

Inter-Registrar Transfer Policy Part B PDP  
Transcription  
Tuesday 14 June 2011 at 14:00 UTC

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<http://audio.icann.org/gnso/gnso-irtp-b-20110614-en.mp3>

Transcript will follow shortly.

**Attendees:**

Simonetta Batteiger – Registrar SG  
James Bladel – Registrar SG  
Chris Chaplow – CBUS  
Berry Cobb – CBUC  
Paul Diaz – Registrar SG  
Kevin Erdman – IPC  
Bob Mountain – Registrar SG  
Michele Neylon – RrSG Chair  
Mike O'Connor – CBUC  
Rob Golding - RrSG

**From Staff:**

Marika Könings  
Kristina Nordstrom

**Apologies:**

Anil George – IPC  
Oliver Hope – Registrar SG  
Baudouin Schombe – NCUC  
Matt Serlin - Registrar SG

Kristina Nordstrom: Thank you. Welcome everybody to today's IRTP call on the 14th of June. On the call we have Chris Chaplow, Kevin Urdman, James Bladel, Paul Diaz, Mike O'Connor, Michele Neylon, Berry Cobb, Bob Mountain, Simonetta Batteiger. From staff: Marika Konings and Kristina Nordstrom. Apologies from Anil George, Matt Serlin, Baudouin Schombe and Oliver Hope.

And may I please remind you to state your names before speaking for transcript purposes. Thank you and over to the chair.

Michele Neylon: All right thank you. Good afternoon boys and girls. This is the last meeting we're having before Singapore for the very obvious reason that, well, Singapore is only a couple of days away.

The - as per usual I have to ask does anybody - if they have any changes to their statements of interest, conflicts and all that kind of stuff? I'll take that silence to mean that we're all still capitalists part from Mikey who became a communist there last week I believe.

((Crosstalk))

Michele Neylon: Right then, yes I thought you'd like that. Right, the - there's two things on the agenda for today so if we could try and get through these in a timely fashion then we can give you all back some part of your afternoon or morning.

There is - the super efficient Marika has put together some slides to - for the GNSO update which is on Sunday; is that correct, Marika?

Marika Konings: Yes that's correct, Sunday from 2:00 to 2:45 local time.

Michele Neylon: Right so - Sunday 2:00 until 2:45 local time in Singapore. If any of you are there and want to come along and provide moral support please do but you don't need to; if you prefer to spend your time at the Universal Studios in Singapore that's completely understandable.

Okay so let's go through these slides and - does everybody have control over these, Marika?

Marika Konings: Yes.

Michele Neylon: Cool, right.

Marika Konings: You should.

Michele Neylon: Okay so I presume these are just - I haven't had a chance to look at these because I think you send them to me earlier this morning and I've been fighting a battle with my inbox all morning. I presume these are just kind of an update on the previous versions we've used?

Marika Konings: This is Marika. Yes that's correct. And I'm happy to quickly take you through it if you'd like.

Michele Neylon: Yeah, go ahead. Thanks.

Marika Konings: So - oh no, my slides are moving. So basically Slide 1 is a background; I think everyone has already heard that one several times. So the charter questions on Slide 3, the recent developments basically goes through the fact that, you know, we've gone through an initial report; we did a proposed final report. And based on the review of the comments the working group has now submitted its final report to the Council which contains nine recommendations.

Then going into the recommendations on Slide 6 I've tried to break down for the Council the focus of the different recommendations noting that there are actually four recommendations that specifically relate to changes or additions to the existing IRTP; there are two recommendations that recommend initiation of a PDP by requesting an issue report and then three different recommendations that relate to separate issues, you know, promotion of the SSAC report, the issue that we're deferring to the UDRP and one related to the WHOIS status messages.

Michele Neylon: Okay just one second. We've got people putting hands up. James and then Paul.

James Bladel: Thanks Michele, James speaking. Marika, just a minor point but I think it is important, when we say recommendations for a PDP should we say possible, potential or candidate PDP by requesting an issues report? I think that we need to qualify that term so that it's understood that a PDP follow up is not necessarily a foregone conclusion.

Marika Konings: I'm happy to change it to recommendations for requesting an issue report if that makes you feel more comfortable.

James Bladel: That would, yes.

Marika Konings: Okay I'll take that out of there.

((Crosstalk))

James Bladel: That was all. I mean, if that's what the group is - if that's the, you know, sentiment of the group. I just think it's important not to presume the outcome of the issues report that's all.

Marika Konings: Right it's just - the way I've used the term PDP is more that, you know, the issue report is the first step of a PDP. Of course - I know we've dealt with that in the PDP work team that it is confusing because there is an official vote after the issue report to initiate a PDP but the way I tended it here was as, you know, the first step in a PDP but I understand, you know, what you're saying so I'll just remove that for clarity's sake.

Michele Neylon: Okay thank you. Paul.

