

**Fake Renewal Notice Meeting  
TRANSCRIPT  
Thursday 2 February 2012 at 1930 UTC**

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<http://audio.icann.org/gnso/gnso-frndt-20120202-en.mp3>

**Attendees:**

Tatiana Khramstova  
Michele Neylon  
James Bladel  
Paul Diaz

**Staff:**

Marika Konings  
Berry Cobb  
Nathalie Peregrine

**Apologies**

Mikey O'Connor

**Coordinator:** The call is now being recorded, you may proceed.

**Nathalie Peregrine:** Thank you very much, (Susan). Good morning, good afternoon, good evening. This is the FRN call on the 2nd of February, 2012. On the call today we have Tatyana Khramtsova, Michele Neylon, James Bladel and Paul Diaz. From staff we have Marika Konings and myself, Nathalie Peregrine.

And we have no apologies for the call today. I would like to remind you all to please state your names before speaking for transcription purposes. Thank you and over to you.

Marika Konings: So this is Marika. Just to note that we do have apologies from Mikey O'Connor who said he might join later but in his absence he basically asked if someone else would be willing to chair so who would be willing to take it over from here? James, I heard you say before that you weren't shy so...

James Bladel: I said no one was shy. I'll go ahead and chair, that's fine. So thanks, Marika and welcome everyone to the Fake Renewal Notices Working - or sorry, Drafting Team after a prolonged hiatus for the month of January.

The agenda is posted in the Adobe Connect on the left hand side of your screen. And I think the first step - order of business is to offer anyone an opportunity to amend or to change their SOI so if anyone has anything like that please raise your hand.

Marika Konings: This is Marika. I'm just very happy to report that actually everyone has completed or updated their statements of interest so everyone is up to date or so far as I'm aware.

James Bladel: Okay excellent. Michele, you want to change your SOI?

Michele Neylon: I need to update mine slightly because I've - I realized - and I haven't got around to doing it yet - I specified the exact shareholding percentage that I held and I need to modify that slightly so I'll make that change.

James Bladel: Thank you, Michele. Okay. And then I think it's not always included formally in the agenda but just a review of the agenda. Does anyone see any errors or omissions in what we want to achieve today? I don't see any concerns there so we'll proceed.

Marika, a question: Is this a one-hour call or a 90-minute call?

Marika Konings: This is a one-hour call as far as I'm aware but depending on whether people have limitations if we want to continue we might check if people have more time.

James Bladel: Okay thank you. And then let's see confirming the approach and the timeline we have a document there. I don't know that, I mean, we can put that in the screen. If memory serves however that was something that everyone had reached (or left) agreement on, is that correct?

Marika Konings: Yeah, this is Marika. That's correct. What's on the screen is actually not that document because it's hard to display in Adobe Connect; it's the - the mine map that Mikey has done. I think basically the main point is just to, you know, confirm that I think it's still the objective of this group to, you know, draft a response in time for the GNSO Council to review that at their meeting in Costa Rica. I think that's what we initially set out to do.

And I guess now that, you know, we'll have a chance to review the response to the survey I guess people have a better idea whether it's feasible or not but, you know, just to keep that in the back of your mind I guess.

James Bladel: Okay thanks, Marika. Appreciate the clarification. So perhaps we can just dive into the meat and potatoes...

Michele Neylon: Yeah.

James Bladel: ...of this working group agenda which is Item Number 3 - I'm getting some background noise there - Item Number 3 where we take a quick look at the survey responses. This is the response of the registrars that we've sent out - I think it was posted sometime in early January. And the survey closed the first of this month.

And Michele and I did - well I wouldn't say we were pestering them about that but we did send a couple of different reminders throughout the time period to the registrars that the survey was open.

So with that we can just take a look as we go right in. Marika, it looks like everyone actually gave us their names as part of the responses? Am I reading Number 1 correctly?

Marika Konings: This is Marika. No that's not correct. It's a little bit weird because if I look at the survey response it tells me that there are 20 complete responses. But when you actually look at the numbers further down it looks like there are actually 19 or it adds up to the number 19.

It's possible that someone, you know, went through the survey and actually didn't save anything and that's why - or you saved at the end and that's why the survey tool gives me 20 as complete responses but actually only 16 of them left their names and 15 of those provided as well their affiliation. So - but I think we have 19 if you look at the number of completed responses.

James Bladel: Okay thank you. Okay so that covers kind of the Option Number 1 and Option Number 2. And when they say name they were giving the individual's names in the survey correct?

Marika Konings: Yes that's correct. You know, one of the reasons I didn't provide that here and that's maybe a discussion the group wants to have but don't know if we need it or want to have it but I didn't really want to put it, you know, on the public mailing list yet because we - I don't think we basically said in the survey that we would share their names or, you know, presumably if people filled in the survey is - I guess are comfortable that, you know, their names are there.

