

**IRTP C
TRANSCRIPTION
Tuesday 06 December 2011 at 1500 UTC**

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<http://audio.icann.org/gnso/gnso-irtp-c-20111206-en.mp3>

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Attendees:

Avri Doria - co-chair
James Bladel –co-chair
Mike O'Connor – CBUC
Kevin Erdman – IPC
Barbara Steele – RySG
Philip Corwin - CBUC
Michele Neylon – Registrar SG Chair
Simonetta Batteiger – Registrar SG
Chris Chaplow – CBUC
Zahid Jamil – CBUC
Jonathan Tenenbaum – RrSG
Matt Serlin - RrSG
Rob Golding - RrSG

ICANN Staff:

Marika Könings
Nathalie Peregrine

Apologies:

Bob Mountain – Registrar SG
Rob Villeneuve – Registrar SG
Paul Diaz – Ry SG

Nathalie Peregrine: Thank you Tonya. Good morning. Good afternoon. Good evening. This is the IRTPC call on the 6th of December, 2011.

On the call today we have Zahid Jamil, Mikey O'Connor, Barbara Steele, Kevin Erdman, Chris Chaplow, Michele Neylon, Avri Doria, James Bladel, Jonathan Tenenbaum, Matt Serlin, and Philip Corwin.

From Staff we have Marika Konings and myself Nathalie Peregrine.

We have apologies from Rob Villeneuve, Bob Mountain, and Paul Diaz.

And I would like to remind you all to please state your names before speaking for transcription purposes.

Thank you and over to you.

James Bladel: Thank you. Good morning everyone and welcome to the latest episode of IRTPC. I wanted to just briefly ask if anyone had any updated statements of interest to please make sure that you are getting those submitted in the new SOI system within ICANN. And perhaps - Marika I see that your hand is up, but do we know if there's anyone that's still - we're still waiting on a statement of interest?

Marika Konings: Yes. This is Marika. We still have a couple of members from whom we either haven't received a statement of interest or which still have an old statement of interest on file. I mean, I won't go name and shame, but Glen will send out another reminder after this call. So you know if you can please you know either update your statement of interest or you know, complete one on the new system, that would be greatly appreciated.

And if not, we'll name and shame you at the next call.

James Bladel: Okay. Fair enough. Next call we're call people out, right?

Marika Konings: Yes.

James Bladel: Okay, thanks. The second item was we were discussing the outreach efforts to other SOs and ACs. And I think where we left this issue, we had developed and finalized our constituency input statement, that that was specifically for other areas of the GNSO.

And I think a number of folks expressed a desire, and I think it makes perfect sense to widen that request for input to other SOs and ACs, specifically to ccNSO some of their experience and change of control issues for the ALAC, and how it might affect general Internet users, and I believe we also wanted to specifically ask the SSAC about any security or stability issues.

So you know as part of that effort, I think we didn't want to necessarily develop a special or exclusive constituency input form. We just wanted to reach out to chairs of those SO's and AC's and bring the public comment period to their attention with a specific request that they take a look at how those issues might be - or how they're supporting organization might weigh in on those topics.

So you know, we wanted to put an item on this agenda of this working group to say is there anyone that has any thoughts or ideas on how we should specifically reach out to those folks? Would you prefer that we just work that through staff? Does anyone want to take the lead on reaching out to particular SO or AC? And, where do we want to go from there?

Avri, go ahead.

Avri Doria: Okay. Yes, hi. This is Avri. I guess I have two - first of all I didn't - were you giving a complete list, or would we go to all of the - you know, to SSAC, to ALAC, to GAC? We're already reaching out I guess to ccNSO, but there we

even have specific questions and help we're going to want - so that one seems different.

I tend to agree with you. A brief cover note just sort of saying you know, we're having the open comment. It lasts until - here's information. Here's a copy also of the template we sent to our constituencies. You know, perhaps for further information, please - we would like to have your responses.

And that would strike me as enough. I don't know that we should limit - you know, obviously the - yes, we may not need to go to our SAC, but - or to the technical advisory, but I think that you know reaching out to ALAC, to GAC, and just making sure that we've been comprehensive in it. I don't mind you know, taking responsibility of bring part of a group to write that cover letter.

I think with the ccNSO, we may want to take a different approach since we're looking for more from them. Thanks.

James Bladel: Okay. So do you think that we can have a generic cover letter and then maybe something specific to what we're asking of the ccNSO so we have two?

Avri Doria: Probably.

James Bladel: All right.

Avri Doria: I mean, we...

James Bladel: And...

Avri Doria: ...customize each letter with a sentence. That's not a difficult thing to do you know.

James Bladel: Yes. Okay. Yes. And I didn't want to limit either the groups that we were reaching out to or the questions that we would ask them. I was just trying to throw out some examples earlier. So...

That would be great. And you wanted to volunteer to take the lead on that, or was I reading too much into...

Avri Doria: You know, I'm certainly willing I think - that volunteering to help with them is sort of a good co-Chair type of role. But certainly, if there's other people that want to take a hand and helping to craft that, you know they should volunteer also and then (unintelligible)...

((Crosstalk))

James Bladel: Okay. Anyone else want to join Avri in that effort?