Paul Diaz: Thanks Michele, it's Paul. A quick question; on the overview slide some things were fairly explicit and it's not very high level; others were not. In other

words, you know, we define a recommendation about the UDRP PDP which realistically we know from what staff has already presented based on the work in the public session that was done is not happening any time soon and then detail about, you know, the standardization of WHOIS.

My point is I think it's probably worth putting in the detail about our recommendation about change of contact because that almost certainly is going to happen. And if we're tight for space why don't we cut back or even eliminate on that - not eliminate because, I mean, they are key-key things but it seems we're putting details for things that aren't important or aren't going to happen and glossing over the two recommendations for a possible PDP per James's point by requesting the issue report.

And I certainly see that change of control happening in IRTPC so I think we would do everybody a favor by being more explicit on that particular issue at least.

Marika Konings: Paul, I think...

((Crosstalk))

Marika Konings: ...if you wait until the next slide you see there that I've actually detailed all the recommendations. This is just intended as a quick snapshot for the Council so they understand, you know, from a high level what the different recommendations relate to.

Because if you go to, you know, Slide 8 you see there that I've outlined for each of the recommendations the specifics and, you know, provided more detail on each of those.

Paul Diaz: And I certainly appreciate that, Marika. And it's absolutely in no way a ding on what you've put together, it's very good. But, look, we all know how busy at least they claim they are - our various councilors. If you have a slide called

Overview that's the one everybody is going to look at first. And I'm just suggesting I don't think it's worth spending the limited real estate talking about things that probably will never happen and then having a very high level overview and referring them to Slide Number 8 for the details.

Marika Konings: I mean, what I can do - because, I mean, this is just an idea of - what I tried to do in this one is just to give an idea of the different recommendations. And indeed I thought it was hard to, you know, summarize the three separate issues, you know, because they don't have an overall category as such.

But I can just make it as well one recommendation to defer issue and, you know, take out the UDRP PDP and just make those shorter so indeed it doesn't give the impression that the ones with the more information are the more important ones.

Because otherwise I don't really know how to fit everything onto one slide if I'm going to outline, you know, the four recommendations for changes and the two recommendations.

I mean, I think at the same time you'll see as well that it becomes very clear in the motion and that is something the Council will definitely discuss in detail where you see very clearly that breakdown of, you know, consensus policy recommendations the issues for the new PDP and, you know, those items that were just basically, you know, deferring like the UDRP issue.

Michele Neylon: Mikey.

Mikey O'Connor: This is Mikey. Thanks Michele. I'm with Paul on this. You know, when the word overview comes up I think of another word that's highlights. And I think it is the slide that people are going to tend to go to for the sound bites about this thing.

And I would agree with Paul that it would be nice to get the important sound bites on one page somewhere because there are a lot of folks not necessarily the councilors but, you know, folks outside the process who are not going to go through all the detail. And it would be nice to be able to give them one page where they can sort of see what we did over the last two years.

Michele Neylon: Guys, would you be - would you be happier if we renamed this slide from overview to highlights to start with? Never mind the content for a second just in terms of the actual slide title; instead of overview making it highlights. Would that be a better title for you?

Mikey O'Connor: This is Mikey. Let me just throw in that it changes the objective of the slide pretty dramatically so I didn't necessarily mean to say that we should do that, I mean, I'm fine with the idea.

Michele Neylon: Well no, I mean, the thing I'm conscious of is that if - I don't know how many presentations go before the - are going before the GNSO but I imagine there's quite a few. And I also imagine that for a lot of GNSO councilors that they don't really have time to read and remember in gory detail each and every single slide of each and every single thing that they're looking at.

I mean, it was just a suggestion. In terms of the wording just to see because, I mean - trying to work out what people are looking for here. Are we looking at just kind of cutting it back a little bit and just kind of maybe a few bullet points here or what exactly would you like to see? Mikey.

Mikey O'Connor: This is Mikey again. I think Paul had it right; let's focus on the really important stuff, you know...

Michele Neylon: Okay so, I mean, basically...

Mikey O'Connor: ...so maybe highlights is the right way to do it. But, you know, cut the words - rather than - this is a great way to sort of mechanically introduce the

subsequent section but it doesn't pass a lot of the sort of basic PowerPoint slideshow rules which is not too many words on the page, have a really clear point, etcetera, etcetera.

And so, you know, one way to think about this is this is the highlights page that sort of outlines the big things that we want the Council to be aware of and the rest of the world to be aware of and leave it at that.

Michele Neylon: Okay. Bob.

Bob Mountain: This is Bob. Paul, is it a matter of having them in the right order where the top priority items are at the top or do you just think having too many items is just going to overload and cause them just not to focus on any of them?

Paul Diaz: If I can jump in, Michele, it's Paul.

Michele Neylon: Please do.

Paul Diaz: Look, guys, I'm just - put yourself in the role of a councilor and/or somebody who might sit in on this. It just struck me, I mean, it really jumped out at me we have overview, highlights, whatever we're going to call it; it seemed like we were not providing what are those key recommendations for a PDP. That jumps out at me.