But at this stage I thought maybe, you know, we don't really need the names to be able to review the answers. But if people want to see that, you know, I can definitely provide that.

James Bladel: Well I think even if it were to be published there probably is a little danger in publishing the list of those who responded to the survey so long as you can't match a specific respondent to a particular data point. And I'm just kind of shooting from the hip here but it seems like that would be the real discomfort that I would have about making this all public.

I think if you say that here are the results and here are the people who participated I think that would be one thing. But in saying, you know, Respondent A answered this question thusly I think would be a little more of a problem so - but that's just me...

((Crosstalk))

Marika Konings: Yeah, I think that information is only available really in the rough data so that's indeed something I don't think we should, you know, or want to share publicly. But, you know, for the report sake I'm happy for the, you know, if we have a next iteration to, you know, publish names and affiliations.

And indeed it's not, you know, it might be chance that one of the answers matches the number of the respondent but in principle it doesn't track like that.

James Bladel: Okay, all right thanks. So can you take us through - what are we seeing here with Question Number 3?

Marika Konings: So the Question Number 3 was we asked basically what is the source of fake renewal notices complaints you receive. So 16 responses - or 16 people (unintelligible) that customers are their main source; other registrars one person and then there were seven who also provided other sources.

So as you can see that probably some respondent's customers and also added other, you know, options there as the total number doesn't, you know, it goes beyond 100%. You know, so some noted we receive them directly, misdirected emails really is an incomplete answer; I'm not sure what people wanted to say there. Employees are recipients of the notices who do not know why or what they are receiving. Number 6 is typically they are resellers from other registrars. And 7 says client inquiries.

James Bladel: Okay. So is it possible that Number 7 and Number 5 are essentially more specific versions of customers - the category response being customers? It seems like clients - client inquiries and customers are definitely - well anyway I don't want to speculate or put words into mouths but it seems like that some of these probably could be collapsed into the above categories except for those that - receiving directly.

Okay so, you know, Michele, Paul, Tatyana, Berry, anyone have any thoughts on this question or this topic where they're coming from? Michele.

Michele Neylon: Which question are we looking at here, sorry, because I'm - my brain is all over the place today as most of you know.

James Bladel: Oh no problem. It's Number 3 - Question Number 3. And I just wanted to - you know, before moving onto Number 4 just make sure everybody had an opportunity to chime in if they...

((Crosstalk))

Michele Neylon: Yeah, I mean, I had a look over - James, sorry. I had a look over all the responses to all the questions. And for the most part the responses are very, very similar to the ones I would have given - the ones that I did give.

And so from my perspective that makes me a lot happier because I kind of go well okay so I'm not imaging this. There's not much else I can really say I'm afraid.

James Bladel: Okay. Thanks, Michele. So it seems like the overwhelming response is that registrars are being alerted to this problem by their customers because, I mean, clearly whatever organization is involved in this is trying to take those customers away so.

And if they succeed I think that at least in our case - and I'll go ahead and share this that the customer is looking to us to help them get their names back. And I think that that's - in some respect that's where the genesis of some of these is (that) it's coming from.

So moving onto Question Number 4: Do you view the number of complaints of fake renewal notices as a burden or a minor issue? I noticed the way this question is phrased we don't really offer them the ability to answer that it is a minor issue unless they were to put not significant or other.

But anyway it looks like not significant was the largest response followed by - closely by significant or extremely burdensome. So I think if you add those together you almost get a split right down the middle where some registrars are saying it's not - not a problem and others are saying it's a significant or extremely burdensome issue.

We have a couple of folks who are responding in the other category. One is saying that it's not a significant volume but when it does happen it does create significant customer confusion. And the other seems to indicate that it's on a recent upswing which I think is the next question.

I think the takeaway here is that for those registrars who feel it is a burden I think they feel pretty strongly about that and for others it seems like they are -

I don't know; I don't know what to take away from this, guys, halfway down the middle here. Anyone want to chime in on that one? Hi Paul.

Paul Diaz: Hey James, how are you?

James Bladel: Good.

Paul Diaz: For the record it's Paul Diaz. Look, you know, this is a tricky one and it seems typical with - when we're trying to quantify our data drive, our policy development efforts. You know, the sample we have is 19 responses. Without being able to match things up to individual registrars it's very hard to say are these - how statistically significant is it?

Are these experiences, you know, for the largest registrars, deal with the most volume or perhaps not...

((Crosstalk))

Paul Diaz: I think I would be careful on however we want to characterize...

((Crosstalk))

Paul Diaz: Yeah, I hear the echo too, James, that's not me. In any event the - I would just say that, you know, depending how you want to combine the data some say it's not very significant, almost half. If you combine the folks who feel it is burdensome in some way you almost get the same percentage.

My concern is just you know there are members of the community who are going to jump on this if we make the claim that, you know, almost half said that it was a big deal for example. I guess we just need to be sensitive to the sample size.



