan Greenberg: I will note there are some people who say ICANN won't be around in a few years but go ahead.

James Bladel: Yeah. So I think that, you know, the key is just let's focus on we have a guarantee where none existed in the first place. It is sufficiently short and it doesn't mess up the aftermarket and those people who are businesses and individuals who are very active in that but it's sufficiently long enough to provide protections where none existed before. And I think that that's something we can all begrudgingly hang our hats on and say we did something good. Thanks.

Alan Greenberg: Sorry I'm just trying to read Michele's reply. Touché, Michele. I wish I had staff I could do that for. Does anyone have any interest in pursuing this? To be honest I think the only possible outcome other than the status quo that is leaving what we have would be eight days instead of 10 perhaps because that was in the original proposal that James made when we started this, you know, the second phase of these discussions.

I understand the difficulty the registrars are going to face if they have to go back and push for those extra two days. And it's - in my mind it does get you past Olivier's, you know, comment of you don't have to deal with the problem on your first day back after one week. It doesn't address the two weeks.

And I'm not sure it's going to make that much difference in how people are going to be able to deal with it as long as we can make sure that we have sufficient reporting out of this that we can understand if things are working well or not.

But is there anyone with a stomach for trying to push the 8-10? I know we're not going to get anywhere above that. Mikey is saying this one that everyone hates therefore it's as good a compromise as we're

going to get. I think we could all arrive at numbers that we all hate that are different from eight but I'm not sure there's going to be a lot gained in trying to get there. Michele

Cheryl Langdon-Orr: Michele has got his hand up.

Alan Greenberg: Yeah, I know.

Alan Greenberg: I got - I just called him.

Michele Neylon: I think Mikey summed it up very nicely. Classic negotiation we all hinted about (unintelligible). And to be perfectly honest, you know, what you said Alan (unintelligible) to go back to the other registrars and try to get them to come - to not violently disagree with anything beyond eight. Personally I would see great difficulty with this. With the eight days it's a hell of a lot better than nothing. That's just my own personal view.

Alan Greenberg: We're all working on the assumption that assuming we can agree here when it gets to Council the registrars will support this motion. But I'm not going to pointedly ask the question; I'm working on that assumption. Paul.

Paul Diaz: Thanks Alan, it's Paul. Yeah, you've actually took the words out of my mouth and I just wanted to underscore where we are now, you know, we've made the point in comments to - or in responses to public comments. This was considered a package deal. All of these points are interwoven, interconnected and were jointly negotiated.

And I think to try and make this change right now is - fundamentally could upset the support that currently exists for the recommendations as a package. And I would be very afraid of what may happen at the Council level if we start monkeying around at the very end.

Alan Greenberg: Cheryl.

Cheryl Langdon-Orr: Thank you, Alan. Cheryl Langdon-Orr for the record. Paul, I think what you just said could be our response to the commenter. Well perhaps without the monkeying around part at the end.

Alan Greenberg: I sort of like that part.

((Crosstalk))

Cheryl Langdon-Orr: ...response to the Council.

Alan Greenberg: I think we've reached consensus, people. Anyone want to keep talking?

James Bladel: Okay James wants to keep the monkeying around in the formal responses. Okay James, fine.

Alan Greenberg: Does anyone feel that we have not reached consensus on this item? Didn't say everyone's happy I said reached consensus. I see no objections to this. Marika, what else do we have to do? Are there still other items in other recommendations that we said we had to go back to and clean up or add something?

There was one on the exceptions to the two notices and the timing of the two notices that we had exceptions. At our meeting last week, James, you weren't here, we - the recommendation supported by all the registrars on the call was that we remove the exceptions clause and simply say you must have two notices, one sent 30 days plus and minus and one sent seven days plus and minus.

I have a gut feeling there are registrars who are going to object to that but, yes, James we did discuss it when you weren't here. So I, you know, there was a uniform feeling that we should just delete the exceptions and not try to define the exception process and allow exceptions. I personally think that's a mistake but I'm willing to go along with the group. Marika.

Marika Konings: Yeah, this is Marika. I'm happy to go through the report and, you know, based on what we discussed as well as part of the comments where we agreed to make changes to make those and hopefully have them as a final report for review ahead of next week's call.

And in that I'll try as well to indicate if there are any areas where indeed we still have, you know, either bracketed language or items where we need some further discussions I'll try to highlight those as well then.

Alan Greenberg: Yeah, I would hesitate and say not the final report but the recommendation section. I know I'm still working on a review of the report and I've got lots and lots of small comments that I think we - I think anyone else who wants to do that kind of review should be given the opportunity.

But - I did make a suggestion that we reorganize the recommendations to group together logically sort of as they were in the PowerPoint presentation in that it's far more important that people understand them than it is to be able to relate them to the charter questions.