Hey, if we're part of this IRTP process going forward we're going to be dealing with this. Let's put in a little bit more verbiage. Heck, it can even be in parentheses. Two recommendations for a PDP parentheses, on change of control and - I'm sorry, I forget what the second one ways...

Marika Konings: Thick WHOIS.

Paul Diaz: Okay and, you know, there that's all you have to do. Agree, you don't want a lot of text. To Simonetta's point if we need to go to a second page so be it.



There was a lot of stuff that we dealt with; let's not try and shoehorn. But if we do want to keep it on one page for me the UDRP one is a throwaway; that's not happening any time soon, no need to highlight it here.

And the stuff at the bottom, the very last point, again if we're tight for space is there some way we can cut out a couple words there to make that bullet point shorter? Just trying to imagine, you know, this is how folks are going to read it. Human nature you go to the quickest way to get to the information, the bare minimum information you need.

If one slide gets pulled out of the whole deck, the whole presentation, this is probably it. Let's make sure that we're putting the most important things that this group has done; put them forward in that one slide.

Michele Neylon: Chris and then Bob.

Chris Chaplow: Yes, Michele, Chris speaking. I'm just positively okay with it. We've got nine recommendations and the following slides detail those recommendations but it breaks them down into the five different charter questions. That slide - since we've got nine recommendations only just tries to categorize them in a different way. In themselves it doesn't explain what the recommendations are it's just categorizing them.

So always just to simply - if we do that different categorizing to take all that out and just say nine recommendations and then go into the charter questions. Or if we think people are sick and tired of hearing about the charter questions and they trust us that we've answered our charter questions we - the following slides can have the recommendations but not - but in the order that we've got them on the overview slide but not in the charter question breakdown.

And just one small thing, now, on the slide before - on the recommend - on my Slide 5 it's actually - I've still got a box saying Add Subtitle; don't know if that's come out on other people's or it's just a funny thing on my PowerPoint.

Michele Neylon: Where are you seeing that?

Chris Chaplow: If I go back - on the overview slide - the one we're talking about but the one before...

Michele Neylon: On the recommendations?

Chris Chaplow: Yeah it just - and it should say - well it - just say the recommendations.

((Crosstalk))

Mikey O'Connor: Chris, are you looking at the file rather than the Adobe...

Chris Chaplow: I'm actually - I'm looking at the PowerPoint, yeah, the actual PowerPoint.

Mikey O'Connor: Yeah.

Michele Neylon: Oh right, I'm looking at the Adobe.

((Crosstalk))

Mikey O'Connor: It doesn't show up in the actual presentation.

Chris Chaplow: Anyway just double check that there's not a little box that needs deleting there otherwise...

Mikey O'Connor: Yeah, no it's fine.

Michele Neylon: It looks fine on the Adobe, Chris, I'm not seeing that. Bob.

Bob Mountain: This is Bob. I would tend to agree with Paul on this one. If we have points that we've spent the most amount of time on and that we're passionate and we really want to make sure they get focused on I would recommend we trim it down to those items that need attention.

And then for the ones that either we - aren't that important or we just don't think anyone's going to get to them then have a slide called additional considerations with those items that probably won't get looked at because that's, you know, nobody really is going to focus on additional considerations. But, yeah, I would go with Paul though, let's get a real focus on the things that are important.

Michele Neylon: Marika, do you want to intercede?

Marika Konings: Yeah this is Marika. I'm happy to make the changes I think as Paul suggested I think that's the easiest. I mean, at the same time we're now talking about things that are more important than others.

I mean, we did - we did agree not to prioritize any of those and put them forward as-is so I think as we didn't clarify it in the report although we might recognize that, you know, some issues are considered more important than others we actually didn't do that in the report so it's hard to now suddenly say okay this is more important than the rest of it.

But I agree with Paul; I think it's easy to make those changes to add to the - to recommendations for a PDP that it relates to the change of control and thick WHOIS, to take out the, you know, to a UDRP PDP should one be initiated. I can also shorten the one on the WHOIS status messages just noting that there's one recommendation relating to WHOIS status messages.

And then I'm possibly able to squeeze in as well some more information on those four recommendations for changes and/or additions to the existing

IRTP. So hopefully that will accommodate everyone's concerns and comments. And as I said more detail then follows in the next slides.

Michele Neylon: Okay thanks Marika. Any other comments? Okay Marika, go ahead.

Marika Konings: Yeah, so this is Marika. So I'm moving on so just as a reminder I've included a slide on each of the charter questions so people can refer back as well or relate each of the recommendations to the charter questions. So you'll see on Slide 8 the two recommendations that relate to Charter Question A.

After there - because of course all the language especially relating to the TEAC doesn't fit on the slide but I've tried to capture the main points of that in there and then basically done the same for all the other recommendations and charter questions. So I don't know if - then there's a slide on further information which basically provides the links and then just a question slide.