Avri Doria: (So much) for volunteers. I could try to come up with a basic one. I'll send it to the list, and then people can volunteer their comments in edit.

James Bladel: That's a perfect idea. Thanks Avri. And I will help as well, all right - if you need anything in that regard.

Avri Doria: There's another thought I have, which is - even though I've already put down my hand, is that in terms of follow-up, I don't know if we have any members of the working group who -- I haven't been paying attention -- who are ALAC members. Who are GAC. Who are SSAC.

But if we do, we can also sort of ask them, especially to bring up the discussions inside their organizations - inside their grouping.

James Bladel: That's an excellent point, and I think Marika just put a list there to the membership - a link to the membership that does look like - well...

Avri Doria: The At Large also.

James Bladel: ...yourself.

Avri Doria: Yes. Whoopee. But people aren't listing - for example, some of you could be members of SSAC. I don't remember the list. You certainly would list that as your affiliation, but it's got a very wide range. I just don't know who's in it, but I know that if we do a (vin) diagram of the two groups, we might find somebody that was in both.

James Bladel: Yes. Yes.

Okay, thank you for that.

Michele, go ahead.

Michele Neylon: I mean just speaking to Avri's point with respect to SSAC - I don't know about the other stakeholder groups, but as far as I know, the registrar stakeholder representative would be what's his face from (Dining)? And it's not (Gray). The other one.

James Bladel: (Jeremy).

Michele Neylon: (Jeremy). Thank you. (Jeremy) as far as I know is SSAC. I mean Mikey's saying on the chat he hangs out a lot with them, though he's not SSAC. Both myself - I'm a member of APWG, which includes SSAC people obviously.

James Bladel: Yes.

Michele Neylon: I don't know. I mean, there's several Board members who are involved with these different things. I mean, it depends on what you're trying to achieve I suppose. But if the general message is you know, try and kind of get the message out there, I'm sure if people just kind of push it to their contacts and

everything else, you know are you guys going to make some kind of comment on that? I suppose that's the general idea at least, unless I'm misunderstanding what Avri's talking about.

James Bladel: Well I think - and I - correct me if I'm wrong Avri; I think what we're driving at here is not only do we want their specific input on these issues, but you know on an ongoing basis it would be fantastic if they could let us know that someone was either participating in the working group, or at least monitoring the list and weighing in on any issues that may stray over into that area of expertise. At least that was my understanding.

Because as we've heard recently in the last you know year to 18 months is that a lot of working groups are becoming more and more niche oriented and not necessarily having a broad cross-section of community participation. And I think we're just trying to put out an open invite. So maybe in the draft of the opening notes, that's the last sentence is you know, "In addition to the public comment, it'd be great if you could offer someone up."

Avri, go ahead.

Avri Doria: Yes. Hi. I guess there's two things. One is yes - when I was looking for people who were in this group who could just make sure that it made it to the table in their other groups, that's all I was really looking for.

I think the second idea that came out of what - at least what I heard coming out of Michele is - and what you just said, is the ongoing. And in fact by including the template and saying, "While this template was you know, created for the constituencies and stakeholder groups where there is a," you know, and I'm not quite sure how it would be phrased.

But where there's a requirement to get participation from all of the GNSO constituencies and stakeholder groups, there is also you know, a desire - a push - you know, a requirement -- I guess though it's perhaps not fully

requirement -- to do outreach to the (further) community. "But please feel free to you know, pick someone who will you know," - and that is the wording that's difficult, because for ALAC it could be a rep. For SSAC it could be a liaison. For GAC it could be a member participating in his or her own capacity you know.

So what they call those people who might participate is named differently in each of the SO's and the AC's. But something to use that and say, "Reach out and - you know, we'd love to have you monitoring. We'd love to have you participating." You know, "Come on down."

James Bladel: Okay, great. Thank you.

And I think that all those things could probably be sufficiently included in the note that we're asking for their assistance and participation.

Okay, any other discussion? The queue is clear, so I just wanted to see if there were any other folks who wanted to weigh in on this topic? Or if not, we will just take that as an action item that Avri will post the generic notes to the list and we'll maybe hold that open until the end of the week for comments, and then we'll go ahead and submit that to the Chairs of the SO's and AC's.

And if there's anyone that has the contacts, as Michele's saying, that we could follow-up and make sure who that - this working group and its comments that we're seeking - the public feedback - make sure that is hitting the tables of these various organizations.

Oops, we got one more thought from Michele. Go ahead.

Michele Neylon: This is just in relation to the stakeholder feedback isn't it?

James?

James Bladel: I'm sorry. What? This is in relation to the stakeholder feedback?

Michele Neylon: In relation only to the - sorry, the stakeholder group feedback.

James Bladel: Well, we're trying to do more than one thing Michele. We're trying to point them in the direction of that.

Michele Neylon: Okay. No problem.

James Bladel: And then also to kind of shake the trees for additional participation.

Michele Neylon: Right.

How do I word this diplomatically?

