

**IRTP C TRANSCRIPTION**  
**Tuesday 24 January 2012 at 1500 UTC**

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on page: <http://gnso.icann.org/calendar/#jan>

Attendees

James Bladel -co-chair  
Avri Doria - co-chair  
Mike O'Connor - CBUC  
Barbara Knight - RySG  
Bob Mountain - Registrar SG  
Zahid Jamil - CBUC  
Kevin Erdman - IPC  
Michele Neylon - RrSG  
Rob Villeneuve - RrSG  
Chris Chaplow - CBUC  
Philip Corwin - CBUC  
Matt Serlin - RrSG

ICANN Staff:  
Marika Konings  
Nathalie Peregrine

Apologies  
Paul Diaz- RySG  
Erick Iriarte - NCUC  
Simonetta Batteiger - Registrar SG  
Jonathan Tenenbaum – RrSG

Coordinator: Thank you. The recordings are started and all lines are open. Please go ahead.

Nathalie Peregrine: Thank you, (Sam). Good morning, good afternoon, good evening. This is the IRTP-C call on the 24th of January, 2012. On the call today we have Michele Neylon, Zahid Jamil, James Bladel, Barbara Knight, Kevin Erdman, Avri Doria, Bob Mountain, Matt Serlin, Mikey O'Connor and Philip Corwin. From staff we have Marika Konings and myself, Nathalie Peregrine.

We have apologies from Erick Iriarte, Jonathan Tennenbaum and Paul Diaz and Simonetta Batteiger will possibly join the call late. Chris Chaplow has just joined us online too.

I would like to remind you all to please state your names before speaking for transcription purposes. Thank you very much and over to you.

James Bladel: Thank you and good morning, good afternoon everyone and welcome to the IRTP-C call for the 24th of January, 2012. Before we get started on our agenda I wanted to thank my partner in crime, Avri, for covering last week when I was unfortunately unable to take an active role in the call so thank you very much, Avri, for that. I know that everyone's schedule is very tight and I certainly appreciate that.

If you take a look at our agenda there's just a couple of housekeeping items. First up is the renewed or revised statement of interest; if anyone has any changes to their statement of interest that they would like to announce to the group please do so now. No takers.

And then the next item is a review of our agenda items. So are there any questions or additions or comments regarding our proposed agenda for today? Also no takers...

Michele Neylon: It's lovely.

James Bladel: Okay thanks. So let's dive into Item Number 3. And I know this was covered fairly extensively on the last two calls so let's try to just put a bow on this and wrap it up. I think there was a consensus forming around the idea of a combined face to face meeting plus some sort of a allocation at the end for Q&A. So we were talking perhaps about a 90 minute meeting with 30 minutes for Q&A.

Or, you know, I admit that my monitoring of the last call was a little intermittent so if I got the wrong impression on that then please let me know. But were there any objections to requesting that particular format and then there would be a separate meeting, if I'm understanding Marika's notes correctly, there would be a separate meeting for those interested with the ccNSO - for those interested in the ccNSO to discuss specifically the change of control issue in Charter Question A.

So let's just open the floor on this topic for just a little bit here. Marika, if you can bring us up to speed?

Marika Konings: Yes, this is Marika. I think the note on the ccNSO only shares with the chairs at this stage so I liaised with my policy colleagues that are supporting the ccNSO and they confirmed that the ccNSO would be interested and has made time on their schedule to meet with the IRTP Part C working group. And it would be possible on the Wednesday - I think that's the 14th of March from 10:15 to 10:45.

So I think there will be some further discussions on how to, you know, run that meeting. We've been discussing, you know, between us and maybe it might make sense to have topic leaders from both sides where, you know, they would basically present the issues or possibly send maybe some questions prior to the meeting so, you know, we can make maximum use of those 30 minutes.

Something else that was suggested I think on the previous call that such a meeting with the ccNSO could also be used to encourage some of their members to maybe come to the face to face meeting that the working group is planning as well.

So if that would still be the goal then of course that limits the options we might have for scheduling our meeting because I've understood that the ccNSO actually has meeting the whole of Wednesday so in that case it might make sense to schedule our meeting on the Thursday morning. But again that would only be if, you know, one of the objectives would be to actually get ccNSO members to the meeting.

So I need to start filling in requests I think shortly because there's a deadline of the 3rd of February so at this stage it would be really good to get some guidance indeed on the one hand on I think the 90 minutes and, you know, whether there's a strong preference for one or the other day as noted before - be, you know, Wednesday morning and Thursday morning being the normal days for working group meetings.