I think as part of the presentation I'm just trying to see now if I've mentioned it but maybe it's worth mentioning on Slide 4 actually that all the recommendations have full consensus support from the working group.

Michele Neylon: Marika, this is Michele. I think that would be a very good idea to include that. I'd actually go so far as to include somewhere early - as early in the - well I suppose I'd include it on the slid with the recommendations even. I don't know what's - where is it?

Marika Konings: Five.

Michele Neylon: What number - five. I'd just put it in brackets. I'd put it in brackets on the title slide, on Slide 5.

Marika Konings: Okay.

Michele Neylon: I mean, just - we shouldn't over-think it too much. I don't know, anybody have any other comments, thoughts, critique - positive things to say. Say something nice to Marika, everybody.

Mikey O'Connor: Great job.

Bob Mountain: Nice job.

Michele Neylon: Thank you, that's good - good, good, you know, come on. All right then, Marika, thanks very much. I - and James...

Chris Chaplow: Michele - can I...

Michele Neylon: Yeah, go ahead.

Chris Chaplow: The main purpose of this is to support the motion - is that the correct the Council are going to vote on a few days later?

Marika Konings: This is Marika...

((Crosstalk))

Marika Konings: ...the presentation itself just focuses on the report because as we're going to the next agenda item I'll try to explain as well there are some small changes that have been made in the motion compared to the actual recommendation.

So the presentation itself is just talking through the report and there might be questions. It's not unlikely that the Council will talk as well about the motion but in principal there's a separate time set aside by the Council to talk through motions that they're going to consider at the Wednesday meeting.

And I think actually that session is on Saturday so even before we give our update so it's likely that some of the issues they might have already

discussed or considered or they might have specific questions based on their discussion of the motion.

Chris Chaplow: Yes. So an astute Council member might well have a copy of the motion alongside and sort of be looking back and forth between this presentation and the motion. I'm just wondering whether that brings something we should put in the presentation or gives us the order that we should have them to help them.

((Crosstalk))

Marika Konings: I think the - in answer to that question I think the Slide 6 basically provides that kind of overview which follows the organization of the motion. So I think it is helpful at the same time for the Council to see as well that, you know, how the different recommendations relate back to the charter questions that were asked so that's basically in the second part.

So I think these slides would map it against the motion while the rest of the overview basically maps it against the charter questions which, you know, was the task that was assigned to the working group.

Chris Chaplow: Okay good.

Michele Neylon: Okay any other questions or queries? No? Okay moving on. Are you able to put up the new motion, Marika?

Marika Konings: Yes it should be up now. Do you want me to just talk through it?

Michele Neylon: Well I was just going to make a small introduction just before you do because you know this stuff...

Marika Konings: Yeah.

Michele Neylon: ...you can do it much more elegantly than I can. But basically we had a motion - a draft motion which was, you know, well it was what it was. However there's been a couple of minor changes made to it. And Marika will explain in very simple terms what those changes mean.

I mean, substantially in my own opinion I don't think there's a huge difference - well even a really significant difference it's more to do with - I think kind of a - just a kind of a slight change in the process rather than anything else. So if Marika could kind of walk us through this it would be appreciated. Marika, go ahead.

Marika Konings: Yeah so this is Marika. So if you look at the motion you'll see that if you move to the result a - basically those are the recommendations that specifically relate to changes to the IRTP as it currently stands. So those are Recommendation 1 - let me scroll through - Recommendation 5, Recommendation 6 and Recommendation 9.

Then the rest of the resolve clauses relate to the other recommendations that are not consensus policies and don't necessarily require Board approval so those are issues the Council can act on.

You'll see on the resolved clause - let me see - G, that one basically groups together the Recommendation Number 4 which relates to the change of control that we agreed to or recommend to incorporate on the issue report for IRTP Part C.

And then it also groups together or lists there the other issues that are still remaining under IRTP-C as originally developed by that working group. I just see as well there's actually one question I have and I think that's something, you know, that might come out of the issue report or might be discussed as well in Singapore is that there's one question there that relates to the requirements that should be in place where registrars of record to send an FOA to the registrant or admin contact.

And my question is actually whether this is already an issue that is addressed by Recommendation Number 5. But I - as I'm not familiar with the background of that specific question it might require some research as part of the issue report to determine what the issue behind that specific question was.

Coming back to Michele the - when I drafted that motion and I submitted it to the Tim Ruiz who is the GNSO Council liaison for this working group and he expressed a concern in relation to Recommendation 8 and 9. In both of those recommendations we've said that - or we've requested ICANN staff to develop an implementation plan as we called it.

And as I understood his concern this was specifically related to the fact that normally in an implementation plan ICANN staff goes away, drafts an implementation plan, does request input from the community on that and based on that input might revise it and then send it to the Board for approval.