One of the biggest concerns I have on an ongoing basis involving pretty much all working groups and all policy development process within ICANN is that even though a lot of what we do impacts a lot of people, a lot of those people either A, don't care, or B, aren't aware of the impact. And I think that's partially because the use of language and everything on the ICANN Web site is full of lots of acronyms that nobody understands. And I just wonder is there anything we can do to improve on that?

I'm not saying that we can, but you know, that's just something I just wanted just to say for the record.

James Bladel: Yes. I agree, and I think the other thing that we see is a lot of folks at the very end of a working group or PDP will say, "Well, I wish I had known that this was going on and I would've weighed in on this earlier." And I think that's what we're trying to prevent as much as possible, is just - you know, shout it from the rooftop that there's this group going and we're working on these issues and we could really use some expertise.

And so I'm trying to preempt that as much as possible, although I do believe you're correct, that to some extent it's unavoidable with the model we have. But not to sound defeatist, we should always do our best.

So with that, I think we have a good approach for Number 2, and then we can move on to Agenda Item Number 3. And I would ask Marika to put Mikey's mind map onto the screen if we could fit it in there.

Appreciate you sending this to the list Mikey. I think this is a - you've captured a number of notes here. And specifically, I think if we look down to the little arm that's going out about the 4:00 level that's talking about deliverables, and if we could - I think everyone has their own scroll control. If we could scroll that down to looking at the charter questions that are on the November 29th approach discussion.

And this is - correct me if I'm wrong Mikey, this is where we left our heroes as of last week when we were discussing each of the charter questions and what approach we would take to resolving those.

I wanted to just kind of throw open the floor for a discussion about what - let's see. Just some kind of esoteric questions about how will we know when we have a complete approach - a complete or comprehensive approach, because I think that we will always want to continue to - and the temptation will always be there to dive into the meat and potatoes of these issues.

We have - according to our work plan, we have this call and I believe one or possibly even two other calls set up to establish what our approach will be to each of these topics.

And I want to be sure that we have a comprehensive approach for each one. But ensure also that if we feel like we've got an approach nailed down, that we're not just killing time while we wait for public feedback on these issues. That we're actually moving as much as possible.

So you know, I guess I'm looking to the team to help me understand - you know, as a group, how do we know when we're there? How do we know when we've arrived at a working approach?

An empty queue. No one wants to weigh in on this issue.

Oh, Simonetta, please.

Simonetta Batteiger: I was thinking maybe we could also with Mikey's mind map, look at the second document at the same time and basically take a look at the charter question, and then go back to Mikey's mind map and ask ourselves if we have the response to the things that are mentioned here, do we feel like we've captured what the charter question is about? And if we feel something's missing, then we already know there's another thing that's missing from the mind map still.

So that would be one way of - right now to take a look at this and see if we can come up with additional items. Because I don't think we really finalized the conversation on Item A last time. I think there's a lot more in there that we haven't captured yet.

James Bladel: I agree. I think that we just barely scratched the surface on Item A, and we spent the bulk of the time discussing C and B. And I see Marika has pasted the charter questions over in the side box, for those that are - who are in the Adobe room. So that's helpful. So...

Any other thoughts on our approach to the approach, or should we just kind of dive into issue A where we left off previously?

Okay. Well thanks for that, and I think once we get this finalized we can start to put the mind map into more of a narrative or an outline format. I think that might be helpful so that we don't lose anything that's captured here. But I

think that it's probably, as Mikey had pointed out in the sharing of his screen, it's probably a little unwieldy to pass around mind maps. I think that's the only - at some point, this is going to have to get translated into text.

Okay. So with that, we'll take a look at Item A, and this is I think understood to be the most involved and complex of our three working group issues. You know in the charter, it describes that the change of control is something that we identified in IRTPB as lacking in ICANN policy. And we have - certainly, we have ways of transacting a domain name - I'm sorry - through - transferring a domain name from one registrar to another, but that's not necessarily defined with a simultaneous change of registrants.

And similarly, you could have a change of control of a registrant or a person could transact a domain name to a new entity, but that domain name didn't necessarily have to be then moved to a new registrar. It could say at the new - existing registrar.

And I think that this is an area that is critical to the folks in the aftermarket, but it is also an area where the implementation - because of its lack of uniform policy, the implementation by the registrars is all over the map.

And I imagine this - you know, this inconsistency causes a number of frustration. Let's say confusion in a lot of circles about what exactly needs to be done to do this safely and securely? And you know, how do I know when I can trust that the person on the other side is transacting honestly?

Simonetta, go ahead.

Simonetta Batteiger: I'm wondering if it would also help if we kind of like tried to draw up an ideal process just as kind of - because all we're thinking of when we're looking - when we're starting from the IRTP is basically a way to do a transfer that doesn't really address what a change of control would need. Because a

transfer in IRTP, as we all know, has always been from the same person - from the same registrant to the same registrant just changing the registrar.

So my understanding is it was kind of invented to allow for competition between registrars. And that policy and that thinking from the IRTP is not at all what you need if you want to sell a domain name from A to B. Change the owner over and at the same time change the registrar or not change the registrar. Maybe it just stays within the same registrar. It just changes ownership.