And again short of being able to say of those who claim that it was burdensome in some way and they represent X percent of all names under management therefore they see a lot of volume. I think we just want to be careful about perhaps overstating how big a problem this might be.

James Bladel: Great Paul. We'll have Marika go next and then I put myself behind at the bottom of the queue just for a quick observation. Go ahead.

Marika Konings: Yeah, this is Marika. I'm happy to run through the names of the registrars that responded. It will just take me a few more minutes if you want the data indeed to see who actually responded to saying it's a big problem or, you know, significant burden. I can quickly check that and come back to you in two minutes on that. Would that be helpful?

James Bladel: You know, possibly I - sure, if it's not too much of a burden I guess it wouldn't - it wouldn't hurt. And that kind of leads into my next question, Marika, which is - or observation which is kind of tailored to what Paul was saying.

I think that the response here might be dependent upon a question that we didn't ask which is, you know, the question that we did not which is, you know, if a customer - if one of your clients comes to you with one of these how, you know, what is your practice as far as getting involved?

Do you try to help them get their name back? Do you, as a matter of policy, say we can't get involved in those situations because, you know, it could be construed as, you know, some sort of an anti-competitive or whatever.

And I think that it might - we might find - and this is speculation, I'm sorry, but we might find that those folks who are responding that it's not very significant might be registrars who either, A, aren't seeing the problem or, B, when they do see the problem as a matter of policy they try not to - not because they don't care but because of the liabilities there are concerns about to her issues they maybe just don't get involved.

And the one thing that they are - it is a burden obviously are seeing the problem and are trying to correct it for their customers and seeing the frustrations and their inability to do so. So maybe, you know, that might drive some of the differences here between the split answer. But of course I don't think we will ever be able to tell that because I think we maybe missed the opportunity to capture that. So a little editorializing on my part there, sorry.

Let me move down to Item Number 5. And I think this was hinted at in a previous question which is, are we seeing any kind of a trend here? Is this sharply up, sharply down or staying the same. It looks like the most common response is that - that this is a steady pace.

I think that perhaps individual registrar experiences may vary depending on whether or not they are the target of that particular month or year. But overall I think we're seeing that this is - this is about the same.

There's a couple of folks that answered other. It comes in waves but overall same level. I think those two are similar. And then too few to comment. Any other thoughts on Question 5 before we move on?

Okay Question 6: Are you seeing the same players or are there new ones entering? Is it proliferating? It looks like a split between yes and don't know. So it's folks who were saying that it's not proliferating are in the minority and then the folks who are saying that other are answering with the same entity all the time which I guess would definitely follow into a no category that it's not proliferating.

Almost all are from the Domain Registry of America, Domain Registry of Canada. Some of the same, some are occasionally new. But, you know, the takeaway here that we are seeing that this is roughly a proliferation. I don't know what the - I'm not sure how to characterize this one, folks. Does anybody want to weigh in? Okay Paul, go ahead.

Paul Diaz: Thanks, James. It's Paul again. Look, now that Marika has provided us in the chat who the individual registrar respondents were - the companies they represented - I think one of the things that might be going on here is that domain registry of whatever may be driving some of the don't know or different actors because they do operate under different DBAs in different parts of the world.

And looking at the list of respondents we have an overwhelming European representation so it's quite likely that Domain Registry of America, which is traditionally focused on the United States registrants. You know, it may not be the same it could be some other deviate that's operating in European markets and therefore it drives - it makes it difficult to say is it the same people because they do operate under a different doing business as name.

You know, for all of this I think we just have a challenge, you know, let's just step back for a moment. The - like other working groups that we've had there are some people who feel very, very passionately that there's an issue here. Whatever their issue may be one registrar could say this is a very significant problem for them and not that we should downplay or minimize those concerns.

The rest of the community however will undoubtedly ask okay is this really a problem meriting attention and limited resources of the community. And, you know, again just with the stats that we have in front of us it's hard to make an argument that there's a huge problem that needs to be addressed here.

I mean, we're committing our time; you all are committing your time, everybody on the call and what not. But I just, you know, wanted to offer this as early in the PDP process as possible because too often in the past we've seen issues that are driven by a vocal minority consume a lot of time and resources. And when it's all said and done the rest of the community seems to shrug its shoulders and just go along doing whatever else they were doing.

And I think we're going to be challenged, you know, probably sooner rather than later to try to demonstrate that this really is a big problem demanding of our attention.

James Bladel: Okay thanks, Paul. I mean, good points. And I'm going to go ahead - I'll put myself in the queue here. I mean, good points overall. I think that this is one that I guess, you know, it's - if you've been burned by it then it's the worst thing that's ever happened in the world and people should do something about it. And if you haven't then what's the big deal. And it's hard to make that case I think even with the, you know, with the gathering of the statistics like this.