James Bladel: Okay. Thank you, Marika. Mikey, you're up next and I'll put myself behind you in the queue.

Mikey O'Connor: Thanks, James. It's Mikey. I would have a preference for Wednesday morning. Thursday morning is security day and the DSSA has a lot of stuff going on then. So if we did it Thursday morning I'd probably have to duck out. So I'm putting in a vote for Wednesday.

James Bladel: Okay thank you, Mikey. And I was just going to say that either day works for me so long as we stay away from the GNSO Council meeting which is usually typically Wednesday afternoon if I'm not mistaken?

Marika Konings: Yes that's correct and that's still the case so it definitely wouldn't be schedule opposite that. Of course the only thing we need to take into account and if we

would go for Wednesday that we need to work around the 10:15 to 10:45 slot that we have with the ccNSO. So it would mean either, you know, early morning meetings or just, you know, maybe starting after that at 11:00 or 11:15 to have some margin.

James Bladel: Do we have a 90-minute time slot between the 10:45 and the beginning of the GNSO Council?

Marika Konings: I think the GNSO Council doesn't start until 2 o'clock or at least that's...

James Bladel: Oh okay.

Marika Konings: ...I think the last thing I've seen about that. But of course it would, you know, make it tight and leave maybe little time for lunch for some people. But that could work.

James Bladel: Okay. So let's put this to the group that's on this call. And I think the folks who aren't on the call will kind of just have to live with our decision a little bit. But is there a strong - if you could use the checkmarks - if there's a strong preference who would prefer to meet on Wednesday? Does that typically mesh well with your schedules? I'll agree here.

Three, four, five so not bad. Okay now if you could clear your - well it looks like there's six. If you could clear your agreement there and now please indicate if you would prefer to meet or if you're able to meet on Thursday? And we already understand that Mikey is going to give us a red checkmark here. Okay Chris and then I guess presume Mikey as well.

So why don't we, Marika, if possible if you can see what the time frame availability is Wednesday following the meeting with the ccNSO, 10:15 to 10:45. And then perhaps immediately following or with a break for lunch if we can have our face to face working group on Wednesday.

Avri Doria: This is Avri.

James Bladel: Oh, go ahead, Avri.

Avri Doria: Are we excluding the before slot on Wednesday because that would seem to me a useful slot too and also given the need of especially the people that have to work the GNSO meeting to have their lunches and a bit of relaxation before running into it. So if we went on the earlier slot and then went from our meeting into the ccNSO is that a bad thing?

James Bladel: Avri, that would be my preference but I - and maybe I misunderstood Marika to say that we would be inviting the ccNSO to attend our subsequent face to face which...

Avri Doria: Oh...

James Bladel: ...to me kind of presumes that one would come before the other. But I would prefer to meet before.

Avri Doria: Yes, we could get that invitation in by some other means. But, yes...

James Bladel: Yes.

Avri Doria: ...I see what you're saying. But to invite them to a meeting that's right after is not much of an invitation anyway.

James Bladel: Understood. Okay, Marika, go ahead and work the availability like before...

((Crosstalk))

Marika Konings: Yes and this is Marika. Because as Avri says I don't think, you know, on - that's what I tried to indicate before. If the meeting takes place on Wednesday there's very little chance that ccTLD operators will attend

because they have a full day session that day. The only option for them to attend any other meetings are normally on Thursday if I understood correctly from my ccNSO colleagues.

One thing I would need to check is that would mean that we would basically start at 8:30 if we go for 90 minutes, you know, allowing as well then some, you know, 15 minutes to get to the ccNSO room. I just need to make sure as well that - I don't know if there's a limitation on when we can actually start meetings. Normally there is a place for breakfast meetings so I'll definitely check and request then the 8:30 starting slot.

But as said, you know, as always there are always a lot of moving parts and that partly will depend as well on what other meetings get scheduled whether we'll be able to keep that slot. But that will definitely be the first preference I indicate.

James Bladel: Okay thank you, Marika. Sorry I was typing. Okay so can we just maybe have a before option and an after option and we'll send those to the list and we'll just get this nailed down okay? But it does seem like Wednesday - we're going to have a greater attendance on Wednesday even if it means that the ccNSO folks will only be able to interact with us during that half hour timeframe.

Okay so Marika is going to look into that and send us those two options. But I think that Wednesday is probably our best bet. I think that we have to sacrifice no matter which choice we make. And so we'll just do the best that we can.