So maybe it would help if we could think about ideally, how would this look like if we could just start from scratch? And what are the things - where do we need to pay attention that there's like the right checks and balances in the right security pieces put in place? And maybe we could do that as well and see if we can come up with something that would work?

And then, put this back to the registrars and ask them for their feedback and see if they feel that this is something they could implement and make use of, or if they have concerns with a process like that. That might be a good place to start for this, because trying to make a policy adapt and work that was never intended to do what we're trying to get done here, I don't know if that's the right approach.

James Bladel: Thanks Simonetta. I agree, and that's an excellent place to start. There might even be a question that needs to be answered before we address that one, which is do - does this group - and we could put that into our approach. Does this group feel it's appropriate for ICANN to develop a change of control policy?

You know, I think - you know, I've laid out, and I think that you're probably experienced as well with some of the pains that the absence of such a policy, or at least the absence of a coordinated procedure amongst registrars

creates. But you know, I think it's a fair question to put on the table. Is it appropriate?

And then to your second point, I agree. And a lot of registrars, including the one that employs me, have internal change of registrant process we call our COA, change of account. And that's kind of - you know, it's not leaving our umbrella of management. It's just changing from one sponsoring registrant to another. We have a pretty extensive process to achieve that as well as a process to undo that if we feel it was done inappropriately or in error.

So maybe that's something that I can get mapped out and put on to the list, and we can use that as a starting point. Any other registrars who have equivalent procedures internally might want to share theirs as well.

I saw a hand up. I thought - was it Michele or Mikey?

Okay. (Unintelligible)...

Man: (Unintelligible).

Michele Neylon: It was me.

Man: It was you.

Michele Neylon: I was going to say something in reaction to what Simonetta was saying. So it was basically I kind of disagree with the characterization of the IRTP as being a policy solely for one particular thing. I think the fact that it - that a policy doesn't include explicitly certain things doesn't mean that it isn't used for that. And I think in reality, it is used for it.

James Bladel: Okay. Simonetta, go ahead.

Simonetta Batteiger: I just want to respond to that. I don't disagree with you Michele. And just my thinking was just that at the time the policy was developed, I don't think it was meant to serve this purpose. So I think some of the things in the policy are written the way they are, or basically leaving the piece that we're now working on open because no one thought that it would be used this way.

So for example - I'm just trying to give you a practical example of where things are a little funny right now. So with - let's say you have an aftermarket transaction and a name moves from A to B, and the SOA's along the sale go to the previous registrar. And while they were thinking that they have to approve now that this domain name moves over to somebody else, although they aren't even really the person receiving the name anymore.

And then if you read through the wording of that SOA, it makes very little sense to that situation. So, it's not that the policy is bad in any way, shape, or form; it just doesn't really work from a user's point of view. So that is I think where it breaks down currently is that a lot of the use of these things just is just clearly intended for a different purpose. And it makes it very confusing for the participants in a sale that move the name from A to B.

And that's really where I was coming from when I was saying the current policy isn't intended to this purpose.

James Bladel: Thank you Simonetta. Michele, a response?

Michele Neylon: You go ahead James.

James Bladel: Oh, well I was just going to weigh in say that you're both right. You know, there is this absence here, and that we have this policy that was intended for Use A, but you're correct Michele, that doesn't prevent people from using it for other purposes.

However when that happens, I think the result is is that everyone sort of puts their own interpretation or variation on that policy or procedure, and you get this kind of patchwork approach, where because there isn't a uniform policy or uniform interpretation of how the policy should be used for this other purpose, it tends to become kind of ad hoc. And I think that that's the part that confuses the - confuses individuals.

And I think that the fact that ICANN's compliance and - on their registrant communications are - I don't remember the exact statistic. I think it was more than half of the incidence that are open with ICANN are relative to transfer issues. I think that speaks volumes. It's just how unwieldy and confusing this process can be.

Michele Neylon: Can I go?

James Bladel: Yes, absolutely.

Michele Neylon: I mean, taking up on your point - I mean, the entire thing with domain transfer is obviously causing issues, and I would love to see more data which we can act on from compliance, though I do have the sinking suspicion that a lot of the complaints that they're collecting don't contain enough actionable data. I mean, it's something like, "My registrar's a scumbag," isn't particularly helpful because (unintelligible) which registrar it is or which domain it is, or why the registrar is a scumbag.

You know, "My registrar won't let me transfer my domain," without saying what the domain is. I mean, that kind of complaint isn't of much use to anybody, and I don't think any of us can deal with it.

You know, you see things where people make all sorts of things - make all sorts of crazy claims. You know, "Company X is holding my domain to ransom." And when you actually look into it further, you discover that that isn't

what actually happened, and you know, just that there's also some other things that have gone on.

And but I mean the thing with the volume of complaints - I mean maybe what - if we can't get these on the number of complaints which we can actually act on in relation to .com and .net, maybe there's some data from some of the other registries who do have a change of control process in relation to disputes and hijacks and things of that.

I mean, do they have - we can easily contact some of the registries like (unintelligible) and (unintelligible), a few of the others and ask them you know, do they have any data on this that they could share with us? I mean, but that's a matter of going directly to the - too complex within those registries or doing it via the ccNSO, I don't know.

