

**Locking of the Domain Name Subject to UDRP Proceedings Drafting Team  
Meeting  
TRANSCRIPTION  
Tuesday 08 February 2012 at 1930 UTC**

Note: The following is the output of transcribing from an audio recording of Locking of the Domain Name Subject to UDRP Proceedings Drafting Team Meeting on Tuesday 08 February 2012 at 1930 UTC. Although the transcription is largely accurate, in some cases it is incomplete or inaccurate due to inaudible passages or transcription errors. It is posted as an aid to understanding the proceedings at the meeting, but should not be treated as an authoritative record.  
The audio is also available at: <http://audio.icann.org/gnso/gnso-locking-domain-name-20120208-en.mp3>  
On page: <http://gnso.icann.org/calendar/#feb>

**Attendees**

Wilson Abigaba, NCSG  
Laurie Anderson, RrSG  
Randy Ferguson, IPC  
Lisa Garono, IPC  
Konstantinos Komaitis, NCUC - vice chair  
Michele Neylon, RrSG – chair  
Ken Stubbs, RySG  
Jonathan D. Tenenbaum, RrSG  
Joy Liddicoat, NCSG  
Paul Diaz, RySG  
Victoria McEvedy,  
NCSG Barbara Knight, RySG

**Apologies:**

Marika Konings - Staff support

**Staff:**

Julie Hedlund  
Glen de Saint Gery

Coordinator: Excuse me. This is the operator. I just need to inform all participants today's conference is being recorded. If you have any objections, you may disconnect your line at this time. And you may begin.

Glen DeSaintgery: Thank you (Lori). Would you like me to do a roll call for you Julie?

Julie Hedlund: Yes please Glen.

Glen DeSaintgery: Good morning, good afternoon, good evening everyone. This is the lock domain name call on the 7th of February. And on the line we have Paul Diaz, Laurie Anderson, Barbara Knight, Randy Ferguson, Joy Liddicoat, Lisa Garono, Michele Neylon, Konstantinos Komaitis, Victoria McEvedy and Ken Stubbs.

We are trying to dial out to Wilson Abigaba but his line seems to be busy. We have apologies just from Marika Konings. And Julie is taking her place. And are there any other apologies that have not been noted? With that - oh, for staff, sorry, we have Julie Hedlund and myself Glen DeSaintgery. And with that, I hand over to you Konstantinos and Michele. Thank you.

Konstantinos Komaitis: Thank you - can you hear me now. Thank you very much Glen. I actually think that, you know, Michele should take on this call as the Chair. I am the Vice Chair. So I will be going back to Michele on that. Thanks.

Michele Neylon: Thanks Konstantinos. I will (murder) you quietly later. Because one of us was giving a talk on the other side of the country a couple of hours ago and it wasn't you.

Good evening everybody. First of all as we've done the roll call, these statements of interest and has everybody got a statement of interest up on the Wiki at this stage Glen or Julie? Do you know?

Glen DeSaintgery: I believe that everybody's statement of interest is up on the Wiki Michele. Thank you.

Michele Neylon: Okay. Perfect. And the usual thing is at the beginning of any call we have to check to make sure this - if anybody has any changes to make them. And for the record I have to say that I have to update mine slightly and I'll get round to it when I remember my login details. Apologies.

And in terms of housekeeping, at the last call, which most of you were at, Konstantinos and myself have volunteered as co-Chairs. It's not a matter of a Chair and a Vice Chair. It is co-Chairing Konstantinos. And to date nobody else has put themselves forward. So if anybody has any opposition to us being the Chairs, please let us know. Any takers? Going once. Going twice. No. Okay.

Next item of business. The charter template, which we were looking at this in the last meeting, which I think - was that two weeks ago or am I losing my mind? I think it was two weeks ago.

So the meeting - the charter template, basically we kind of covered this a little bit in the last call and it's a template. It has bits and pieces in that that we can fill out as a drafting team. And there's other bits, which we won't be filling out until the actual thing goes through the Council.

So I mean the basic stuff is, you know, the name of the group at the moment it's a bit of a mouthful. So Locking of a Domain Name Subject to UDRP Proceedings PDP Working Group is the working title. I think somebody suggested on the last call that that was a bit of a mouthful. So if somebody has a suggestion for a shorter name or a better name,

please do share. Any takers? No. I'll take that as a no. Well I did have to try.

Okay. The chartering organization is the GNSO. That's pretty straightforward. And I think for - and for some people they haven't done that many ICANN working groups, one of the things I mentioned in the last call is if anybody has any issues and doesn't understand what these various acronyms mean, please either ask, either interrupt me or Konstantinos or whoever and - or if you don't want to interrupt us and just wanted to find out quietly, feel free to poke either ourselves or the charming ICANN staff by email.

So the charter approval date, then you got the name of the working group Chair; obviously we don't know that. Name of the appointed liaison, again we wouldn't know that. And then there's other bits there like workspace, URL, maiden list, et cetera, et cetera.