So now we can move onto Agenda Item Number 4 - excuse me - which is a review of the public comments and some of the stakeholder group feedback that we received. And forgive me, Avri and Marika, where have we left off on this particular comment review tool?

Marika Konings: This is Marika. We did a first run-through just going through the comments and some initial notes were made and those are already highlighted in the version that you see up on the screen.

But if I understood correctly I think the idea was now to actually do the more deep-diving and formulate the responses and identify where there's any recommended action that comes from each of the comments.

James Bladel: So we are starting our second pass-through at the very beginning; is that correct?

Marika Konings: That was my understanding but I'm sure Avri can confirm if that's the right understanding.

James Bladel: Okay. Well can I ask a favor, Marika, if you could kind of introduce each of the topics. I would like to - since Go Daddy was one of - what, one of our two comments submitted I would like to kind of participate in this as well as, you know, so if that's a - if that presents a conflict for anyone then I'll just turn over the queue then to Marika and have her introduce the subjects as well manage the queue if you're willing to do that, Marika, then I guess we can dive in with Number 1.

Marika Konings: Yes, this is Marika. That's fine. So the first set of comments related to Charter Question A and the first one, you know, comes from Go Daddy. And I think the main point there is that it encourages the working group to make sure to strike a balance between domain name security and domain name portability.

I presume you want me to pause after every comment so the working group can discuss?

James Bladel: Sure. I'll put myself in the queue for that one. So, you know, I have had some side discussions I think with a number of folks and this is a drum that I've been beating since IRTP-A which is that, you know, there's primary markets

and there's primary use case for domain name registrations but there is a - also a very vibrant and healthy secondary market - secondary use cases for domain name registrations.

And I think that there needs to be this balance that the facilities and procedures that are useful and convenient for one who will provide security for the first shouldn't necessarily impede commerce in the latter and vice versa.

And I think that we can do that; I think that if we have some principles in mind and we have an open mind towards how can we treat domain names as a, you know, as something that is valuable, that has value, that can be transacted between parties but yet once it is - once it has some control that it is important to be secure and that, you know, not end up in the hands of a hijacker I think that's kind of the responsibility that we're taking on with this group.

And I also feel very strongly that the transfer process that we currently have is probably not the best tool to achieve that in all cases. It's not - and I think that this came out in a very compelling way; it came out in the presentations that we saw from Bob Mountain, some of the others.

It's just all of the inconsistencies and the different registrars and different private parties that are trying to cover themselves against any contingency have these very elaborate procedures in place to guard against unauthorized change of control. And, you know, I think that that's a symptom of something that we can maybe work to improve. So that's my thinking on that one and that was our comment on this topic.

Mikey.

Mikey O'Connor: Thanks James. It's Mikey. I'd just like to sort of chime in on the same theme and say that I think we're engaged in a really, really important and good

process here. And one of the things that intrigues me - I also had some sidebar conversations but I won't put any of you on the spot.

One of the things that intrigues me is the possibility - since the domain name aftermarket is a pretty small number of organizations for the most part anyway whether we can lean towards security in our design but keep an eye on it so that the mechanisms that we use to ensure security are straightforward to be automated by the people who provide the back end processes.

That way it seems to me we sort of get the best of both worlds. We get the security that I think we all really want but at the same time we don't necessarily hobble the ability of the aftermarket players and the back office players to deliver that security.

James Bladel: Okay thank you, Mikey. Good comments. Michele.

Michele Neylon: Yes, I mean, I see - I mean, Go Daddy's comment there is something I would - I think I would generally support. I'm not sure the consistency is something that we would want to strive for because consistency suggests, in my mind at least, uniformity which I don't think we particularly want for numerous reasons.

Personally I would love to see clarification and - I'll throw that expression out there - best practice - God I love doing that - for this. Because, for example, with ourselves here we don't - we are not a Go Daddy with, you know, staff of hundreds and thousands of people and all that kind of thing.

We end up spending a disproportionate amount of time, energy and everything else trying to untangle some of the things where, you know, there are disputes between people over who is - who does a domain name belong, in inverted commas, to.

But, I mean, for a multitude of reasons - and it's a horribly nasty murky area. You know, the rules in the ccTLD space they have more or less got it sorted out. In the gTLD space for a domain that's moving between holders, registrants, call them what you will, it's a mess. And a lot of us I think end up spending time defending our business practices when our energies could be better spent elsewhere. Thanks.

James Bladel: Thanks, Michele. Good comments. And I see Bob is next. I wanted to pose a question for Bob, maybe he can tack onto his comments. Bob, as our kind of sole representative of the aftermarket do you see a significant difference between the security and portability of gTLDs versus ccTLDs?