So we can certainly parenthetically in each one say what charter question it addresses but I would tend to prefer them organized so they make sense as a group. If anyone doesn't - if there's no objection to that I would like to see us go ahead with that.

Marika Konings: So this is Marika. So just to clarify you prefer me just to look at the recommendations chapter for now and wait for your comments on the other parts before looking at the other sections.

Alan Greenberg: Well I'll - I will guarantee to have it, you know, assuming I don't die first, have it before next week but how much before next week I'm not sure. And I think we need, you know, I don't now - does anyone else planning to do a run through of the report itself or is everyone else sick of it? I'll take no comments to being sick of it. Michele.

Michele Neylon: Sorry I just mute myself and lost the (key) out of my iPhone. Do you want somebody to go on the record as saying that we're sick of it?

Alan Greenberg: No. I took no hands - no volunteers as being sick of it.

((Crosstalk))

Alan Greenberg: I just feel strongly about it because I've read through the report and some of it just doesn't read very well. And so I'd like to get those parts cleaned up. But that's a personal, you know, anal retentiveness of me

and not necessarily, you know, forcing on the group. Marika says she disconnected but will be back in 30 seconds.

((Crosstalk))

Michele Neylon: ...comments then Alan?

Alan Greenberg: Sorry?

Michele Neylon: I was a bit concerned after your last comment.

Alan Greenberg: Which last comment, sorry?

Michele Neylon: The one if you were still alive.

Alan Greenberg: Oh I'm not planning to die but I am adding that proviso.

Michele Neylon: Yeah, so I think it would be best for all parties concerned because I'm not too sure how the GNSO recommendations handle the expiration of the - of a working group chair.

Alan Greenberg: I think we should need some policy on it.

Mikey O'Connor: I think there has to be consistency.

Alan Greenberg: All working group steer chairs have to expire at the same time.

((Crosstalk))

Cheryl Langdon-Orr: I think we need notice though.

Mikey O'Connor: Yeah. Well I think they have to give proper notice and at least two and probably 30 days in advance.

((Crosstalk))

Cheryl Langdon-Orr: ...him notice.

Alan Greenberg: All right I think we're...

((Crosstalk))

Berry Cobb: ...have competitiveness and different PDPs compete?

Mikey O'Connor: Competitive chairs, never happen.

Olivier Crepin-LeBlond: May I suggest the creation of a new cross-constituency working group to discuss this?

Alan Greenberg: I would point out that if there was competition for the working group chair I wouldn't be the chair.

Mikey O'Connor: You're not the chair you're the acting chair.

Alan Greenberg: I'm actually not the chair - I'm the acting chair because the Council never appointed a chair.

Mikey O'Connor: Right.

Alan Greenberg: I think we'll - I think now that we're over I think - or almost over I'll point that out to them. All right I think we're as done as we're going to be today. We're actually over time. I normally like to give people back five minutes. So thank you all. We'll continue next week. Marika will have a full review of all the recommendations as she feels - you're going to try to reword the recommendations based on all of our comments, right, is that correct Marika?

Marika Konings: Yes that's correct.

Alan Greenberg: Okay. So let's go with that and we'll do a careful - if people can try to have read them so we don't have to read them all out loud and assuming that going - coming out of that meeting we either will have wordsmithed everything or at least identified the issues we have to go back on. Cheryl.

Cheryl Langdon-Orr: Alan, you mentioned there was a couple of bits and bobs in the report which you felt didn't read well. Perhaps if you were to share the aspects of your pedantry with us at least in advance of the meeting we could agree on whether the (unintelligible) was indeed required or not.

Alan Greenberg: I will indeed do it before the meeting but I just said - I'm not sure how soon before the meeting.

Cheryl Langdon-Orr: Sure.

Alan Greenberg: It may not get done until next weekend is what I'm saying.

Cheryl Langdon-Orr: No that's okay, I'm just saying...

Alan Greenberg: Yeah.

Cheryl Langdon-Orr: ...you know, I'm happy to look at, you know, you know.

Alan Greenberg: In general I'm making recommendations not just making vague comments.

Cheryl Langdon-Orr: Okay.

Alan Greenberg: Okay.

Cheryl Langdon-Orr: Bye all.

Alan Greenberg: I thank you all. We're getting close.

Mikey O'Connor: Thanks Alan.

Alan Greenberg: And we'll see you next week. Bye-bye.

Cheryl Langdon-Orr: Bye Alan. Thanks all.

James Bladel: Thanks. Bye-bye.

Marika Konings: Bye.

Berry Cobb: Bye all.

Kristina Nordstrom: Thank you very much, (Sandy), that's all.

END