But you know, if there's - it's not like .com and .net are the only domain extensions out there, though some people seem to think that they are.
Thanks.

James Bladel: Right. Agree. And Simonetta has a good point here about including outreach, especially with specific country codes you mentioned in our other outreach effort, or tagging them in the note that - to the ccNSO that we know for example, that there's an equivalent policy in some of these ccTLD's examples. You know .eu, .uk. You know, what data or experiences can you share to help guide us in this area about possibly developing an equivalent gTLD policy.

Simonetta, I'm keeping a list here folks, a running list of everything that we're throwing out there.

So if we start to double back or hit anything I'll let you know, but go ahead Simonetta.

Simonetta Batteiger: Thinking about approach I was wondering - we have a number of people on this call who aren't very vocal. And I know when I first joined my first ICANN Work Group, which was basically the previous one to this one, at the very beginning I was basically all silent because I had no idea what folks are even talking about.

So I think in terms of approach especially in Item Number A I would love to hear from those folks on this call right now who haven't said anything. Just what are the questions in your mind because chances are if you have a question about this Item Number A right now and our approach, the first thing we have to do is make sure that all your questions are answered.

So could you maybe speak up and just say what's confusing you about this question, because I'm sure that's going to help us come to a better approach with this?

James Bladel: That's a good point. Agree. So let's pick on somebody. Matt, can I interrupt your email checking and ask for your thoughts on this subject?

Matt Serlin: Sure. Thanks for picking on me James. Nice.

James Bladel: I knew you'd be friendly to us.

Matt Serlin: Yes. Yes, I mean, I guess my opinion is I certainly think it's within the scope of ICANN's purview and this Working Group. I don't really have any questions about the issue per se, but I do think that there's lots of different models out there that we can look at James to your point, both internal to sort of Registrar operations but then obviously out in the vast expanse of the name space since we don't just live in a dot com and dot net world, and a shout out to Michele for that one.

So I definitely think that it's, you know, I think it's probably the most important issue in the charter so that's my 2 cents - 1-1/2 cents maybe.

James Bladel: Thanks Matt. Appreciate that. Kevin?

Kevin Erdman: Yes this is Kevin Erdman. I just wanted to comment that on the change of control function one of the things that I think is most critical, particularly for the gTLD space is to come up with some sort of protocol or, you know, security or, you know, whatever we want to call it that allows for identification of Registrants and allows for the, you know, proper designation of who are the proper parties to a transaction.

And, you know, in some of our previous discussions we've talked about well, you got to be in conformance with local laws and things like that. And my concern is in the gTLD space there is no local law.

I mean, you know, the ICANN level is really setting what the appropriate, you know, token or type of identification that's appropriate and it's very difficult because it does sort of impinge on the sacred cow of the ICANN universe, which is the - what's in the WHOIS.

So that's my concern is that we have, you know, if we approach the change of control function there has to be some provision of how you identify the parties to the transaction so that you know that there's a - who's getting and who's taking and where is it going.

And that's what I've always thought was the big problem with dealing with the change of control issue, because if you rely on local law well then you have, you know, 235 different ways of determining what that is.

And I think it would be more helpful for the users of the system to have a good ICANN defined way of making that determination. That's my 2 cents.

James Bladel: No that's - thank you Kevin. I think that there's a couple of - and if I can probably inaccurately paraphrase I think there's a couple of very important points in what you're proposing.

The first one is, you know, identifying the parties. I think some of that I've posted in the chat. There is just this general concern that we don't always know who we're interacting with online, whether they are who they say they are and possible that that is such a pervasive problem that it's outside of the reach of this particular Working Group.

But there is an area where we could perhaps address, which is that if you recall the transfer function - the existing IRTP identifies the admin contact and the registered name holder as the two individuals or entities who are authorized to approve a transfer.

But that certainly does not seem appropriate for a change of control function. A change of control function seems like it should be an exclusive authority of the - of one or the other.

I don't know what the answer is but it - if it is the same then we would need to justify why we would want that to be the case. So I think that, you know, that's something that we should probably take a look at is who in ICANN world, you know, of the contacts identified in WHOIS are authorized to do this.

I'm putting that out there Kevin as a - sort of a subset of the concerns you raised, because I think that some of the issues you raised are - while very important are also possibly beyond our ability to solve.

Kevin Erdman: No I think that's a good summary. Thanks.

James Bladel: Okay thanks Kevin. Any other folks want to weigh in on this one? I see a lot of folks chatting and I see other Registrars holding their tongues. I see they have some individuals I know that work in - for example in intellectual

property spaces and wondering if this issue ever affects their ability to or their client's ability to transact in domain names beyond just the preemptive protection of rights holders.

So just really wanted to cast as wide a net as possible on this one. Chris, go ahead.

Chris Chaplow: Thank you. Yes, just to comment and perhaps underline what Simonetta said about the complexity of everything and the policy hasn't been written for aftermarket situations.

At the small business end which is where we essentially deal with looking after some domain names mainly from hosting and Web design, so we have clients who are the Registrants, and unfortunately some of those clients then move on to different hosting providers and want their domains to be transferred, which we always allow them to do without problems.