Bob Mountain: Yes, this is Bob speaking. I'm probably not the - not the right person to answer that, James, just because I'm not that involved with the, you know, sort of day to day transfers. But I'd be happy to take that one and look into it a little bit before the next call if that would help.

James Bladel: Yes, sure. I think that Michele raised an interesting point this - I wonder if there's - if that's also the impression of the folks who are doing this for a living.

Bob Mountain: Yes, no I'll certainly check into that and, you know, report out for the, you know, for the next call.

I guess my - I had two points to make; one was I think - Michele took the words right out of my mouth which was this one really looks to me like a best practices would be a nice advance and a nice step rather than dictating, you know, mechanisms and UI and that sort of thing. So I would certainly support Michele on that one.

And also support Mikey's point where the automation if that can somehow be protected so that it continues to work; the machine continues to run on the aftermarket side while still providing, you know, end users who aren't sort of

in the high volume business I think we could really protect both constituencies, both end users as well as the, you know, the aftermarket industry itself. That's all.

James Bladel: Thanks Bob. And appreciate you looking into that other comment as well.

Bob Mountain: No problem. Happy to do it.

James Bladel: Avri.

Avri Doria: Yes hi, thanks. It's Avri. I guess one comment from the sort of more individual registrant perspective understanding I think very much, you know, the differences in scale of operations and ability and the reason for tending towards a best practice.

There's also sort of - and perhaps this is also something that fits into a best practice is a registrant expectation of at least similarity of - that doing things in one place and doing things in another place and they can sort of learn what they're doing once and recognize the process in others even if because of scale and scope it looks different.

So you're not enforcing UIs, you're not enforcing backroom practice. But you are perhaps through best practice, if that's a way that works, giving a sort of (ordinality) to the steps. So this follows that, that follows that, this needs to be looked at, this needs to be advised on, etcetera.

So that the multitude of non-industrial registrants and non-(vok) registrants but just ordinary people don't keep hitting their heads against the wall when they want to transfer something from a parent to a child or a child to a parent etcetera or that.

It's just, you know, even knowing what I'm supposedly doing when I go do it there's always this research aspect. Okay what are the steps in this one?

How can this one be done? And each new one requires a new learning step that should be easier. Thanks.

James Bladel: Okay, Avri, great comments. Mr. Serlin, you're up next.

Matt Serlin: Yes, thanks James. I was actually just going to pick up on the feedback you were looking for on the ccTLD question. We do a fair amount of aftermarket acquisitions here at the registrar that I'm representing. And I think it's probably fair to say that while gTLDs from the registry level have more portability, and Michele touched on it, some of the ccTLD registries have much more stringent requirements in terms of changing ownership, changing registrars, etcetera.

I think our experience is probably that - and we saw this with the demonstrations a couple weeks ago that the - because of the individual registrar requirements and challenges that you face there the portability of gTLDs isn't necessarily certain depending on the registrar in which the domain name resides at at the time that you're buying it.

So that would just be my sort of high level feedback about the differences between the CCs and the Gs.

James Bladel: Thanks, Matt. So, you know, I guess we're kind of touching on Question Number 2 here a little bit. But one of my questions was that do you feel that in those cases the ccTLD has a direct relationship with the registrant which is somewhat of a departure from the gTLD model where the registrar controls that relationship?

I'm wondering - and I'm not trying to put you on the spot I'm just thinking that that might be something that we would try and understand as we do this comparison exercise between the practices of ccTLDs and gTLDs. Some of these gTLDs - or ccTLDs have, you know, direct relationships.

Matt Serlin: Yes, no I think that's a fair point and I think that probably would be something that would certainly have an affect on the processes and the portability that they have.

James Bladel: Okay. Okay thanks. Sorry to keep you waiting, Mikey, go ahead.

Mikey O'Connor: Oh no worries. Good conversation. This is Mikey for the transcript. I just want to clarify a little bit I'm not a big fan of leaving this at best practice so let me just be clear about that.

I am thinking that what we are embarked on is sort of like what goes on in the transfer of real estate where there are certain pretty clearly set out markers that have to take place to document the transfer of the property.

Great variability is allowed in the way in the United States that the counties that record those transfers do their recording. But the analogy that I draw is to the melt down in the mortgage market when that basic process was corrupted and in our case I think that the basic process simply doesn't exist at all.