You know, I personally am coming from an area where I think - and I just want to clarify I don't think we're actually in a PDP yet; I think this is a follow up from a pre-PDP from the drafting team but I think that it could, you know, we could see it going in that direction. And there's a lot of PDPs floating around right now that are competing for the same things - dwindling pool of volunteers.

But having said that I'm more concerned that we might take a small problem and then create a much bigger issue with the cure so that, you know, for example I have a sore thumb so my solution is to amputate my arm.

But I'm concerned that that's the kind of thing that could result from, you know, maybe over blowing the significance or the frequency of this. But if you are an individual person who has - a registrant who has experience then it is a big problem.

The other thing I wanted to just mention - and I see he already put his hand up - is we have - we don't have to speculate on this one we have an individual representing one of the registrars who did say this was a significant burden.

And to your point I wanted to ask Michele a specific question which is do you see these coming from the DROA, DROC or are they other entities? Is there a Domain Registry of Ireland or a Domain Registry of UK or, you know, are there other flavors of this outside of the usual suspects?

Michele Neylon: Nope. DROA, DROA, DROA. It's the same entity all the bloody time.

James Bladel: Yes.

Michele Neylon: I mean, it's - and I understand and appreciate the entire thing about whether a PDP or whatever is the solution. But I don't - I would be very vocally opposed to kind of brushing this under the mat and saying this isn't a problem.

DROA and DROC or whatever the hell they want to call themselves they've been doing the same thing for years. (SERA) we're able to deal with the issue in Canada. I think, you know, ICANN should be able to deal with it too. It's, you know, if a ccTLD can manage it I don't understand why ICANN can't manage it.

Whether that's via a PDP I don't know because to be perfectly honest whether it falls within the scope of what is covered by PDPs or not I'm not the best person to answer that. But it's - what entities like this are doing has a negative impact on the entire industry.

And I think that's something that does need to be dealt with. I mean, we've all got enough challenges facing us without this kind of behavior. Thanks.

James Bladel: Thanks, Michele. Paul, do you mind if I go to Marika...

((Crosstalk))

Paul Diaz: Sure.

James Bladel: Okay, Marika, go ahead.

Marika Konings: Yeah, this is Marika. Basically to build on a comment you made as well that indeed we're not in the PDP stage yet; at this stage it's indeed the council has requested this group to, you know, gather some further information from the registrar stakeholder group in order to help inform them on whether to - whether to initiate a PDP or not.

You know, but my assessment is as well that, you know, the council would welcome if there are any other kind of recommendations that they might want to consider if, you know, the group deems that a PDP might not be the right approach.

And one thing I've, you know, been thinking about and someone mentioned as well there are, you know, a lot of PDPs that are gearing up are in line for competing resources. And one of those is for example the PDP on the RAA.

And, you know, and some of the questions that have been asked to staff on, you know, the current status of the RAA, you know, can we enforce. And I think we've come back as well saying well there's nothing specifically in there at the moment about fake renewal notices itself.

So another avenue that the group might want to explore is that would that be an issue that might be suitable to be added to that PDP and say we think, you know, the only way to maybe address this or really be able to tackle this would have to, you know, would be to have something specific in the RAA that, you know, basically forbids registrars or resellers to send fake renewal notices.

And that would, you know, give ICANN then a tool if that is violated. So that might be another approach to think about, you know, when you think about

the results of the survey and, you know, people like Michele saying this is a big issue and, you know, we do want something to be done about it. So, you know, just keep that in your minds that there might be as well other approaches and yes PDP or no PDP there might be other ways to have - it could be addressed possibly.

James Bladel: Thanks. I just personally would hate to see that happen. I just get a chill down my spine every time we try to cram policy issues into specific contract provisions. I think we - it's less participatory and it's less transparent than the process that's been designed but that's just me editorializing.

Go ahead, Paul.

Paul Diaz: Thanks, James. Paul again. I absolutely agree with the last point you made. I think we - this group whatever our current status is is a drafting team. That might be something that we specifically make mention in our final recommendations that contractual obligations do not necessarily equate PDP process and we should be very cautious about using less transparent, less community-based decision making tools for important issues.

More importantly want to agree with Michele and make sure - make clear for the record I was not in any way intended to diminish the importance of this issue. I was a long time employee of a large registrar. We saw a lot of this. I do agree with what others have said it's easy to - I think there are relatively simple ways to address this.

A lot of it can be done with tools that already exist or are being put in place. And that gives me a opportunity to thank Marika for responding to my note on the email. And I would just say for the group be aware that the compliance staff right now is working on a methodology, a process based on their existing authority under the current RRA - excuse me, RAA - to suspend noncompliant registrars for a certain period of time.

It's in a formative stage but I think that it's important enough that as the efforts of this draft team and other things are going forward that is also happening in the background and that there will be opportunities or avenues. So again it might not require additional tinkering with contracts; it might not even require a PDP. Hopefully these things will work in tandem and come together so that we can all be, you know, fully informed of what's going on and make recommendations based on that information.