So all those things would be completed as part of the GNSO process. So here, excuse me, what I think was Marika put together a draft - first draft, which is just, you know, boiler plate text that goes in there based on what was known and that tasks as I understand it is to go through that and make sure that we agree on what is there and what isn't there. Any questions so far? Somebody please have a question. No question. Oh God. Okay.

And Konstantinos, do you have anything to say at this point?

Konstantinos Komaitis: No. I really don't have anything to say. The only thing I would like to add because I saw - I mean there was very little traffic in the mailing list but they have some people - there have been - there has

been one email I remember that sort of tried to question from sentences within this template.

This is a template that has been - I mean and I would like to reiterate basically what Michele has just said, which is the template that has been used in various working groups and a lot of the various questions and a lot of the various things that we need to fill out are more or less the same as in other working groups.

So I think that as far as I'm concerned I think that we can finish - we can have this working group charter ready for Costa Rica. And I think that again - we can manage that in a timely manner and mainly via emails. And the only thing that I would also add is that me and Michele have discussed as Chairs and we send it to Marika the mission and scope of this charter. And I think that this is the way we need to start having our discussions now. Thanks.

Michele Neylon: Thanks Konstantinos. Konstantinos sums things up much better than I do. Thank you. Sorry. Just bear with me people. I've just got out of the car. I just drove halfway across Ireland, which I drove the entire width of the country now that I think about it.

Okay. So let's have a look. The mission and scope in this - but please note this is just draft and if people have issues with this, you know, that's what we're here to discuss.

Okay. So the policy development process, PDP Working Group, WG, is tasked to address the issue of locking of a domain name subject to uniform dispute, resolution policy, UDRP proceedings as outlined in the inter registrar transfer policy, IRTP, Part B final report as well as

the final issue report on the current state of the UDRP. God that's a long sentence.

And the PDP Working Group should as a first step request public input on this issue in order to have a clear understanding of the exact nature and scope of issues encountered with the locking of a domain name subject to UDRP proceedings. Any problems with this so far? I'll take silence to mean there isn't.

Woman: No. No problem.

Woman: No. Clear.

Michele Neylon: Okay. Okay. If anybody has anything, please interrupt me because I can talk for hours. Remember I am Irish. And based on this information and any additional information gathering the working group deems necessary, the PDP Working Group is expected to make recommendations to the GNSO Council to address the issues identified with the locking of a domain name subject to UDRP proceedings.

As outlined in the PDP manual such recommendations may take different forms including for example recommendations for consensus policies, best practices and/or implementation guidelines. The PDPWG is required to follow the steps and processes as outlined in Annex A of the ICANN bylaws and the PDP manual.

It should also be noted that if the WG proposed any recommendation on the issue of locking of a domain name subject to UDRP proceedings -- we really do need an acronym -- which are considered

consensus policy recommendations, these should not amend, change or otherwise alter the UDRP or its substantive parts as any recommendations developed by the WG are not meant to introduce a new UDRP remedy.

Any feedback anybody? Joy, go ahead.

Joy Liddicoat: Thank you. I just wanted to reiterate my support for that particular provision albeit that we may be able to craft a bit. State the sentence more elegantly. No disrespect to the drafters. Mainly because, you know, I'm aware that the GNSO Council has recently approved motion to consider aspects of the UDRP within 18 months of the launch of new gTLDs.

And I think it's quite important that any other policy development processes, which touch on aspects of UDRP procedures can be calibrated if need be or cross-referenced across that time period.

So I was pleased to see that reference in there in principle. But also very happy to take advice from wiser (kids) as to whether that's, you know, crafted in quite the right way to achieve their objective.

Michele Neylon: Okay. Thanks. Anybody else have any other comments on this?  
Victoria and then Randy. Victoria and then Randy.

Victoria McEvedy: Yes. I was just wondering - just a thought. I don't have firm views on it but I just raise the question in case other people have thoughts as well. Because it's recommended that public input's requested and then recommendations are based on that plus other information, I mean I was just wondering if that might be softened or there might be a

reference included that the group's own views would be relevant. Because otherwise it might look like it's sort of a reporting exercise and I'm sure that's not the intention.

Just a thought. It's not crucial.

Michele Neylon: Well just to kind of reply to that specifically. And generally the way PDPs work, I mean it's part of the way ICANN policy development process - the ICANN policy development process works is that a group of people, could be you, could be me, could be anybody, comes together to discuss a particular policy issue.

It could be a big issue, could be a small issue, could be something that only five people actually care enough about to actually turn up for the meetings. But the key thing is that as ICANN is a bottom up and a bottom up organization that it's not a - the working group should ask the broader ICANN community for input so that it's not just the case of the five or six people or more or less or whatever involved in the working group were actually doing this.

I mean that doesn't mean that whoever works on the working group afterwards doesn't have input. I mean far from it. But it is part of the overall process that you get feedback from the community. And I think, you know, Ken has been on several of these. He might be able to speak to that or Paul or Konstantinos. And if somebody wants to correct me, please do. That's my understanding of how it works.

Man: It's my understanding as well Michele.

Michele Neylon: I'm not totally insane. Just mildly insane. Perfect. Is that okay Victoria?