I think his concern was that there wouldn't be sufficient oversight or input from the GNSO Council on those specific plans. And I think, you know, looking back at the discussion we had I'm not really sure whether indeed the intention of the working group to move it that way so a way of addressing that concern would be to instead of saying staff does implementation plan would be to say ICANN staff prepares a proposal for the GNSO Council consideration taking into account the working group's deliberations on this issue.

So as you'll see in relation to Recommendation 8 and 9 that's the way we've tried to address that and make it acceptable and ensure that there's sufficient safeguards in there that there is a (save) for the GNSO Council on those issues.



As you'll note as well on Recommendation 9 that one actually has been broken into two parts because as the - the first part of that just relates to the deletion of Denial Reason 7 which I think everyone agreed on and is noncontroversial as it's, you know, as we agreed it can't be used as it currently stands.

So basically that second part has been moved into the Resolve B clause which then talks about ICANN staff providing a proposal for this new provision to the GNSO Council for its consideration. So I think that's - in broad line the overview.

And I think my question for you all is if this something that you think is acceptable seeing that the - the recommendations have been slightly modified, 8 and 9, noting as Michele said I don't think it changes the content or the substance of those recommendations it just slightly modifies the process by which those recommendations are implemented.

Michele Neylon: James and then Mikey.

James Bladel: Hi, thanks Michele. James speaking. And thank you, Marika, for going through this. I think I do accept the motion as it's currently structured. I just had a quick question and I have been traveling quite a bit so apologies if I missed this on one of the previous calls.

But where we say that we are going to fold the change of control function into IRTF-C was that discussed at all? I mean, I thought there was - I'm not saying that that's a bad idea, in fact I think that's probably a pretty good idea. I just wasn't sure if that was something that just we just kind of assumed was going to happen or if we thought that this was going to be a separate PDP effort or if it was going to be folded into D or E or something like that.

And what does that do to the calendar/schedule for IRTP-C? And anyway I just was curious about that particular part which is in the first sentence - first bullet point of (G).

Michele Neylon: Marika.

Marika Konings: So this is Marika. In response to that if you look at the actual Recommendation 4 in the report we do say that we'd like to strongly encourage the GNSO Council to include these issues, change of control and 60-day post transfer lock as part of the next IRTP PDP.

So we did specifically say that. And I do recall discussing it as well I think in one of the calls. As for a timeline, I mean, if the Council adopts this motion it means that, you know, the request for the issue report will go ahead and staff will start working on the issue report.

I think it just means that there are more issues in there. Although as said in relation to this - the FOA question I don't know if that's actually one that has already been addressed by the recommendations that this working group has put forward. So it might mean one issue less in the original IRTP-C but maybe two additional ones in there.

Also noting that if you look at the original list of IRTP-C issues this working group actually already took one of those I think as well in the - in this working group. And I think the related to the lock status I think that was originally under the - located under the C group but I think we - I think there was a recommendation that it related closely to one of our other charter questions so I think it was recommended to keep those together.

James Bladel: Okay well, you know, if I missed it then I missed it and I apologize. I just wanted to make sure that we were doing it deliberately and not just making an assumption. So thanks.

Michele Neylon: All right thank you. Next on there Paul and then Mikey.

Paul Diaz: A question for the group: this Resolved G and the stuff on the fifth page the next to last bullet we have a bracketed question to ourselves but more fundamentally I don't recall debating the idea that we would have requirements for the admin contact.

Look, personally I am very strongly against - that would be a very fundamental change in the policy right now; basically we would be moving the admin up to equal status with the registrant or registered name holder. At a minimum I would ask that we change that to or possibly the admin contact something like that.

It can certainly be an issue for debate later on but I don't want to present this as this group's thinking that IRTP-C should have - should be specifically addressing requirements for the admin contact. I don't believe we ever discussed that. Somebody please steer me clear if we did. And I really, really think it would be a very bad idea.

Marika Konings: Paul, could you just clarify which one...

Paul Diaz: So it's the next to last bullet on the fifth page. It currently reads, "Where the requirement should be in place for registrars of record to send an FOA to the registrant or admin contact."

Marika Konings: Right, I mean, these issues come and I'm trying to dig out the link. These are literally taken from the PDP recommendations or issues that were developed by a previous IRTP working group and approved by the GNSO Council for the different slate of PDPs. So this is not something that this working group has actually discussed but it comes from a different document.

And I think I've found the link and I'll post that there. So this is a literary translation or copy paste of that document and it's in there now.

Paul Diaz: Okay I guess what I'm asking, Marika, have we - to economize some words - perhaps changed language because consider what we have in front of us here; we're talking about requirements for FOA, all right, which is basically saying then if directed in admin they are on the same level as the registrant.

I know an admin can request but the form of authorization is essentially the document that says I am the one with the registration rights, the final word on something. And it just jumps out at me it's like is that what we really mean? And I think that's an enormous security problem that we're introducing.