James Bladel: Thanks, Paul. I put myself in the queue because I can't express enough how much I agree with what you - your last statement. And I think it really supports what Michele was saying about, you know, Canada was able to do something not through a policy but through the registries taking unilateral action against one of its - so registry policy as opposed to any other kind of thing.

And then I think the same thing happened in the UK but it was done through a different organization through for example some sort of standard body for advertising practices. So maybe those are examples of non-policy, non-contractual ways that registries or even government authorities can get involved here and, you know, put the smack down on the folks.

It sounds like, you know, in general we know where these are coming from. And so maybe that's a - that's one avenue. Michele, go ahead.

Michele Neylon: Yeah, I mean, the - in the UK it was the Advertising Standards Authority who, you know, published a decision stating clearly that it was false advertising. I mean, it's - because the thing is, I mean, you see the same kind of methodology used by those companies that send round the search engine positioning things or the directory listings.

And, you know, the entire thing is worded to give an impression of it but it's one thing and then it's all the nasty stuff that people probably should read is hidden in, you know, very fine print that most people don't actually read.



I mean, in terms of how best to deal with it and I think, you know, maybe there is something that can be done but I would agree with you, James, you know, shoving something into the RAA probably isn't the best way of doing it because if it's - you could easily end up in a situation where the wording causes problems for legitimate actions.

Sorry, I'm shivering here because this house seems to be freezing and the heating isn't working particularly well.

So I don't know, I mean, I don't know what the best solution is. But I think, you know, maybe it's a case of simply, you know, taking this question further beyond just the registrar stakeholder group and, you know, talking to the non contracted parties and asking them do they see an issue? Are they and their contacts, their stakeholders, are they being hit up with lots and lots of these fake renewal notices or are they completely oblivious to it?

James Bladel: That's a good point. Thanks, Michele. Okay well we kind of got off track here a little bit. But I think that we were finishing up the discussion about Question Number 6.

So moving onto Question Number 7 here and we can hopefully get through this survey today so - and that'll be our gift to Mikey. Where are these fake renewal notices coming from; an ICANN entity, a registrar reseller or other. Looks like the majority are coming through as a reseller.

I would point out that registrar is an ICANN-connected entity so maybe Topic 1 and Topic 2 are - the responses are basically equivalent but we don't have that issue because we have zero responses for the first one.

But for those folks answering other and we should take a look at these because they represented a significant minority of the respondents. One says mostly resellers; one specifically names Brandon Gray NameJuice or possibly a reseller thereof such as Domain Registry of America, Domain

Registry of Canada, Domain Registry of Europe. I hadn't heard that one before.

Uncertain was one of the responses. Domain - another vote for DROA. Another response was that they were assuming it was a reseller and another one is not sure. So it seems like this question is saying pretty emphatically that it is relative to resellers and there's a couple that are named specifically.

And that I think that in addition to Item Number 2 I think would probably fall under the category of a registrar. So we could probably bump that one up to eight and take possibly the other one as, you know, like 1, 3, 5 and 6 would increase the count for reseller.

So it still seems like resellers are the most prevalent. I don't know, anyone have a different take or takeaway from that question or should we move onto Question Number 8?

Go ahead, Michele.

Michele Neylon: I think the thing about resellers is because I think a lot of people still assume that DROA, are a reseller and aren't using a - an accreditation because they were a reseller of several registrars in the past. At least that's how I might interpret that.

And, I mean, obviously I could be completely wrong but I think a lot of people perceive - have perceived them as being a reseller as opposed to actually having their own accreditation.

James Bladel: And they do have an accreditation, correct?

Michele Neylon: As far as I'm aware, yes. I believe it's Brandon Gray. I think that's NameJuice or something like and I could be completely wrong. But...

James Bladel: Okay.

Michele Neylon: ...I think that's - I think that's the - somebody else has actually put it down there as saying names are lost in this way end up at Brandon Gray Internet DBA NameJuice.

James Bladel: Yeah, I think it's a straightforward process that when we lose a name like this the customer brings it to your attention and you do a quick Whois lookup and find out, you know, where did it go.

Michele Neylon: Yeah well the...

James Bladel: But then the question is...

Michele Neylon: Sorry, James, just to cut across you. But if you're actually - and (SERA) published a load of the documentation and evidence that they had collated which includes a lot of the interrelations between various entities and people not only - and directly in relation to their activities around domain names but, you know, other activities as well.

So, I mean, the question I suppose that I'd ask is, you know, has ICANN compliance looked at those and found anything that would actually be in breach of any terms of the - of the RAA. And if it isn't in breach of the RAA is it in breach of any registry contracts which of course is punting the question straight over to Paul.

James Bladel: So this information is available on (SERA)'s Website, Michele?