Victoria McEvedy: Could I just - yeah. Could I just address that? I mean I understand that of course - I mean I think there's already been an information gathering process. I think the main UDRP providers have already been asked this in questionnaires on this.

Anyway there's been - I mean I understand that there will - you know, not in any way suggesting that that process shouldn't happen. But just to soften the language so that the - not to limit the work of the group to only sort of passing on those views rather than generating other ideas and what have you.

So I don't think they're mutually exclusive.

Michele Neylon: Okay.

Victoria McEvedy: And I know it will go out to public comment again obviously once the group's reported back and there's policy proposals. So yeah, I do of course understand what, you know, your very good point about the need to get bottom up ideas.

But I wouldn't like to overly restrict the creativity of the group just because some, you know, I wouldn't want them to feel that because it hadn't been - in their outreach they hadn't had a suggestion that they couldn't put their own forward. And I would hope that perhaps that's not necessary but it was just a softening of the language in that direction that I was really suggesting.

Michele Neylon: Well what I would suggest then if you have - if you can suggest alternative wording, then, you know, if we can put - if we can discuss

that - if you want to put that to the mailing list with alternative wording that you feel achieves that...

Victoria McEvedy: Well I can just give you - I think three words would achieve it if I can do it that way.

Michele Neylon: (Yeah sure).

Victoria McEvedy: In the sentence that begins with - one, two, three, four, five, six - sixth line down. Based on this information and perhaps we could add its own views end.

Michele Neylon: Okay. I'm just taking a note of that.

Julie Hedlund: And Michele, this is Julie. I have the document opened separately and I'm noting this in red line so I can send around a red lined version afterwards.

Michele Neylon: Perfect. Thank you because I don't have the original document open.

Julie Hedlund: That's what I'm here for Michele.

Michele Neylon: Thank you Julie. You rock as always. And we have to be nice to ICANN staff. They work completely ridiculous hours...

Victoria McEvedy: Look. I totally love it. It's wonderful.

Michele Neylon: Okay. So any other - anything else on that Julie - not Julie, sorry, Victoria?

Victoria McEvedy: No, that's great. Thank you.

Michele Neylon: Okay. Randy.

Randy Ferguson: Hi there. I was just noticing that the working group charter that's presented on the Adobe screen now isn't the version, which was just sent over by Marika. She added on February 1 a few specific items in this Section 2 mission, purpose and deliverables.

Julie Hedlund: This is Julie. Thanks for raising that Randy. I didn't catch that there was a latest version and I'm not on the list so it may be that she didn't realize that I didn't have it. Glen, could you possibly forward that to me. And in this period while we're talking here, I'll bring up the latest version?

Randy Ferguson: Okay. It was...

Glen DeSaintgery: I'll do that Julie.

Julie Hedlund: Thanks so much. Sorry about that folks.

Randy Ferguson: ...February 1 - no, it's February - yeah February 1 she sent it.

Michele Neylon: Nicely spotted. My excuse is that I've just driven halfway across the country.

Randy Ferguson: I mean I could copy and past the section Marika added if there's a way to do that on Adobe.

Julie Hedlund: No. No, that's all right. I'll - Randy, this is Julie. I'll get the - I'll get the most recent version from Glen. And it'll just take a moment to save it into PDF and pop it in the window.

Randy Ferguson: Oh sure. Okay. Thanks.

Julie Hedlund: No problem.

Michele Neylon: And Victoria, that a new hand or an old hand?

Victoria McEvedy: It's an old hand. I'm sorry. Let me take it down.

Michele Neylon: That's okay. And just going back to one of the other - somebody - one of the other points somebody raised about, you know, the narrowness of this and it's a very valid point. And the thing - bearing in mind of course that this is a draft document and some of the wording here it could be improved on. And I'm not the best person in the world for writing these kind of things. Konstantinos is slightly better and I know Marika is very good at it.

But you know, if this - if people have suggestions for tweaking the wording, you know, that's basically what our role is here is to make sure that the wording is tweaked in such a way that it fits the scope of what we're asked to do.

Konstantinos. Oh no, sorry. Victoria again. Go ahead.

Victoria McEvedy: Sorry. On that basis I just had one other suggestion or thought that might just open for discussion. I noticed at the end - I mean I don't know if there's been a discussion in the last meeting about this and - or

where this has come from but it would be quite useful for me to have some background from someone on the call if they know a little bit more about the history of this.

But I note that it says that the work or the policy that arrives out of the working groups shouldn't have any substantive impact on the UDRP or its substantive paths and not - it's not meant to introduce a new UDRP remedy. I mean I'm wondering if the - I just would be interested to know if anyone could just talk to that generally because the question that arises for me is it's talking about it's substantive - let's say it's substantive provisions.

But there are a lot of procedural issues in the UDRP and obviously, you know, well this may be a new rule for registrars that's arrived at. But is there a need to somehow ring fence other UDRP procedures in some way or I just don't know what's going on about this before and where that language has come from and, you know, what the background is to it. And I'd be very grateful for some kind of overview.

Michele Neylon: Well I can try to give you a kind of non-lawyer kind of plain - fairly plain speaking understanding of where some of this comes from. And I'm sure there's plenty of people on the call who might be able to get into more detail on this.