Marika Konings: As I said, I mean, this comes literally from the document and what I've done in the past when writing these issues report is actually tried to dig deeper back into what was the underlying motivation indeed for that question because some of them are not really self explanatory in what they intended or what the actual issue was.

So normally what would happen is I would take this specific question and look back at the issue report and see, you know, what - on the line motivation was or why this issue was included. And I think as part of the issue report, you know, if indeed it becomes obvious that the question was not correctly phrased or should be differently framed it would come up at that stage.

But I think if, you know, if there is specific concern in the way this is currently phrased I would definitely encourage you to actually raise that as part of the discussion either, you know, through your Council members so that this can be changed as part of the discussion on the motion.

I think at this stage, you know, or either make clear that what is there currently is just a copy and paste from something the Council adopted or agreed to at an earlier stage.

It doesn't mean that cannot be changed but I think the Council should just be aware of why they're changing something and, you know, what the specific concern is. Although I'm actually...

Michele Neylon: Paul.

Marika Konings: ...looking at the document now it says here as well that this question was apparently first phrased in a different way. So I don't know if that makes more sense or whether instead there could be a recommendation, for example, to revert back to an earlier question. So I would maybe encourage you to have a look at that document and again maybe talk to your council reps to raise this issue and any concern you might have in relation to that as this is just a, you know, left over basically from a previous initiative relating to transfers.

Paul Diaz: Okay. I mean, I guess - I see what Simonetta is saying, Simonetta, but that's all well and good but with what you've quoted it makes explicit: registered name holder or the registrant supersedes that of the admin. The FOA is the documentation that registrars use; it demonstrates you have registration rights. And it's often used to help arbitrate a dispute about a supposedly illicit transfer.

I think a very simple way to fix this is can we just simply add, "Or possibly the admin contact." It just will demonstrate that there's some question about that and it goes to the future PDP team to thrash all this out.

Marika Konings: This is Marika again. I mean, the motion has already been made so it would need to be changed by the person who made the motion and that's Tim Ruiz so I would suggest that, you know, you talk with him or through James. You know, I definitely see your concern. As I said this comes from the original list of IRTP issues and I just posted in the chat, you know, what apparently the original wording was of that question. There's still some more that comes after that.

And again I've had quite some issues as well trying to really dig back into the different charter questions because, you know, this has been done by previous groups. I think we've seen as well that some of the concerns that were raised a couple of years ago, you know, are less relevant now.

So again some of those things might come up as well as part of the issue report. And I think as you've seen with what we've done with the UDRP issue report I think following or, you know, anticipating the new GNSO PDP which basically proposes to have a kind of preliminary issue report that people can provide input on I guess this would be an area as well and I'm presuming that we would follow that same approach.

Where if you feel that the issue is not adequately covered or indeed there's something wrong with the questions that aren't being asked that that can be raised at that stage as well. But again as this motion has been made you would really need to talk to Tim or, you know, send a note to the Council or raise it in the - at the Singapore meeting to indicate why you think this should be changed and, you know, raise it in that way.

Michele Neylon: Marika, just a point of clarification can the motion be changed at this stage?

Marika Konings: Yes but it would need to be changed by Tim or someone would need to make an amendment which then the maker of the motion which is Tim Ruiz would need to consider friendly.

As I said I think it's important as well that in that - in the context of that discussion the Council at least is made aware that, you know, this is just the original question from the IRTP - the previous IRTP working groups but that, you know, maybe we now realize that the question might raise false expectation or is not accurately framed and that based on, you know, discussions by this working group or recommendations from this working group, you know, it's - there's a recommendation to actually change the question as it was originally posed.

And as I said I don't think it is a big issue. And, you know, I think it's perfectly valid to raise that and, you know, via Tim to make that change. I don't think it would be seen as controversial. But indeed...

Michele Neylon: Okay thank you.

Marika Konings: ...as James responds, no we can't make a change because that's, you know, a council member's prerogative to make changes to a motion that has been made.

Michele Neylon: Okay so somebody needs to - well we can talk to Tim. Okay then James, Mikey then Simonetta.

James Bladel: Yeah and I guess I'm offering to Paul, you know, that I can work with him so we can at least get these concerns addressed with Tim. And then if he wants to modify the motion or if we can get someone else to, you know, submit a friendly then we'll see if that's necessary or not.

But I think I'm going to go ahead and put my hand down, Michele, I've been thinking about this a little bit and I'm not sure I understand the issue well enough to comment on it because I think that the original Section 3 says that there is an optional FOA that can be sent by the registrar or record to the transfer contact.

And I think that we were making that optional bit required but I must be missing something. So I'm going to go ahead and drop down. Thanks.

Michele Neylon: Okay thanks. Simonetta - sorry, not Simonetta - Mikey.

Mikey O'Connor: Thanks Michele. It's Mikey. I've been sort of dropping myself to the back of the list, sorry, Simonetta. But the point I want to make is a process point which is I am uncomfortable that a working group that works for two years

and has very deep undemanding of these issues is suddenly confronted with a motion which we haven't had a chance to review in a form that is already made.