Michele Neylon: Yeah. Their legal team published the entire - a whole load of their submissions. And it's the submissions from the (SERA) not any responses from the DROC side.

James Bladel: Okay.

Michele Neylon: But it kind of puts together things like, you know, who is related to who, I mean, as in literally related, and which entities were related to others and, you know, various other things, I mean, things like, you know, entity - multiple entities sharing the same address. And no the addressing question wasn't of a lawyer's firm before anybody suggested it was.

It's quite - there's quite a bit of documentation. But, I mean, it's something - they do expose and they do have quite a bit of information about all the kind of activities and interrelated parties that, you know, they were aware of.

James Bladel: Okay thanks. I know that they - I know that (SERA) published some justifications but I wasn't sure if - I wasn't aware that information. I'll definitely go take a look for it. I don't know if it's...

Michele Neylon: Well it was...

James Bladel: ...necessarily suitable to - oh there is it. Marika has already linked to it so I guess it's part of our public record now.

Michele Neylon: It was there but it's not there anymore by the looks of things.

James Bladel: Yeah.

Michele Neylon: Well we can probably - we could probably ask (SERA) if - where it's moved to.

James Bladel: Yeah. Okay moving onto Question Number 8 what countries - country or countries are these renewal notices coming from? It seems like we've got most coming from the United States. We've got some pretty good solid votes there for Canada and the UK and then a smattering of locations from some other parts of the world or unknown.

And I think that fits with what we're seeing in some of the other questions here is that, you know, without putting too fine a point on it it seems like it's relatively known where these things are coming from.

Question Number 9, what mechanism - I'm sorry, go ahead, Michele.

Michele Neylon: Sorry no just the reason why you see United Kingdom for example would be because for a lot of the stuff that would come to us both directly and indirectly they're running it through a UK address but it's the same entity.

James Bladel: Okay. So you're pointing out that, you know, just because where one person sees it as - it's like the blind man touching the elephant, right. We're maybe seeing it show up in different countries but it's the same parties that are responsible.

Michele Neylon: Oh yeah, no, I mean, it's exactly the same thing. I mean, if I were to - if I were to scan in (unintelligible) I already have done it. We've scanned in and posted on our blog multiple copies of DROA letters. I mean, it's - for people who are located in the US or Canada they can compare with the ones they have.

And I feel very confident that they - if they're not identical apart from the address that they're so close that they're, you know, identical for all intense and purposes.

James Bladel: Okay thanks. And I think - I think you can probably make the same case that there is no effective difference between the Canadian entity and the entity in the US.

Question 9 is for registrars who have reseller programs. What is the mechanism you use to govern your resellers to prevent them from sending fake renewal notices? You know, whether that's done through the contract or provisions of the contract or limitations limiting the capacity through the API, a combination or not applicable.

It seems like the, you know, I'd say half are saying it's not applicable. I'm assuming because they don't offer a reseller program. The half that do are saying that they use - eight of the contracts mainly the contract it seems with a couple claiming both the contracts and the API. It looks like just one using API. And then one has something of a trust or honor system. I'm not sure what that response means.

But it looks like of those registrars who offer it the method of choice is to put provisions in their contracts. Michele.

Michele Neylon: Sorry. I was one of the people who would have said not applicable and the reason being that we don't offer a reseller solution. So it didn't apply to us just by way of clarification.

James Bladel: Okay. Oh thank you, that's a good point. Any other thoughts on this one here? One of the things that jumps out at me is just whether or not solely having provisions in the contract are sufficient. If you have a registrar that has a very, very large and extensive reseller network then the compliance efforts amongst that registrar (unintelligible) reseller program might be something that would be called into question. Michele, is that a new hand or from before?

Michele Neylon: This is a new hand.

James Bladel: Okay go for it.

Michele Neylon: James, if the reseller, in inverted commas and that's intentional, is just - be a reseller in order for it to appear as a separate entity from the actual sponsoring registrar then why would anybody believe that a contract that existed between the two entities that may have - may for in all likelihood be the same entity - would include any clauses that would limit the reseller, again in large inverted commas, from acting in this manner?

I mean, ultimately what I'm getting it - and I'll be blunter about it - you know, there's no point in really looking at what 900 and whatever odd registrars may do if realistically speaking we're talking about one entity that does this...

James Bladel: Yeah.

Michele Neylon: ...that sends fake renewal notices. I mean, so kind of going back to Paul's point about, you know, do we really need a PDP, etcetera, etcetera. I mean, considering that from what most of us seem to conclude is and for most of our experiences we're all talking about the same entity. Do we really need to - either to put some kind of contractual clause or policy in place just for that one entity? It just seems a little bit silly. Surely there must be some way of dealing with it just to deal with that actual problem.

And if there are other entities who are completely unrelated they're not on anybody's radar at the moment. That's not to say they won't be on the radar in the future but I'm sure we can probably deal with that then. But at the moment there's only one entity - one organization that's doing this.