I mean the basic thing is that it's going back ooh, how long ago. It must be nearly a year at this stage. There was a lot of discussion about potential reform, revision, changes, call it what you will around the UDRP.

Now ultimately the GNSO voted that there would be no revision changes or anything substantive made until - before the 18 month after the launch of new TLDs. Whether you like it - whatever way you feel about that, that's the decision.

However, a thing that several people felt quite strongly about both registrars and others was that there - and there was something that came up in IRTP B, which is the inter registrar transfer policy Part B, which I was the Chair of, is that there's certain things around the locking or maintenance of status quos allowing registrants to change domains, to transfer them, et cetera, et cetera, in and around the - when a UDRP kicks off.

That wasn't very clear. So like on our last call for example, some people I think mentioned, you know, that they had problems, they'd start a UDRP and over a particular domain name and by the time it had started, the domain would already have moved between registrars. And, you know, there was a lot of - a lot of gray areas.

Now from speaking as a registrar, all I've ever wanted from this particular thing was clarity so that I don't end up falling foul of ICANN's compliance team or anything like that.

Konstantinos can probably speak to this more eloquently since this is his chosen area of expertise. Konstantinos, go ahead.

Konstantinos Komaitis: Thank you very much Michele. I'm not sure whether I can speak more eloquently about that. Basically there was - the registrar community was feeling quite vulnerable because of the issues that Michele very clearly identified. (Unintelligible) UDRP procedure was

kicking in, a lot of (cyber) quarters were moving around. Their domain name registrations were chartering their domain registrations across various registrars.

And that's part of their inter registrar transfer policies that the registrar community was discussing with the ICANN community. One of the issues that was brought forward was about these very issues that they feel extremely vulnerable because they really do not know because they feel that some cyber squatters are gaming the system.

Now I think that the great difficulty with the working group that would be formed and I think that to a certain extent we're also facing this - a difficulty in how this - how the recommendations that will come out of the working group and the charter that we will draft - the boundaries of the charter will fit within the UDRP especially given the fact that the GNSO has already committed in starting the review of the UDRP eight months after the launch.

So - but I don't think that anyone has a question right now. The fact is that we have an issue before us that it came out of an official report that was deliberated by the stakeholders of the ICANN community. And as long as we're very clear that this for example - I am thinking and I'm also very confused as to how this whole thing will fit with the review of the UDRP.

And I think that what we - this group can do is - and the next working group that will be formed is commit to the fact that this does not change the UDRP and when the UDRP review kicks in then this issue will be revisited and it will be part of this overall idea of fixing or not fixing -- you can say it whatever you - whichever way you want -- the

UDRP and addressing many of its issues. I hope this clarifies things  
Victoria. I think I am more confused now but anyway. Thanks.

Victoria McEvedy: Thank you. Thank you. Thanks for that. I appreciate it. Can I just  
make a comment in response?

Michele Neylon: Oh please do. Please do.

Victoria McEvedy: Yeah. Okay. Just to ask the next question on. That's very helpful  
and thank you so much. I really appreciate the background from  
people who have it.

Where is it anticipated that the recommendations might end up if  
they're not going to go into the - I mean just - I'm just curious to know.

Michele Neylon: IRTP.

Victoria McEvedy: I see.

Michele Neylon: Short answer. If you - I'll just give you - I'm going to paste a link into the  
chat. Just bear with me one second as I'm here. Oops. The IRTP,  
which is inter registrar transfer policy, basically governs - it's the policy  
for the movement of domain names between registrars.

So if you have for example a domain name registered with Go Daddy  
and you want to move it to network solutions, the policy governs at  
what time that domain can be moved. It covers, you know, the certain  
parts of the process. And it also includes references to when the -  
when a domain transfer cannot happen.

And it would be kind of broadly speaking (into that policy) that anything - any recommendations coming out the far end would (unintelligible) because you can't make any recommendations that would impact the UDRP. Konstantinos.

Konstantinos Komaitis: Thank you Michele. Just a point that I forgot to clarify. We really need to look at this working group's task, you know, the locking of the domain names from the registrar's point of view. This will not introduce a new remedy to the UDRP. It's more for the registrars that they really need to know what they have to do when a UDRP action kicks in.

That doesn't mean that as soon as the recommendations whichever way they go come out that suddenly the UDRP will have an additional remedy to transfer or cancellation of the domain name. There's not going to be transfer, cancellation or lock.

The recommendations will work for the registrars purely. They will ensure that they comply and they're not exposed to potential lawsuits, to potential de-accreditation and all those issues that right now they might be facing in light of the fact that cyber squatters are just moving around as soon as the UDRP kicks in. Thank you very much.

Michele Neylon: And just adding to that. It's not just a case of when a UDRP starts. It's also if when a UDRP ends because there's two sides to it. I mean not all UDRPs are going to be valid or deemed to be valid let's just say.

And as things stand at present, there's a lack of clarity about which stages during the entire process from beginning through to the very end and at which - so let's say for argument sake that I have a domain

name that you feel infringes your trademark. So I'll pick on Konstantinos. Why not?