But in most cases we find that they don't have any idea how they're supposed to do it and, you know, we end up having to help them. And it's a funny thing, you know, to help somebody actually move out of your business space.

So it is so complicated and in the aftermarket it's even more complicated, and I haven't bought or sold very many domains but the ones I have done through Sedo or through others you - there's so many combinations of scenarios of what's going to happen with that domain, the control of that domain going and, you now, being held in escrow for a period.

And depending on which Registrar it is, from or to, it's so complicated. There must be 1000 different scenarios. Each one is slightly different and even myself who's reasonably familiar with all the processes can't be sure what is going to happen.

And, you know, you basically sort of have to trust Sedo that it's all going to work out all right in the end, so I don't know. I think that was my comment really, which brings us back round to the complexity and to education.

And if we can come up with some simple explanations or rules as part of this Working Group then I think it will help small businesses and Registrants.

James Bladel: Thank you Chris. Good thoughts. We'll go to Avri next.

Avri Doria: Thanks. In terms of, you know, speaking up and definitely not wearing a Co-Chair hat while speaking up, what I tend to be looking for and one of the reasons I'm being very quiet, is what I'm trying to understand is how all of these functional attributes of the non-policy then therefore the practice and such are actually the things that are affecting Registrants and other users out there.

And that's the connection that I don't quite have. While people are talking and various aspects are coming out, I can get a, "Aha, maybe that's why, you know," and then go to, you know, anecdotal story you've heard about kinds of problems either others have had or I myself have encountered of other kinds of visions.

So I think that that's one of the reasons for my silence. Getting back to law and ICANN, I mean, for all the things that we see in WHOIS and lovely discussions about horses and cows aside, is that WHOIS was long ago - this was in the first year that I had anything to do with the GNSO - was acknowledged and made explicit that it had to conform to local and national law.

So, you know, as long as the Registrars and Registries are in the U.S. there may be an overlap, you know, more closely with ICANN and law. But as we start - and especially as we start to have one would hope more Registries in more places and more Registrars in more places that have very different

national laws, I think knowing how or having some understanding of how the policy intersects with national law and how one copes with international law exceptions in these process may be an interesting aspect to look at.

But that's one of the reasons I'm pretty much keeping my mouth shut.
Thanks.

James Bladel: Okay thanks Avri. There's some good points there and I had a couple of questions/responses, so I'll save those. I'll put myself at the end of the queue and save those. Simonetta, go ahead. Simonetta, you may be on mute.

Marika Konings: This is Marika. I think Simonetta got disconnected so maybe get back...

James Bladel: Oh okay. Okay, Michele if you want to jump me in the queue go - please go ahead.

Michele Neylon: Yes, actually just in relation to Avri, Avri you were trying to understand how this was relevant to users, is that the question?

Avri Doria: Not quite how it's relevant. I can see in an overall space how it's relevant. What I don't have a firm grasp on although always hearing others thinking why they think it's relevant is good to hear, because I'm sure there's something I'm missing.

But how a particular aspect, a particular attribute of how the policy is normally done, of how the practice and function is normally done, how that can be expressed in a - or related to, not correlated although it might be a correlation, related to a particular user effect, a particular Registrant effect so - and that's the...

Michele Neylon: So basically how it impacts their experience?

Avri Doria: Right, and not the overall policy but the various attributes of it that sometimes...

Michele Neylon: No, no, no, no, no, but I'm just trying to kind of get this in kind of broad, simple terms. So translating this into my own - in terms I can understand, you're trying to say how the transfer policy in its implementation, in operation how it's, you know, used by Registrars and their dealing with Registrants, how that manifests and affects them and what it - tangibly. Is that kind of what you're asking for?

Avri Doria: Yes, that's exactly - how specific features have specific affects, yes.

Michele Neylon: Okay. Well, I mean, I can tell you a few things that just specifically cause confusion. A lot of Registrants don't understand - I mean, just based on the kind of complaints we get, a lot of Registrants don't understand that domain transfers aren't always instant but there can be delays.

A lot of Registrants don't understand that just because they know who they are doesn't mean that we know who they are, these kinds of things. I mean, there's a lot of that kind of stuff.

I'm sure James can think of a few other kind of things to throw in. I mean, there's a lot of - I think it's just down to the actual mechanics of transferring a domain name that Registrants don't really understand, and it's also part of the reason why Registrants can fall victim to scams like the fake renewal notices from the likes of Domain Registry of America. There I said it. It's gone to the transcript. Thanks.

Avri Doria: I haven't gotten a letter from them yet this month.

Michele Neylon: Well see - but Avri, we actually have a Drafting Team dealing with the fake renewal notices, so if you have any input into that we'll - we would love to hear it.

James Bladel: Thanks Michele and Avri. Good items and I see Mikey is furiously typing into the mine map to capture a lot of those sentiments. Simonetta has rejoined us on the line so we can go ahead and circle back and pick up her turn. Simonetta?

Simonetta Batteiger: Yes. Just to add to what Mikey was just adding in terms of the specific features that have specific affect, I think one thing that we just spoke about is that lack of education in terms of Registrants even knowing how a transfer usually happens and how ownership from - can change and what a renewal is and all of this.