James Bladel: You know, I agree with you - or tend to agree with you, Michele, but that's not - unfortunately that is not what the data is saying in Item Number 6 which is saying that we're seeing new ones entering - a couple of them are saying that it's, you know, but then - I think agree. The vast majority are saying that they're seeing the same entity all the time. But we can just square that item with Item Number 6.

Which probably means that they were not aware that the efforts by this particular entity to hide behind all of these DBAs and different accreditations and reseller relationships worked in that particular case, right, it was effective in camouflaging their activities.

So I, you know, I agree with what you're saying I just think that we need to take it in light of what we're - what we collected in Item Number 6. And it goes back to I think the conversation that you, Paul and I were having just earlier in this call which is that, you know, why go to the trouble to change the contract and create a PDP, get registries involved, get compliance involved if it's really just one entity that is driving 80% of this problem.

Okay so moving on then to Number 10 and we can get through this here. What's the impact of fake renewal notices? The majority say costs. And I think that we allowed multiple responses here which is why they're not adding up.

But two-thirds say that it's higher cost with one-third say lost customers and then about another half or ticking the box for other. Other responses would be greatest impact is user confusion, questions posed to customer service folks, confusion, frustrated customers, loss of domains, support burden, registrar confusion, confusion, wasted time and time explaining the situation to customers and confusion.

So it sure sounds like it's just messing up the industry as far as the perception of registrants and their confidence in this industry's ability to keep things on the up and up. And then that's then translating into secondary costs for registrars as far as support costs.

I imagine if we sent this over to folks like ALAC or the Nom-Comm or something like that we would see a different type of cost which is the cost of recovering a domain name, the cost of paying exorbitant, you know, fees or whatever to recover or reestablish it or transfer it again.

I just think that all those things are probably the costs that are not being captured since we targeted the survey towards registrars. But I bet you those are out there as well.



So wanted to finish up the last question but I will give anyone an opportunity to chime in on that one. I think the last question is the open ended one so we'll spend the last 10 minutes of the call going over that.

This is any other comments or topics Respondent 1: This issue has a negative impact on our entire industry and it needs to be stopped. (Sera) was able to deal with it why can't ICANN? I think we heard that during the call.

Notices are very misleading and deceptive bordering on fraud. There appear to be a number of private lawsuits and regulatory actions regarding this topic which may help guide the group. And I think that there's a link there to - with (PD) articles.

Some notices ask for a search engine renewal which are drafted to be confusing with renewal notices. They should be taken into account. And that's interesting; I hadn't considered - and I'm not sure if we have considered the scenario where this is combined with, you know, renewals or solicitations for other products like search engine optimization or hosting or something like so that's something that we should make a note of.

Plus the issue dealing with confused customers that renew in good faith and don't realize they have a problem until they're asked to transfer their name or they need to make a change to their registration. The incidents of fraud has dropped somewhat since the introduction of the auth-code transfers for comm.

That's something I'm not familiar with. I mean, are we saying that this was a much bigger problem in the past when there were no auth codes? That's definitely before my time so I'll just take that on face value. Go ahead, Michele, you have something you can weigh in on that one?

Michele Neylon: Yeah, actually I'll weigh on two of them. Response Number 1 is me for the record. But I think you kind of guessed that.

James Bladel: Yeah, it was kind of word for word.

Michele Neylon: Yeah, I thought you might have. And the thing about the auth codes, yeah, I mean, we saw it happen - sorry, I choked on - we saw it happen with several customers before auth codes were introduced. I can't remember Paul being around long enough he probably remembers the exact day and date it happened.

But, yeah, I mean, we had the kind of thing where a client who actually was quite a close friend of mine got duped by one of these things. And, you know, the domain ended up being transferred over but luckily they were able to get it back. And so, yeah that's definitely - I mean, there's definitely a security idea that...

James Bladel: Okay.

Michele Neylon: ...security angle to it.

James Bladel: Thanks. Paul is saying in the chat that he doesn't remember with auth info codes were required. Do you mean weren't required, Paul?

Michele Neylon: Well when they became...

Paul Diaz: Yeah, sorry, when the turnover in process...

James Bladel: Okay.

Paul Diaz: In the past they were not or when they became required; I don't remember what that date is. It's a number of years ago now though for sure.

James Bladel: Yeah, it's almost right around the time ICANN was born I think.

Paul Diaz: Yeah...

James Bladel: Two-thousand four Marika is saying.

Paul Diaz: You know, it might be something that you can figure out if you look back to the original - or the group that came up with the transfer policy that we currently have. That was what a 2003 timeframe; I think something like that. I think might have been coincident with that - that effort.

James Bladel: Well the other registries were using that unilaterally before it became a policy?

Paul Diaz: Could be.