I am not a fan of making that a best practice; I am a fan of actually setting those markers out and then setting them out in such a way that there is a great deal of flexibility as to how the various players implement those markers so that, you know, we don't put people in total lock step but rather we give them several key things that have to happen that denotes the transfer of control of a domain from one person to another.

James Bladel: Thanks, Mikey. I understood your position now; thanks for clarifying. Matt, is that a new hand or is that from your previous comment?

Matt Serlin: No that's my previous one. I'll lower myself.

James Bladel: Okay. And I noticed that while Mikey was speaking a nice big red X appeared by Michele. And I think that that's because, you know, I think that he's taking the diametrically opposite position that you mentioned, Mikey.

I think if I could just weigh in here as a registrar. I think I would come down more on the side of Mikey in that I think that the best type of policy is effective but also minimal and elegant is a word that I think comes up a lot in software development in that it's just - it just forms the core basis of a process but it doesn't outline all the possible contingencies, variations or flavors that individual service providers might want to build around that.

I think it's interesting that Mikey mentioned the real estate especially in the US but I'm sure there are equivalents in other jurisdictions. The first thing that popped to mind when I was thinking about this was the - if you look at your license plate on a car and at least in the US every state has its own jurisdiction or system or bureaucracy to handle that.

And moving a car from one state to another, for example moving a car from Illinois to Iowa, you know, Iowa does not have any say-so in how Illinois handles those types of transactions but - or any of the other 50 states and the District of Columbia. But we kind of have to build these compatible, maybe is a word, compatible systems because the recognition that vehicles are going to want to transfer between parties and between jurisdictions.

And I think if you think of the registrars as being 900 plus different states with their own procedures and policies there can be these - there can be some common ground to where the integrity of the transaction is protected but the end user has some expectation of how to do it and what comes next.

And I think that while we can achieve that with best practices I think that that will always leave that gaping hole there from those folks who choose not to participate. And I guess in this very stretched and twisted analogy that would be the state or foreign country where you can take stolen cars and then, you

know, wipe them off the map. I think those exist as well. And so - but I think that would probably be a - something we should try to avoid if possible.

So, Michele, you're up and then we'll probably try to move onto some of the other comments here.

Michele Neylon: Right, let's see - I mean, trying to follow on yourself and Mikey is always a challenge because you're so much better at expressing yourselves than little old me. I'm just not up to but I'll try my best.

Mikey O'Connor: Oh.

Michele Neylon: No I understand where both of you are coming from; please don't get me wrong. The problem I suppose from my perspective is what I look at is a nice idea being repurposed by somebody else to an evil end.

Because I think I suppose I have a naturally cynical view of certain people and groups and whatever which is why I would push the best practice concept because if you say that a policy covers a particular type of thing then people will have all sorts of crazy expectations of it.

And that's the thing I'm kind of - which I'm fearful of because they'll say oh there's a policy for this so it must cover everything; the kind of the light touch kind of framework type thing. I'm just - I just see - I can see an area where it could be abused.

Now obviously, you know, there's probably some way of getting something that kind of handles that. I'll let Mikey come back because he's in full flow today. So, Mikey, I will cede to you.

Mikey O'Connor: From the great country of Ireland to the great state of Minnesota. Let me just build on what Michele is saying and I think also what James is saying. Which is that I think we all have an aversion to complicated overly prescriptive...

((Crosstalk))

Woman: (Unintelligible).

Mikey O'Connor: Wow, is that...

Michele Neylon: Am I the only person getting that?

Mikey O'Connor: No, I was getting it too. Somebody has a very strange hold pattern saying something about please hold on.

Anyway so about overly prescriptive policy I would agree with you, Michele, I don't want to have something that's extra complicated. I think that James's point about elegance and simplicity is spot-on.

And I think that the advantage to a fairly sparse, fairly small number of points is that it also makes it easier for folks like Michele and Bob and other aftermarket providers, Matt and so on, to design their systems to deliver them and leaves that flexibility still for people that deliver different business practices and so on.

So I think that the point of agreement is on the minimalism. And then my lobbying would be that when we get to that minimalist list that we turn it into policy rather than best practice.

James Bladel: Thanks, Mikey. Okay so I appreciate everyone that weighed in on this topic which is kind of a hybrid of Item Number 1 and touching on Item Number 2. I think we've got some good discussion and some good starting points of how we can start to find some analogies and some comparisons as well as some guiding principles about simplicity and best practices versus policy.