So Konstantinos lodges the UDRP. Okay. While we - the registrar record has an obligation to maintain the status quo. But as far as I know, as Konstantinos said on the last call, there is no actual mention of locks I think in the actual UDRP itself.

And that's fine and, you know, the UDRP goes through its process. And at the end of - at the end of whatever period is involved, the registrar should remove the lock or should remove any restrictions let's just say to avoid using the word lock. Remove any restrictions on changes to that domain name.

The problem of course is when. I mean at what - exactly at what point? At what point is the registrar obliged to do it? At what point is the registrar in violation of other parts of policy by maintaining a lock of some kind on the domain?

At the moment I'm speaking as a registrar who does not have a legal staff of 20 or 30 people working for me. And this is actually quite worrying and quite scary under other registrars on this call or people who've worked for registrars in the past who may or may not wish to speak to this.

But that's the kind of area that registrars are looking for clarity and for those people who would be representing companies that are using UDRP to, you know, get back domain names and everything else. It would help, you know, provide clarity for them as well.

Is that kind of helpful to people?

Victoria McEvedy: Very. Thank you.

Michele Neylon: Any other questions at this juncture?

Victoria McEvedy: Yeah. I have one other question. I didn't raise my hand.

Michele Neylon: Please go ahead. Go ahead. Go ahead. Ask. Ask.

Victoria McEvedy: Thank you. I just - I was trying to do some background reading and I didn't get very far. But I looked at the final issue report on the current state of the UDRP, which I think is referred to in the materials.

And I could see that there was an issue also in the same sort of context where the - this is coming up in the responses I think from some of the UDRP providers about who is - the privacy shields being lifted and the issues that were arising from the lock. And I'm just wondering is that going to cross the - is there a crossover here? Is that going to arise or not?

The question- okay. I'm looking at the question. Might help if I just read it. On Page 55 of Page 85 of the report one of the - see that - this is the NAF report. They'd had comments on the locking. But one of the questions was do you have situations involving proceedings where updates to the Whois records either after the filing of the complaint before the commencement prior to or during the course of proceedings of raised concerns or problems.

And it said we do not track this. It's our biggest challenge. Until we receive word that a domain name is locked, the Whois information is subject to change. Okay. So I'm just wondering if we got an - I was just sort of wondering whether or not - because we're looking at scoping issues I suppose arising out of the last question, you know, do some of these issues impact.

I guess my bigger point is do some of these issues impact the relationship between - with the registrants? I mean is it really a matter that's just appropriate inter registrar and the IRTP or will some of the issues possibly impact relationships between registrars and registrants?

Michele Neylon: Does anybody else wish to speak to this Konstantinos?

Konstantinos Komaitis: Thanks Michele. That's a brilliant point Victoria. And I think that it might. But at this stage it - I think that it will be - the work of the working group working on the recommendations that will need to ensure that this doesn't happen.

That basically registrants, the registrant's rights, the registrant privacy rights, the registrant's free speech rights and all those issues are very important are being - are not being subjected the name of the locking for example just on - so that we can protect registrars.

Remember that this group is tasked only to draft the charter. The recommendations will come from the working group that will be formed as soon as the - as soon as the charter goes to the GNSO and the GNSO votes for it. Then ICANN will issue a call for a working group to

be created that will be able to basically provide the specific recommendations.

And of course nothing prevents the people participating in this group to also participate in the working group that will work on substantive issues. But I think that you may - that you raise a very valid point. But I'm not sure that it fits within this working group and it's something that's certainly I feel very, you know, concerned about how this will impact. But this is something that falls outside the scope of this group.

Joy wants to speak so I'll pass the floor to Joy. Thanks.

Joy Liddicoat: Thanks Konstantinos and Victoria for raising this point. I think it's actually a critical one because the working group - the recommendations in relation to registrar transfer policy do propose amendments to the contract - the contractual - the contract between registrars and registrants.

And so of course anything which amends that contract is a matter for registrants. And my response I suppose to your question, which is that I think the second sentence in the proposed mission and scope may be the place to capture those thoughts of issues because it refers to the PDP recruiting public input in order to have a clear understanding quite of the exact nature and scope of issues encountered with and so on.

And I would anticipate that in terms of the nature and scope of issues, one of those will be the way in which any suspension of the ability to transfer or otherwise deal with the domain name will include the sorts of issues that you've raised for registrants and possibly some others. And I suspect also some specific issues for registrars, which we're -

which, you know, they need more time and space to explore and discuss. Thank you.

Michele Neylon: Konstantinos.

Konstantinos Komaitis: Thanks Joy. Thank you Michele. That's exactly what I was trying to say and I think you said it much better that we are here creating the charter and the second sentence makes it very clear.

And I would like to add all these people participating in this call and in this group drafting the charter that they submit public comments and they raise those issues because these are the issues that the subsequent group is going to have to tackle and is going to have to deal with. And unless they're raised, it becomes more difficult for them to actually review them and try to come up with recommendations that take these onboard. Thank you. Michele.