And it just seems to me that the proper sequence of events should have been that a draft motion was reviewed by us before the motion was made so that a Council which for obvious reasons isn't focused on this isn't either consciously or unconsciously making dramatic changes to the policy that we've been working on for all this time.

So this last little conversation where we discover that there's a horse that's out of the barn that we have no control over except, you know, fortunately we have Tim as our liaison and I'm sure that the issue that Paul is raising can get worked out. But that's the wrong sequence; that's a process problem. And I'm mostly saying this to get it on the record.

But I do have a question for Marika which is do we really have a process right now in the - is this a process hole in the new version of the working group guidelines where basically there are two separate tracks; one where a working group creates a report and another where sort of out of hole clause a motion gets created without any contribution from the working group? That strikes me as a big problem.

Marika Konings: This is Marika. There's nothing preventing a working group from drafting a motion for Council member's consideration. In this case I took the liberty of drafting the motion to ensure that there would be discussion and basically I didn't change anything to the working group recommendations, I mean, I just copied and pasted everything that's in the report.

The section that you're referring to is from a previous Council document. And as I said I don't think it's in the working group's remit to make changes to that specific document. But of course the working group can highlight concerns it has with that and, you know, request the Council to make changes to that.



Just to note as well that this recommendation - or the motion was actually already made ahead of the last Council meeting I think for the ninth of June before it was formally made so that the motion has already been out for quite some time. As well, you know, for people to work through their different Council members and representatives to address it.

But it's - indeed I should have probably shared it with you earlier. I got it out as quickly as I could to make the deadline for the previous Council meeting to make sure that there could be a discussion on this issue. I did share it with Michele when I sent it but I should have copied in the working group probably for input.

But as I said I didn't, you know, add anything new or change anything based on what was in the working group's report.

Mikey O'Connor: This is Mikey. Just to follow up on that I think that it would be a much more comfortable discussion that we would be having right now if we had had this discussion before the motion had been sent to Tim because then even though it's not in our remit we could discover this clause and have a little time to dig back into the documentation that preceded it even though it's not in our remit quite frankly we're the only people on the planet who really understand this issue.

And some of us have been on all of those and can, you know, clarify a little bit of the intent of what was going on. But in a situation where the motion is already on the table it's extremely difficult to do that. And so I think if nothing else if you could pass back to the support staff who support working groups that a convention should be that wherever possible motions are presented to working groups for review and comment before presented to councilors.

Because otherwise what we get into a situation that I've mentioned before which is I'm trainable; if I'm going to spend two years working on a project

and then in the 15 minutes of attention that this thing is going to get substantial changes get made by people who aren't really engaged that doesn't motivate me to do two more years of work. I'll just go lobby my councilors. Sorry for the rant but, you know, this is a significant process problem in my view.

Marika Konings: Well, Mikey, I absolutely see where you're coming from. I do want to point out that I did share this motion on the ninth of June with the working group. And, you know, the motion at that stage wasn't even formally made it was just a discussion item or a way of, you know, getting Council discussion going on the report and the recommendation.

So there has been opportunity for the working group to look at the motion and provide input prior to it formally being made. So partly from my perspective as well as not having seen any comments or issues raised, you know, I didn't see any concerns and tried to work with Tim in addressing some of the issues that he saw in trying to find a solution.

But I definitely see your point and, you know, going forward, you know, I think here it was as well a timing issue where the working group, you know, delivered its final report no further meetings scheduled and the timeline which requires certain documents to be submitted in time, you know, eight days in advance. But I definitely take your point.

Mikey O'Connor: Well I think the easy way - clearly working groups, especially this one, really only focus on things when they're on the call and in the agenda. I mean, we're all really busy and none of us review the list that carefully because we're all on dozens of lists.

So I think it's - since this is a major deliverable and essentially the way that our work gets transmitted formally into the ICANN world it's worth 15 minutes on a call reviewing it so that we pick up stuff like what Paul is seeing before it

gets turned into a hard motion that now we have to get a friendly amendment, blah, blah, blah. So enough of that, sorry, thanks a lot Marika.

Michele Neylon: Thanks Mikey. Simonetta.

Simonetta Batteiger: Oh agree with Mikey on that one thing. But my comment was that I almost see that item that Paul was picking up on as part of also the change of control piece. I mean, all these things kind of work together in how transfers with owner update or without it should be done. So it might even be something that should be considered together.

So if we're trying to put an amendment in for this little paragraph we might consider putting some language in that kind of also says that these two relate to each other.

Michele Neylon: Okay. Paul and James, will one of both of you be following up with Tim on this?

Paul Diaz: Yes, definitely Michele.

James Bladel: Sounds like both of us, Michele. Yeah.

Michele Neylon: Sorry? You're both talking at the same time. Let's try that again.

Paul Diaz: Yes.