But - and I had an idea about how to make this a little more clear for the members of this Working Group. I don't know exactly how we're going to make this work, but I think it would be really beneficial for everyone if we could transfer a few names amongst ourself so you actually experience what it's like, because when you do this and you kind of receive those FOAs and you see what happens when you actually do a domain name transfer, I think you have a much better understanding for what we're trying to achieve to do here.

So if we could find a way maybe next week and maybe even like - I don't know how this works so with Adobe Connect, but I'm sure you would put a browser window up in front of the group and actually take us through a domain name transfer like really step by step.

But even better would be if every one of us just tried to do this on our own, because then when you really need to do this by yourself without any help, no one's guiding you through it, you really get an appreciation for what it takes to transfer a domain name from A to B.

And I know some of us have done this multiple times. We - it might be owned domain names but other people in the Working Group who might not really

deal with domain name transfers on a regular basis, this would be a very good learning experience actually including myself, because I don't own names so I would love to do this and just like pick two random Registrars and move a few names around just to see what it's like today.

And in terms of a requirement for what we are - what we should be striving to achieve with Item Number A is whatever comes out of this should really be something that is easy to use for the user and that's not confusing, that is explained well, that makes sense for a user because the current - one of - I think one of the weaknesses of the current policy is that to someone who isn't a professional who doesn't do this for a living who is not involved with a Registrar or someone else who's part of this industry, a lot of this stuff makes absolutely no sense to them and it's really confusing to the user.

And I think we should strive to make something that is like simple and easy to use and clear and isn't as bad of a user experience as the current process can be, especially for first time users.

James Bladel: Okay thank you Simonetta. We have a few minutes left so I'll let Barbara go quickly and then I'll just kind of offer up a - some closing thoughts and then we'll wrap up the session for today. Barbara go ahead.

Barbara Steele: Hi, it's Barbara. Thank you James. It's Barbara. I guess my question is, is are we confusing change of control still with change of Registrar, because it seems to me we're concentrating a lot on, you know, changing from one Registrar to another but it was my impression that the, you know, we really wanted to try to get some structure around the actual change of Registrant and that could occur, you know, simply at the same Registrar?

James Bladel: I think you're correct. I think we have commingled them somewhat in those discussions that - which is somewhat of a microcosm or reflection of what's going on out there in the wild.

So my suggestion would be - and I wanted to just kind of weigh in on this from the perspective of a Registrar and that - say I, you know, I appreciate Simonetta's idea and I'm always welcoming opportunities to allow the real world to kind of crash into the ivory towers of ICANN and kind of say, "Well this is how it really happens."

I'm not sure that, you know, I guess it's a question of do we want to have everyone on their own go off and do this sort of homework exercise, especially when it might cost them significant amounts of money?

But, you know, perhaps it might make - it might be a little more of a shared experience if we were to ask ICANN Staff to do something similar, pick a couple of random examples and try to transact this function, and then journal their experience as well as putting up the screenshots and then bring that back to the group.

Is that a similar - maybe an equivalent alternative? I wanted to maybe put that out as an alternative suggestion. I think that, you know, going back to I think what Avri was mentioning about how does this affect, you know, the typical Internet user, the typical registered name holder, I think it, you know, in my opinion this aftermarket is this amazing thing that sprung up in the ICANN ecosystem.

Possibly it was unintended or unanticipated but it has arisen and it is flourishing, and there are some really amazing business models and products and services that are geared around this.

However I think that it's probably now matured to the point where ICANN cannot simply just draw a box around the aftermarket and say, "This doesn't exist or we can make policy around this."

It has to be brought into the consideration of ICANN policymaking decisions and we saw this in IRTPB. And if there are opportunities for ICANN to clean

up some of the inconsistencies or confusions that are going on in the aftermarket, I think that it should consider those opportunities.

As Simonetta pointed out if someone has intricate knowledge of the process and they're doing business or transacting with someone who is new to this area, then that person has a - an innate advantage in that transaction because they can manipulate the system.

I think Michele - taking it all the way to the extreme where he said, you know, "They can scam that person," but even if they're not scamming them they can leverage their advanced knowledge of a confusing process and use that to their advantage over someone who may be unfamiliar with the process.

And even just taking it a little further, you know, it's clearly causing a lot of cost and harm to ICANN and the organization. If a certain, you know, if transfer issues are the number one reason why a Registrant calls ICANN or contacts them and asks for their help, I think one piece of data that would be interesting to collect would be how many of those transfer issues are aftermarket related?

How many of them are, you know, "I hate this Registrar. I want to get out of there but they won't give me an info code pure transfer," versus, "I tried to sell a domain name to this guy or I tried to buy a domain from this gal and they didn't, you know, do something right."

And I think, you know, it will be interesting to see from ICANN compliance if there was a sample or a snapshot of names or of incidents or cases that were open with them and say, "How many of those are clearly, you know, springing from transactions in the aftermarket?"

So, you know, we're right almost at the top of the hour. I've got a couple of folks in the queue so I would go to Simonetta and Matt, but I would ask that

we kind of start bringing this thing in for a landing today. So go ahead
Simonetta.