And, you know, I think that - I think if there's anything we can be unanimous on I think is that anyone who came away from the presentation from Bob, Simonetta, Chris and some of the others was that the current environment is probably not user friendly, not conducive and is ripe for abuse by bad intentioned people who want to manipulate the system for their own personal gain. I think that that's abundantly clear from the presentation.

So if we could then just kind of review I think looking - moving into Number 3. I think that the registries - and I don't - Barbara, please feel free to jump in here if I go off the script here.

But it looks like the registries have weighed in in that they are coming in on the best practices side of the spectrum here as opposed to policy. And they are recommending that this be a registrar-led operation. Is that a correct interpretation of that comment, Barbara?

Barbara Knight: Hi, this is Barbara. You know, I think it is. I think we could go either way but I think I'm of the mindset that if it were to go to policy then again it needs to be clear but yet not so restrictive and overly detailed. So that's just my personal thoughts on the situation.

James Bladel: Okay thank you. And even if it were something along the lines of what we see with the current transfer process and the FOA where a registry would simply be validating or checking or enforcing the collection of some sort of authorization.

I guess my point is is that I'm not sure that we can entirely just draw a box around registrars and say this function happens there.

Barbara Knight: Obviously - this is Barbara again. And, you know, to the extent that it were decided that, you know, an FOA form or what have you be incorporated into a policy or best practice I would think it'd be more of a policy in that particular case - but maybe I'm wrong - then, you know, to the extent that there would

be some enforcement or I guess mediation responsibilities at the registry level than, you know, obviously we would want to see that be a little more formalized.

James Bladel: Okay point taken, thank you. Avri. Avri, are you on mute?

Avri Doria: Yes, I was mute. Yes, I guess - and I've pointed - I don't know that I ever pointed it out on this one; I pointed it out sort of every time it basically - wants to leave the entire issue up to the registrars I guess I have almost a reflex action of saying that makes me uncomfortable and that - and, you know, and I see Michele (unintelligible).

And it's basically that I don't think any of these issues belong solely to the registrar. And I think that that's just a general principle that I have to keep bringing up in terms of - that I believe in here that as a community certainly they perhaps have the most fundamental ideas and the best suggestions to make etcetera.

But that it has to include those that have to use the system, those whose registrations are affected, those whose change of control is affected and that it just can't be left to registrars alone. So it's almost a reflex of no this can't be. Thanks.

James Bladel: Okay thanks, Avri. Michele.

Michele Neylon: I'm not going to say what Avri is expecting me to say.

Avri Doria: Oh goody.

Michele Neylon: What I am going to do is I'm going to say I've already said it. No, look, I understand where Avri is coming from. I mean, ultimately it's - as most of you know from time to time I will just take opposite - opposite positions with people because somebody has to.

Other times I do understand where they're coming from even though I don't particularly - I don't feel too comfortable with just letting their position stand if not slightly opposed - not fully opposed - I'm not even sure how you slightly oppose something but, you know.

Somewhere in the middle I think there is a ground where, you know, we all come together and there are probably bunnies. Though every time I mention bunnies my staff think I'm talking about stew. Anyway I'll take my hand down again. Thanks.

James Bladel: Okay thanks Michele. And I'll stay away from the bunny stew comment. I just wanted to chime in a little bit on what Avri was saying. And I think that this may surprise her that I agree. Whereas I think that some of the community will draw a box around all registrars and have some disagree of comfort.

I think that within the registrar community you will see that the same line exists but it's kind of this well known community of what I want to call participating registrars who work well together and are trying to do the best - be a good citizen in the space.

And then there are some other registrars who I wouldn't say they're necessarily, you know, bad players but more that they're just negligent or asleep at the switch and that allows bad players to kind of flock to them. So I think that, you know, if that's not understood within other non-registrar areas of the community that should be emphasized.

And I think that going back to what Barbara was saying I think that, you know, if there is a way that registrars can continue to own the relationship with the end user but like the current transfer process is allowing registries not to be the judge and jury but to be kind of the referee and say yes this proceeded - all the documentation is in order and this proceeded correctly or no this did not proceed correctly.

Something along those lines without dragging them into dispute because I think that if there's one universal in this industry is that registries and registrars don't want to be placed in the middle of a dispute between two parties.

So that's just kind of, you know, my thoughts on I think the last two comments. And I'll take my hand down now and move to it looks like Mikey.

Mikey O'Connor: Thanks James. It's Mikey. I just want to clarify what we're talking about because I think that if what we're talking about is who gets to help figure out this policy then I'm 100% with Avri on that one. I think that all the constituencies get to help figure out what this is about and hopefully get to consensus.