Michele Neylon: Yeah. Let me just speaking to that - I mean at it more. I mean these are all things that, you know, the working group that gets this charter will need to know. This is why, you know, the entire public comment thing is so key to it.

I mean one - having worked over the last couple of years - I'm not too sure why I do this to myself but I still do it. I've been on several working groups. And, you know, you've got public - you've got feedback from different stakeholder groups or at least you hope you have feedback from different stakeholder groups and sometimes you do and sometimes you don't.

And then sometimes the public comments are fantastic and helpful and other times it's like deathly silent. So, you know, a working group, you know, cannot operate in a vacuum and it needs to get feedback from different parts of the wider community.

So I think that's, you know, it's a very key part of the process and it's, you know, whether a particular issue that somebody might raise ends up being, you know, having a direct and tangible influence on the recommendations that come out the far end, the only way that can happen is if somebody actually makes that comment.

You know, the members of a working group can only - they can share their thoughts. They can share their views. But, you know, they may not think of something. They're only human. Victoria.

Victoria McEvedy: Sorry. I suppose that - I mean I guess it's standard practice. Is it standard practice to have a charter group and then a working group separately? And I'm curious just to understand fully where we get our constraints from. And I mean I, you know, if you're in the working group, you tend to want a free hand to take a good look at the problem and the issues. Right?

So I'm just wondering does this group have some constraints from somewhere? I mean I'd like to find to what - identify them.

Michele Neylon: The main constraint is the one in the last sentence basically. But it's narrow - this work - the working group that will come out of it that will work - try that again coherently. The working group that will have this charter is - they're limited in that they cannot trigger UDRP reform or

make any big changes to UDRP or as I think it says there introduce a new UDRP remedy.

Victoria McEvedy: Yeah. Yeah.

Michele Neylon: Now that doesn't mean - that doesn't mean that the - a working group could not say, right, you know, these are our recommendations about these specific issues that we've been asked to address. You know, as part of our deliberations, we've noticed, you know, the following things that we think are important and when the UDRP review, you know, further down the road, we would ask that they be considered then.

So, you know, you can't - you don't - you're not - you don't - how can I word this? You as a working group on say IRTP just using my own pet example. We were tasked in IRTP B to look at a certain range of questions.

And of course because everything's interconnected, in answering some of those questions or at least trying to answer some of those questions, we realized that there were other issues that were outside our scope but we felt strongly somebody should look at at some point. Does that kind of help answer your question?

Victoria McEvedy: Yes it does. Thank you. And I guess that what is interesting coming out of that is that - I mean I don't suppose we have in this language but is it appropriate to have for us to have decided that any change will end up in the IRTP because we don't - are we preempting the work of the group?

That I mean is there any reason to limit what they can and can't recommend? I mean other than this UDRP limit which has come from elsewhere. But over and above - I mean anyway. I just raise that question.

Michele Neylon: Konstantinos. I'll pick on you.

Konstantinos Komaitis: Sorry. I was on mute. I think that we're getting a little bit confused here. This group has to follow the GNSO - hold on. I'm just trying to pull up the document.

This group is meant to assist in the preparation of the working group charter that meet the requirements that the GNSO had set forth which are the working group guidelines.

So when you were speaking - yes. The process right now is that certainly there's a working group coming up with a charter, which is submitted to the GNSO. The GNSO votes on that charter - on that very charter and then if the GNSO - if the charter acquires the appropriate consensus - the necessary consensus, then a new group is formed in order to deliberate on the substantive issues.

So if you want - I understood Victoria's questions a little bit differently. If for example, you know, whether we have any constraints. We don't have any direct constraints. The only constraint is that we cannot - we need to focus only on the charter. Basically we need to describe what the working group that will be formed after the GNSO approves this charter will be tasked with.

And this - that's why it's very important to include in the mission of this charter issues that we feel A, do not fall within the scope of the locking of the domain name procedures; B, they fall completely outside the IRTP Part B; or C, they seek to amend the UDRP or things like that.

So all the issues of my understanding is and I think that the ICANN staff can correct me if I'm wrong here. My understanding is that this group is only tasked to provide the charter. We can constrain the work of the working group that will be created but substantively we cannot say, you know, this is how the lock should be done or this is how the lock should not be done.

We are meant to provide guidance, if you want, as to the exact boundaries that the working that will be formed will have.

Victoria McEvedy: Thank you Konstantinos. That's very helpful. Could I just ask a question coming out of that because it just seems to me that without having the information about this, you know, we've got very little information and very little background reading or anything.

So I'm just wondering, you know, how we really can or should - maybe we should take a generous view of scope given - I mean certainly from my own reading I, you know, was to come up with very little information that would enable me to put boundaries around this topic appropriately. But then it may well be I haven't read what I ought to read or just don't have the - other people have more depth of knowledge.

So anyway, I know I've said enough on this call so I will just leave that as my comment.

Konstantinos Komaitis: Sorry to be jumping in before we go to Lisa who has raised her hand. And I apologize to Lisa. Victoria please send those comments in an email. It doesn't really matter whether, you know, you've read more or less material at this stage.