((Crosstalk))

James Bladel: Okay. Okay so let's jump in here to Number 5. The majority of fake renewal notices and related scams; original for the organization calling itself Domain Registry of America, aka, Domain Registry of Europe and other names. So it certainly seems to be the tone of this discussion that it's landing on the various names of this one entity.

It is - Item Number 6 - it is an annoyance not a major problem. A PDP would be over kill. I think we've discussed that fairly extensively as well especially if we are as we're seeing one entity and all of its permutations are behind a lot of this activity.

Sending false notices of any sort should be prohibited in the RAA and this requirement should be enforced on resellers as well. Resellers should be named and shamed to prevent them from jumping over to a new registrar once they're shut down.

This is an interesting concept because it kind of touches on the idea of a reseller blacklist. And I can tell you - I think it's pretty understood that when we have bad guys that are trying to get into our reseller program and they get kicked out for whatever reason, I mean, we're definitely watching for them to try and join again under another name.

I have some concerns about extending that to other registrars or sharing that. I mean, that would be - fall under the category of an abuse thing where we do have some registrars that share notes on let's say for example spammers or people who run malware sites. And maybe this could possibly be an extension of that. I don't - but, you know, anyway I think that having ICANN drive that process makes me very nervous. Go ahead, Michele.

Michele Neylon: I agree with you 100%, James. I don't think it's appropriate for ICANN to get - to do that. I think it's something - sorry - I think it's something that we need to deal with. There are already, you know, several - there are trust networks both for registrars and for other entities involved in dealing with DNS abuse.

And I think, you know, it's something that also may be via - I don't know what kind of formal way it could be done. But there might be some - I think it's something that needs to be done in that way not something that ICANN should really get involved with at all.

I don't think it would be appropriate for them to do that because that's a nasty slippery slope into all sorts of craziness that would cause us more headaches than anything else.

James Bladel: Yeah. You know, I understand. I think it almost is begging for some kind of a tool for registrars to self regulate by identifying and kicking out one of their own which, you know, giving that power to ICANN is - makes me pretty nervous. Go ahead, Paul.

Paul Diaz: Yeah just wanted to agree with both of you guys that it is a slipper slope, very dangerous. That said for registrars, you know, communication is key. If registrars communicate to the liaison and more importantly to compliance and say look we're seeing a pattern, it fits the same DROA and all its DBAs, the same pattern that we've seen.

Consumer protection agencies have found against these guys. You know, the pressure can come from within the industry communicated to ICANN and ICANN finds in particular then can take certain steps.

And I don't want to jump ahead in the group's efforts but it seems like there are already opportunities for compliance to at least investigate and if DROA is an example they at a point in the past were an eNom reseller. When eNom became aware of all the problems they kicked them out of the program.

And those guys went off and eventually put some (unintelligible). You know, the community can police itself and if that's not going to be enough then go complain to ICANN who can do the investigation and hopefully that too will be pressure.

Essentially make it, you know, nobody wants to deal with those resellers, those problematic people anymore. But certainly want to avoid the slippery slope of a holy pulpit or some way of shaming because that could too easily be abused.

James Bladel: Right. Okay thanks Paul and Michele. Moving over to Item Number 8 here. Not a huge issue for us but in principle we find this practice objectionable - similar to the slamming practice by long distance carriers.

I noticed also that outside of the ICANN circles this is sometimes called domain name renewal slamming. So I think it's - I think that if we're not making that connection between this and slamming the community sure has.

And for the non-Americans on the phone - or on the call back when the US deregulated its phone company there were a lot of fly by night long distance companies that would call you up in the middle of dinner and trick you into switching your long distance company.

And now we have all these procedures and regulations in place that you want to change a long distance company you have to have - like they have to conference in this third party or something like that; it's kind of weird. But it's - it prevents this idea that you would ever change your carrier without consent and it went the way of long distance phones and I think the mobile phone industry did that in but anyway.

The last response: Most of our clients are IP professionals that are very wary of any notice not issuing directly from so it's only a matter of problem in volume terms but an annoyance and very bad for industry reputations. So I think that's kind of saying it's - we're not a retail registrar but we agree with the response in Number 1.

So that's the survey. I see that there's some staff responses and follow up questions. I don't think we have time to dive into those now we're up against our time limit. So that will be a good stopping point then for Mikey to take over next Thursday.

Before we go I'll turn the floor over to Marika. Go ahead.

Marika Konings: Yeah, this is Marika just on the staff responses I found some further feedback on the list today so people can have a chance to look at that and, you know, we can discuss further next week. And I just wanted to confirm so we have the next call same time next week?

James Bladel: I assume that was the case. I guess I shouldn't have assumed that but it sounds reasonable.

Marika Konings: Okay I'll confirm that.

James Bladel: Okay well thanks everyone. And thanks for putting up with me and we'll talk to you next week.

Michele Neylon: Thanks James.

Paul Diaz: Thanks everyone.

Marika Konings: Thanks.

James Bladel: Bye-bye.

END