If what we're about here is how to implement that policy then I'm fine with having registrars and registries sort of go off and figure that out. This Topic Number 3 seems to be sliding into more of the implementation facets of the policy.

And to that extent I'm pretty comfortable with having the folks who know how things work take the lead. I mean, I still want to have a chance to chime in and say stuff but, you know, I'm not an expert on how the back office works.

And so I think there's an important distinction to be made here which is the difference between the groups that get to weigh in on what the policy looks like and the people who ultimately take the lead in delivering it.

James Bladel: Thanks, Mikey. And excellent points about the distinction between policy development and policy implementation; I think that that line gets very blurry quite a bit in these discussions.

With that let's move onto Item Number 4 also a comment from the registries and they're mentioning regard for Reason for Denial 8 where registries have systematic restrictions of the transfer of domains within 60 days of creation.

And that - and I think what I'm understanding here, Barbara, is that this should also apply to the change of control or that there's no need to layer on additional 60 days. Help me understand or untangle what the registries are saying here if you would please?

Barbara Knight: Okay this is Barbara. Basically I think that the main point we wanted to make here is that there has been typically some I guess inconsistencies or confusion around when a registrar can I guess deny a transfer.

So in some cases registrars will in essence lock a name down for 60 days after a change of registrant data, whatever it may be and it could be, you know, minor, it could be like, you know, full out change of registrant data.

The way that the IRTP or the, yes, the IRTP is written it doesn't specifically state that registrars can make that restriction so - and deny that transfer for a change of registrant data.

I mean, again the IRTP was designed to handle registrar to registrar transfers; it doesn't really address how, you know, a change to the - of control or the change to registrants really is impacted other than there is, you know, one little reference I guess that basically just says that, you know, if there is a change of registrant in conjunction with a change of registrar but it doesn't really provide any other insight beyond that.

So to the extent that, you know, there is I guess agreement that there would be I guess consensus among the group here and among the overall community that, you know, it is legitimate to restrict a transfer or at least at the option of the registrar for 60 days that it should specifically state that. So I think that's what we're looking for here.

James Bladel: Okay. And I can tell you that as a representative of a registrar that does have transfer restrictions relative to change of registrant data, not just, you know, contact data or admin or technical but actual registrant data, I can say that if there were a formal or robust change of control mechanism where we had a more confidence that these things were occurring then perhaps we could revisit those practices and say maybe these are no longer needed now that we have this change of control.

I think it's just the absence of any kind of certainty or reliable policy that causes us to have those kinds of cautious sort of practices. Which I know, you know, we're not blind, we read the blogs; we know what people think of that.

But, you know, I think that for every 100 people grumbling there's always someone saying wow you really saved my business, saved my livelihood with that policy. So, you know, so thanks for that. But I think I hear what registries are saying quite a bit better on this one.

And that seems to segue very cleanly into Item Number 9 - or Item Number 5 which is Reason for Denial 9 talking a little bit about transfer disputes, registrar practice for locking domain name down when change of registrants. And so there's other things so.

I'm sorry, I see Marika has her hand up as well and a question in the chat. Go ahead, Marika.

Marika Konings: Yes this is Marika. I'm a bit confused about Barbara's comment because if I read Comment 4 it talks actually about the registries having restrictions on the transfer of domains within 60 days. And I think Barbara's comment related to the registrars. So I'm not really sure what I need to note down here as the working group response because I'm a bit confused about...

James Bladel: Okay.

Marika Konings: ...the discussion we just had.

James Bladel: Yes and I think that probably the only question I had was in discussing the comment Reason for Denial 8 which is the 60 day prohibition after a domain name is created but, you know, I think that a lot of the discussion is actually regarding Reason for Denial Number 6 which is some sort of, you know, (unintelligible) opt in sort of locks.

But I Michele has his hand up. Michele, would you want to give Barbara a chance to respond very quickly here?

Michele Neylon: I always let ladies go first, James. I'm shocked that you would suggest otherwise. And I know you're American but seriously.

James Bladel: Oh it was just a formality. Barbara, please.

Barbara Knight: Hi, this is Barbara. I'm sorry about that; I did just ahead a little bit on that. So basically I guess from our perspective and it's my understanding that all of the registries have the same I guess system design and if I'm wrong, you know, by all means please speak up those registrars who, you know, have more experience working with transfers, you know, through multiple registries.

But it's my understanding that we do all have that same restriction that systematically prevents transfers from occurring for 60 days from the actual domain create date.