It is very important that we get as many comments as we can on the mailing list that's been created for that, you know, to be able and discuss those comments and with the help of the ICANN staff incorporate some of them depending on the views of everybody in this working group in the charter.

So I would encourage you Victoria and everybody else who is in exactly the same position to start submitting comments in the mailing list so we can start actually having the discussions. And I pass the floor to Lisa and I apologize once again.

Lisa Garono: No worries Konstantinos. And actually Victoria, thank you for asking the questions. I appreciate having some of this stuff raised. My suggestion on a slightly different topic would be is it appropriate here in addition to having the working group identify issues to having them suggest definitions or standards or best practices. A lot of the language is obviously very loose. And, you know, is this an appropriate part of the mission or scope?

Konstantinos Komaitis: Sorry Lisa. Sorry Michele. I'm jumping again. What do you mean by best practice? Can you give me an example? I mean best practices, you know, in relation to the group that will be formed for example?

Lisa Garono: Well, yeah. So the working group being one - as an example, Michele said, you know, the UDRP uses very loose language. It never uses the word locking. It shows the registrar's going to maintain the status quo.

You know, would it be appropriate for the working group to say what is a safe harbor here for a registrar. What do we all agree? If the registrar does these sets of things, this is maintaining the status quo. You know, sort of, you know, to be suggesting those things in addition that would go into the IRT policy.

Konstantinos Komaitis: This is Konstantinos. My understanding is that this is not the job of this working group. This is the job of the working group that will be formed after the charter has been approved.

Lisa Garono: Okay.

Konstantinos Komaitis: And I might be wrong. I mean that's my understanding and that's why I'm saying that the people that are participating in this call and they have those very substantive concerns, it is very important especially since you've participated here to also participate in the other working group. And of course raise all these issues as part of the public input that will be requested.

But my understanding is Lisa that this is something that the second working group, if you want, will have to deal with and will...

Michele Neylon: Just cutting across here Konstantinos if you don't mind. Lisa, the short answer is it's out of scope for...

Lisa Garono: Okay. So just to be very clear here Michele and Konstantinos, what I'm saying is - I'm not saying we should set those standards. I'm saying should we have something in the mission and scope that puts to make that within the scope of the working group that's coming - that's going to be following...

Michele Neylon: Oh, it's already there. It's already there. If you look at the...

Lisa Garono: Okay. Because I'm...

Michele Neylon: If you look at the way it's worded is that the - okay, the general concept of the work - of a working group is for it to come up with recommendations. So the recommendations would be to - what does that minus mean? Is that Paul disagreeing with this violently or has he walked away?

It would be for the working - the working group that will take this charter comes up with those recommendations. So if its recommendations are - it could be for example to offer clarity or they could be to reword parts of a policy.

So what Konstantinos was saying I think - trying to - I not - I can't speak for Konstantinos but I can try and interpret what he's saying. Is, you know, that it's the other working group that would, you know, deal with the actual meat of it. It's - I would see it as being our role to say that, you know, that they have to come up with wording.

Now if you wanted to say something - I don't know. Let's say if you wanted to change the wording here to say that this could include

something but we can't say this must include or this should include a particular, you know, modification to wording or whatever.

Lisa Garono: Right. I understand that. My thought was just to put it within the scope of the working group.

Michele Neylon: Okay. Because I think it would be - because I would view it as being in the scope already.

Lisa Garono: Okay.

Michele Neylon: Unless I'm missing something. (Unintelligible).

Lisa Garono: When I was looking at...

Michele Neylon: Sorry, go ahead.

Lisa Garono: I was saying when I was looking at the language, it's sort of what I'm seeing is identifying issues, not necessarily - and maybe this is just, you know, I'm reading it in a very narrow way. But, you know, it was just identifying issues, not necessarily offering...

Michele Neylon: Okay. Okay. If you look at these - if you look down through it, okay, blah, blah, blah, blah, blah. Based on this information, any additional information gathered that the working group deems necessary, the PDP Working Group is expected to make recommendations to the GNSO Council to address the issues identified with the locking of a domain name subject to UDRP proceedings.

I mean if you were to, I don't know, try and compress that sentence a little bit, you know, based on their work the - their work which includes the information gathering, et cetera, et cetera, the working group is expected to make recommendations to the GNSO Council to address the issues.

Lisa Garono: Okay.

Michele Neylon: I mean if you want - now if there's something - if you want to - if you have a look at the way that's worded and you think it might need rewording or re-jigging or something that helps make it clearer, please, you know, do so because I mean I think the problem for somebody like me or even for Konstantinos is we read so many of these ICANNese documents that they probably make sense to us at this stage but they don't make sense to anybody else.

So you're probably not the only person who didn't - doesn't understand what they are trying to say with it. So if you want to send...

Lisa Garono: That's fine.

Michele Neylon: ...to the mailing list, send (familiar) maybe suggest alternative wording please. Please do.

Lisa Garono: Thanks. I will.

Michele Neylon: Okay. We're running short on time here. Is that an old hand or a new hand Lisa?

Lisa Garono: Oh no, that's an old hand.