Simonetta Batteiger: I'm - I think we should really strive to kind of do this transfer exercise because just looking at the comments, I've read a bunch of comments from people that thought it would be really helpful for them if they could see it.

And I think we can set it up such that for example a domain name goes from like Michele's Registrar to go that year or some - two Registrars that we have like participation in this group, you can prep this for the call and actually use a name that's just like you've just registered something for like some random dot com that you use that doesn't cost any money.

But I think it would be really helpful for everyone to really see this, and maybe even go out and try doing a transfer from A to B. I'm sure that we can find a bunch of like crappy old names that no one needs that are like basically useless, or you can just go in and register a new one and if - for this purpose.

I mean, you guys have the - well I guess you can't transfer a new name because it takes 60 days to get it done. But I'm sure someone on this call has like old crappy names.

I can even probably find some from one of our portfolios that we could try this exercise with, because I think unless you have actually seen a domain name transfer it is really hard for you to participate on this Item Number A and really make sense of what it currently looks like and what we are - how - what confused you along this process will give us a good piece of input on what - be confusing to another user who has never done this before.

And I think that is really helpful for the veterans on this call as a reminder of what is the first time you were struggling with, and it brings the people who have never done a transfer up to speed to actually see what we're even talking about.

And then I think we're going to have a much better and a much more educated discussion for the rest of this Work Group's time if we actually come to the same page with what it takes to transfer a name today and change ownership at the same time.

James Bladel: Okay, so maybe we should have those as two separate exercises, one being a transfer and one being a change of ownership or change of control.

Simonetta Batteiger: Yes.

James Bladel: Can we maybe take that part to the list because I think that's a little more complicated? And I see a lot of really good ideas floating up in the chat right now about how we could actually pull that off and what we can use to do this?

And I think that if this is something that we want to do, A, I don't think it's something we can just knock out in a couple of minutes here. I think that that needs a little bit more discussion, so I think it's a good idea.

It certainly seems to be something that's resonating with the group. Matt, you'll be our last speaker today.

Matt Serlin: Oh I love the last word. Excellent. Just two quick points and I'll be brief. And you kind of just touched on one of them. I was going to kind of point out that we're - we were headed down the path of Registrar transfers when looking at change of control, but I think breaking that up into two distinct exercises is right because a lot of times a change of control doesn't necessarily mean a change of Registrar.

The only thing that I would caution, you know, is in a world of 1000 or so ICANN accredited Registrars, whatever example we might look at here doesn't necessarily mean that it's representative of the broader environment that we're trying to look at, A; and then B, my only other point would be that

not to take anything away from the aftermarket piece of the industry and the environment, but lots of domain name change of controls happen outside of the aftermarket for a variety of different reasons.

For our clients it's corporate reasons a lot, mergers and acquisitions, things like that so again I would just, you know, stress that I don't want to try to focus too heavily on one particular piece of the industry and the domain name ecosystem.

I'd much rather we look at a kind of broader example, and that's why I think the representation of the Work Group represents those different interests so that's it.

James Bladel: And Matt that's a - that's an excellent point, the last bit there, and I see Mikey capturing it. And maybe can you expand on that on the list perhaps just real - with a real quick note, because I guess I'm curious myself.

You know, if we're saying - I have always said aftermarket to mean anybody who's transacting on a domain name for whatever reason. But I think that that brings to mind this connotation of an auction system or, you know, a forum or something like that where folks are doing this on a retail basis.

Matt Serlin: Yes.

James Bladel: But if you have a merger or an acquisition there's still - there's a change of control required somewhere there, right, or am I...?

Matt Serlin: Yes. No, that's absolutely right and it might not even necessarily be a mergers and acquisitions. It could be for a variety of legal issues, tax issues, you know, all sorts of different issues at least from the corporate entity side where our clients are changing the Registrant of domain names, you know, regularly.

James Bladel: Okay. No, that's a good point and maybe it's something we need to make sure that we're factoring into. Can you be our barometer or sanity check on that if you feel like we're steering away from those things?

Matt Serlin: Yes absolutely.

James Bladel: Because I think that's something that at least never really popped up on my radar. Of course what - that is one way to effect a change of control of a domain name, right, is instead of changing the Registrant just go out and acquire the entity that is the Registrant.

Matt Serlin: Yes that's correct.

James Bladel: Okay thanks. Hey, those are really good ideas. I think we had a really great number of thoughts here. I wanted to especially thank Mr. O'Connor for capturing those furiously, building out his mind map, so thank you Mikey.

And if that becomes too burdensome for you or if we're going too fast or feel like we're taking away from your ability to participate in the conversation, then please, you know, raise your hand and yell at us and we'll work out some other arrangement.

After that I would say thanks for giving us an extra five minutes, and we will reconvene this group next Tuesday. And if we have further thoughts on this let's please take them to the list.

Michele Neylon: Great. Thanks James.

Simonetta Batteiger: Thank you.

Chris Chaplow: Thank you.

Avri Doria: Thanks.

Kevin Erdman: Thanks everyone.

James Bladel: Thanks. Thanks. Bye.

Simonetta Batteiger: Thank you.

END