Michele Neylon: Yes, okay fine.

James Bladel: Yes.

Marika Konings: And this is Marika. If I can make one more comment because I think maybe Tim recalls actually what this question originally intended to do because I think he might have been involved in the early stages of, you know, the

document that I put the link there which was approved or adopted in March of 2008.

So he might recall what the underlying issue was or be able to refer to other documents that might explain what was intended and indeed, you know, clarify to the Council why the current question might be, you know, misinterpreted or should be rephrased, you know, based on all your input.

Michele Neylon: Okay perfect, thank you Marika. Any other issues? Oh, Simonetta, go ahead.

Simonetta Batteiger: I'm just thinking back to if this is the FOA that goes to the previous registrant basically at the losing side of this transfer I think we said we - the most secure thing to do would actually be to send it to both of them, registrant and admin (C) contact so that everyone is aware. But there might be an issue with everyone having the same right to respond.

But I would think that it would be safer if more people hear about this name is about to be transferred rather than only one person.

Michele Neylon: Okay thanks Simonetta. Any other issues at this time? We're practically at the end of the hour. Just quickly - who is going to be in Singapore? Berry, you're not are you? But I think the rest of you are apart from Rob who's - oh a few more, sorry, I didn't realize. I know Rob - Rob is participating remotely; Paul Diaz isn't there.

Paul will you be following remotely or are you deserting us completely?

Paul Diaz: Twelve hour difference I'm deserting you guys.

Michele Neylon: Perfect, no problem. And Simonetta you're not joining us?

Simonetta Batteiger: Nope.

Michele Neylon: Okay. All right, does anybody have any other issues to raise now this minute or can we call it a day?

Mikey O'Connor: I was wondering if we could reopen the UDRP issue?

Michele Neylon: Who is this?

Mikey O'Connor: Mikey. Sorry it's a joke.

Michele Neylon: Well actually, Mikey, I have an answer for you.

James Bladel: Can it be transcribed and translated?

Mikey O'Connor: Yeah, I was wondering about that too.

Michele Neylon: No I have an answer for you. It is what the - there's one of the six comment periods that is currently open is in relation to the UDRP. So I think - so I think that - if you want to make your voice heard you could do so in that comment period.

Mikey O'Connor: No, no, I don't want to do that I just want to here - that's the only place I want to raise it.

Michele Neylon: Oh okay well I don't think this is a suitable place for you to raise it at this time but thanks for your offer. James.

James Bladel: Yeah, thanks Michele. So one bit of - two bits of serious business; one is that I guess, you know, Paul and I will follow up with the list since most people will be either in flight or, you know, preparing to participate remotely. So I think the list is probably the only way to get a hold of folks if anything comes of our discussion with our Council liaison.

And then the other thing was just to say thank you to you and staff, Marika in particular but all the staff that was involved in this effort and getting this final product ready for deliberation in Singapore.

Michele Neylon: Thanks James. I was going to say the same thing about Marika; Marika did a fantastic job putting this all together. And I think actually Rob has worded it very nicely, just to say I think Marika has done a great job in preparing the motion and pulling all the disparate items together.

I'd have extended that and saying Marika has done a fantastic job dealing with all the disparate everything - things and including people. Thanks, Marika, for your patience dealing with us over the last couple of years.

Right, guys, oh we're making her blush; excellent, I love making Marika blush it's such fun. If there's nothing else then I will see most of you in Singapore I think. And we can of course communicate via email - when do we start - hello? Why is there music playing? That's weird. Can you hear me? Have I been cut off?

Mikey O'Connor: Yeah, you're fine, that was Marika's phone ringing off after an hour. Her cell phone kicks off...

Marika Konings: No, no, no...

Michele Neylon: Oh right.

Mikey O'Connor: Oh it's not.

((Crosstalk))

Marika Konings: No I have actually normally an hour and a half so...

Mikey O'Connor: Oh that's right.

Michele Neylon: Okay. Also right then so look see you all in Singapore. For those of you who are around Friday evening for drinks or whatever let me know for those of you who are coming.

Mikey O'Connor: I'll be there.

Michele Neylon: For those of you aren't coming we'll miss you. What time are you getting in Mikey?

Mikey O'Connor: Oh 0030 in the morning on Friday so I'll be there.

Michele Neylon: Oh so you'll be there. I'm getting in around 6 o'clock in the evening. I know there's a load of people coming in from the States who don't get in until kind of 11 o'clock at night and possibly later.

Mikey O'Connor: Yeah.

Michele Neylon: So I suppose I'll catch up with you - catch up with them on Saturday because of the time difference I'm going to be completely confused.

Mikey O'Connor: Yeah.

Michele Neylon: Okay talk to you all at the weekend and by email in the interim. Thanks all.

Mikey O'Connor: See you, Michele, thanks all.

((Crosstalk))

Michele Neylon: Bye-bye.

James Bladel: Take care everyone.

Marika Konings: Bye.

END