Michele Neylon: Okay. We're coming up towards the end of an hour - of the hour. Are there any other issues that anybody has at this stage or any questions or anything else anybody wants to raise now on this call? Deathly silence. Okay.

If we're going - ideally what - if people have, you know, take the late - the most recent version of the document and Julie can - would you be able to circulate a red lined version with a couple of suggestions people have made?

Julie Hedlund: Right. Actually the only hard suggestion that I caught was the one that Victoria McEvedy had made earlier I thought that was in the mission and scope, which I captured. And there were several comments around the text but I didn't see specific recommendations for changes to the text unless I missed some.

But what I will do is send what I think is the latest version to the list and then encourage everyone to pile on their changes and I'll be happy to compile those into another new version.

Michele Neylon: Perfect. So then, you know, take the document -- the next version is going to be circulated -- and feel free to rip it to shreds, you know, make comments. If something is not clear, then, you know, ask. You know, maybe it needs to be clarified. Maybe the wording does need to be tweaked.

Konstantinos, do you have any closing remarks?

Konstantinos Komaitis: Not really. The only thing that I would say is I will just reemphasize what you just said Michele. Please do this - for the past two weeks we've been quite silent but please do send the emails in for the discussions because they are much - I think that it's easier also for the drafting people and the ICANN staff when we have those concrete text to actually put them in context.

And so, you know, this - determine whether it falls within the scope or not. And actually following Joy's recommendation on the Adobe Connect chart, I would really like to ask all the participants who come from the registrar group to provide us with information and to provide us with their experience and even possibly, you know, tell us exactly what it is we are dealing because we are not there, we don't see it and this group was created to address any issue that you guys feel the registrars feel that needs to be addressed.

Michele Neylon: Okay. Thanks Konstantinos. So when will we have another meeting? And in terms of timelines, we're trying - we're pushing to get this done in time for Costa Rica. What the document deadline on that Julie? Julie. Oh.

Julie Hedlund: Sorry. I was on mute. That's not very useful. Sorry. For it to be considered at the GNSO Council meeting in Costa Rica, I believe that it has to be available to them by the week before. Is that correct Glen? By that Wednesday - I mean Tuesday the week before?

Anyway I'll confirm that and send that around in my note as well just so we have it all as part of our timeline.

Michele Neylon: Okay. Perfect.

Konstantinos Komaitis: Sorry Michele. Can I ask something very quickly? Don't we also need to identify a liaison with the GNSO? I think that was one of the tasks that we were supposed to do.

Michele Neylon: No. I don't think we are.

Konstantinos Komaitis: It's not? Okay, sorry then. Okay.

Michele Neylon: Because the liaison would normally be probably like a member of the actual working group. Or do you mean the liaison for this working group?

Konstantinos Komaitis: For this working group.

Michele Neylon: Oh sorry. Good question. Do we need a liaison for this working group Julie?

Julie Hedlund: We'll need - if there's a motion that we want to have go along with the charter, which I and the staff could certainly draft, we will need someone from the Council to be able to make that motion. So in that respect it'd be useful to have a liaison. I don't know that that person necessarily has to be involved in this drafting team.

Let me confirm that with Marika. I think it's simply a matter of identifying somebody when we're ready to submit this to the Council and who should do that.

Michele Neylon: Okay. So it's - okay. So we need somebody or we can always grab one somewhere along the way.

Julie Hedlund: Right. And as staff we can help with that. We'll just, you know, ask someone and I'm sure someone will do it.

Michele Neylon: We've all got at least one or two Councilors from our chartering organization (anyway).

Julie Hedlund: Exactly. So, you know, we'll just see who's willing and go from there.

Michele Neylon: Okay.

Konstantinos Komaitis: And this Konstantinos again. You know, sorry. But for example one - a possibility would be Joy since she's participating in this group and she's also a GNSO Councilor. This is something to think. I'm not sure - I don't, you know, I'm sure Joy will hate me for suggesting her to have - to do something else on top of her very busy schedule but this is an option I think that, you know, it's a possibility.

Julie Hedlund: Konstantinos, thank you so much for pointing that out. I had forgotten that Joy was on the Council.

Michele Neylon: And I didn't even know that.

Julie Hedlund: And she said she's happy to consider this as other priorities allow.

Michele Neylon: Okay. Perfect. In terms of a next meeting, is in two week's time okay for people? Or we can...

Konstantinos Komaitis: We can submit a doodle possibly.

Michele Neylon: Yeah. I mean it's - ideally if people - if we can work more on the mailing list between time zones...

Konstantinos Komaitis: Yeah.

Michele Neylon: ...and everything else. I mean I know that Laurie's in one - is kind of way over one side and I know - judging by other things, I know there's other people way over the other side. Mailing lists are probably better overall. But also of course these meetings are pretty kind of important too. So let's provisionally say for in two week's time at the same time on the same day. And if we need to move it, we can.

So any other business? Any other issues? Okay. In that case meeting adjourned then. Thank you.

Konstantinos Komaitis: Thank you very much Michele.

Woman: Thank you.

Konstantinos Komaitis: Thank you very much everybody.

Woman: Thanks. Appreciate it.

Man: Thank you.

Woman: Thank you.

END