So I don't know what more we could add here if that's the case unless you wanted to change that and then of course you're going to have to, you know, go back to the - and make it an optional thing. Then we would have to go

back to all the registries and find out what the level of effort would be in order to remove that systematic restriction.

James Bladel: Okay so that's an interesting point because right now the way the policy currently reads - and I'm not sure that this is directly relevant to Charter Question A but the way the policy currently reads is the registrar has the option to deny a transfer based on this reason.

But I think what Barbara is saying is that they really don't have the option; it's kind of baked into all of the registry procedures that they don't have any discretion in this area. So Reason for Denial 8 might be redundant...

Barbara Knight: Right. And this is Barbara. Can I just add that, you know, I believe that that systematic restriction was put in place when the original transfer policy was done. And it was, you know, more clear that, you know, there would be, you know, this - that all transfers within 60 days of the creation date would be denied.

And so if you go back to the original transfer policy that predates the 2004 version it actually spoke a little bit more clearly to that and so that it was more of a requirement versus an option item to be able to deny the transfer.

James Bladel: Okay thanks. And, Barbara, is it then the position of the registries that this prohibition would be extended into some sort of hypothetical change of control process or just not making that connection yet or...

Barbara Knight: I'm a little confused on the question. Can you restate it?

James Bladel: So are the registries raising this issue because the - within the context of a change of control that if we were to create a change of control mechanism or process or procedure that that would also include various 60-day prohibitions on transfers or that you couldn't change control, for example, 60 days after a

domain name had been created or that you couldn't change control 60 days after the previous change of control.

You know, I don't want to put words in the registries' mouth here I just wanted to understand the genesis I guess behind the statement.

Barbara Knight: Okay. Basically it was addressing only the change of registrar. So if you're talking, you know, truly a change of control then I think that the field is wide open because there's not been anything really established there with regard to, you know, what you would want the restrictions to be.

So, you know, from that perspective - and again it's, you know, at the risk of sounding like we don't want to be involved, I mean, you know, it really is up to the registrars to say what they think is going to work best from a change of control perspective.

And if they feel that that is, you know, something that would be beneficial then, you know, by all means the registries don't really have any issues with including that in a change of control related policy. But from a - an IRTP or inter-registrar - registrar to registrar transfer perspective we would prefer to see it the way it currently exists.

James Bladel: Okay thanks.

((Crosstalk))

James Bladel: We just have a few more minutes here so I'm going to saw off of this topic and give Mikey the last word and then we'll just kind of do a couple of little housekeeping things and wrap up for the day. Mikey.

Mikey O'Connor: This is just really quick. I typed this into the chat. But I think what is going on here is that at the bottom of that Charter Question A is this paragraph that says it should also include a review of locking procedures. And so I think the

registries are just responding to that question and that we may want to unpack all this at some point when we get a little bit deeper into the analysis.

James Bladel: Okay good catch, Mikey. I think you're correct they're just aligning their response with the way the question was structured. But I think that, you know, these things are good to discuss and good to think about, you know, when we start - I want to say building the, you know, the basic - or I guess in most industries they would call it capturing the requirements for some sort of a process like that.

And, you know, we should keep in mind how this might be affected by existing practices and existing lock (backs). Okay so that's probably as good a place as any to stop. We have four minutes left in the hour.

Our next meeting I believe will be next week, would be the 31st of January at the same time and same channel. Any other items of business that we want to attack today before we close? Otherwise if you have agenda recommendations please submit those to the list.

Michele Neylon: James, you were great, you were wonderful.

James Bladel: Oh well thank you, Michele. And thanks to everybody for I think a very spirited conversation. The only thing I would add possibly for next week's agenda is once we get through these feedbacks we take a look at our notes and our discussions and then maybe run them against a sanity check over the approach that we laid out earlier in the work session and make sure that we're still tracking towards the things that we wanted to discuss in that approach and make sure we haven't forgotten anything there.

So with that said thanks everyone for your time. I know that that's the most valuable thing that - is the most valuable commodity in the ICANN community is the time of the volunteers so thanks everyone and thanks to staff and we'll see you next week.

Mikey O'Connor: Thanks James.

Marika Konings: Bye.

Michele Neylon: Thank you, James.

((Crosstalk))

Nathalie Peregrine: Thank you, (Sam). We will now stop the recording.

Coordinator: Thank you. The recording is stopped.

Nathalie Peregrine: Thank you, (Sam). Bye-bye, have a good afternoon.

Coordinator: Thank you, you too. Bye-bye.

END