

**IRTP C
TRANSCRIPTION
Tuesday 21 February 2012 at 1500 UTC**

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Attendees:

Mike O'Connor - CBUC
Kevin Erdman - IPC
Rob Villeneuve - RrSG
Chris Chaplow - CBUC
Roy Dykes - RySG
Philip Corwin - CBUC
Simonetta Batteiger - RrSG
James Bladel -co-chair
Avri Doria - co-chair
Matt Serlin - RrSG
Michele Neylon - RrSG
Alain Berranger - NPOC
Bob Mountain - Registrar SG

ICANN Staff:

Marika Konings
Glen de St Gery
Gisella Gruber

Apologies

Barbara Knight - RySG
Zahid Jamil - CBUC

Coordinator: Please go ahead.

Gisella Gruber: Thank you. Good morning, good afternoon, good evening to everyone on today's IRTP C call on Tuesday the 21st of February. We have Kevin Erdman, Mike O'Connor, James Bladel, Michele Neylon, Alain Berranger, Bob Mountain, Matt Serlin, Simonetta Batteiger.

From Staff we have Marika Konings and myself, Gisella Gruber and Glen de Saint Gery. We have apologies today noted from Barbara Knight. Avri Doria should be joining us shortly, and if I could also please remind you all to state your names when speaking for transcript purposes.

Chris Chaplow has also just joined the call now. Thank you very much. Over to you James.

James Bladel: Thank you and good day everyone. Welcome to the IRTP C call for February 21, 2012. As per usual we have a few housekeeping items before we get started.

The first up is to allow anyone who has any changes or updates to their Statements of Interest, please speak now.

Michele Neylon: It's Michele. I have - I made a minor - couple of tweaks to my Statement of Interest. Amongst other things for some stupid reason I was down as being a member of the business constituency, which I found a bit odd.

Mikey O'Connor: Oh that's a weird thing.

Michele Neylon: Yes, I have also...

James Bladel: Thank you Michele.

Michele Neylon: ...couple of minor edits. Nothing groundbreaking.

James Bladel: Okay thank you Michele. I think you warned us that change was coming, and so I appreciate that you've made that update. And anyone who is interested can check that out on the wiki, correct?

Michele Neylon: Yes if you're bored and have nothing better to do.

James Bladel: Okay, anyone else? Okay thanks Michele. And then the second item of housekeeping is to ask if there are any comments or changes to our proposed agenda that's in the - that was sent around the mailing list and is currently displayed in your Adobe Connect screen.

Okay let's proceed with this agenda. So a couple of updates I think - that's Item 3, 4 and 5. We'll try to go through these fairly quickly so that we can get into Item Number 6 that says, "Continue deliberations," but I really think that in some respects we have to begin the deliberations.

I think that we've kind of danced around the beginning part, but we never really seem to have time to it. So if we can get through Item 3, 4 and 5 as quickly as possible, then maybe we can spend the bulk of our call on that.

As far as Item 3 we have established a data subteam, a data gathering subteam and a subteam to define an ideal process for change of control. These two subteams are currently active, however I think that the data gathering subteam could probably use some help in particular.

So is there anyone that's interested in joining and/or leading the data sub - data gathering subteam? Hi Marika. Go ahead.

Marika Konings: Yes this is Marika. I maybe can just remind people who actually have already signed up for that group, and that's yourself James, Jonathan Tennebaum, Roy Dykes and Simonetta.

I didn't see any other responses in relation to the action items that I sent out, so those were I think the people that volunteered on last week's call.

James Bladel: Okay excellent. Thank you. I see Bob has his hand up. Well Bob, would you like to join the team?

Bob Mountain: Yes James, I'd be happy to join and happy to lead if that's appropriate.

James Bladel: That's not only appropriate but very welcome Bob.

Bob Mountain: Sure. No, happy to jump in.

James Bladel: Okay, so Marika can we indicate that Bob is looking to take the lead on that effort?

Marika Konings: Yes I'll do so and maybe then I can liaise with Bob offline how we would like to proceed, if he wants to set up a separate call or...

James Bladel: Okay thank you and thank you Bob. The next item is that we have a process for change of control. This team has formed and just to get the - we are planning a brainstorming session just to get that started.

We have thrown some principles out to the mailing list, not the general mailing list but just the list among the subteam members. So we're in the very, very early embryonic stages of this probably because 50% of our team was otherwise unavailable last week.

We wanted to set up a separate call to discuss. I think we're only waiting on a confirmation of time from Simonetta, so Simonetta I would ask if you could take a look at your - when you get caught up on your email we've put a couple of options in there for a subteam conference call.

And if you could take a look and tell us which one is your preference that would be fantastic. Oh, I see Simonetta's still a little jet lagged I think, so as soon as you can let us know that would be great. Thank you.

The final item, the preliminary item was to review the background briefing materials for our meeting in Costa Rica with the ccNSO. And - oh I'm sorry Marika. I did not notice your hand was up. Go ahead please.

Marika Konings: Yes this is Marika. I just put my hand up in relation to this item. I just wanted to provide a little bit of background to this note, because I had a conversation with my colleague, Bart Boswinkel who supports the ccNSO, and he indicated that this is actually the first time that the ccNSO meets with a GNSO Working Group.

And, you know, the way the ccNSO works is very different from how the GNSO operates, you know, same way that, you know, the GNSO develops consensus policies and the different process are different.

Topics are usually, you know, part of ccNSO policy development so for that matter we thought it would be helpful if this person could prepare kind of background briefings.

You really can't explain to the ccNSO, you know, what this Working Group is looking at and what the objective of the meeting is to really try to get a, you know, much as possible out of that session, you know, by preparing everyone accordingly.

So what I try to do is just try to, you know, put the relevant information together and, you know, hopefully, you know, that can be as a starting point and then, you know, happy to take any comments or suggestions that the working members - Working Group members think might be helpful to add or amplify or change to really make sure that, you know, we have all the relevant information there.

And at the same time I'll also ask my colleague Bart to have a look at that to really make sure that from a ccNSO perspective this all makes sense, because I think all of us are so emerged in the GNSO world that a lot of things, you know, are - seem obvious or clear but it might not be the same from the ccNSO's perspective.

And following that hopefully then Avri and James can share this with Mathieu Weill, who is the topic leader from the ccNSO side for that session and see if there's anything else that needs to be done in advance of the meeting.

James Bladel: Okay thank you Marika. And, you know, I guess I wasn't aware that this was the first time we were having this discussion between the GNSO and the ccNSO.

It seems like there would've been a number of topics in the past that could've benefited from that. And we should be mindful that we are in some way setting a precedent, and if that's a problem with either the GNSO or the ccNSO then perhaps we should just make sure to emphasize that this is a information gathering meeting, and that we're simply seeking their advice and their - and some of the background on their experience.

If you haven't - was this document sent to everyone Marika or has it just been circulated between you and Avri and I?

Marika Konings: This is Marika. This was included with the agenda and it's also posted on the wiki.

James Bladel: Okay so - well maybe there wasn't a lot of time to review it. At least it is available to be reviewed. I can report to the team that I did review this document and I made one minor change, but otherwise I thought it was an excellent summary of what we were seeking for Charter Question A and what sort of things we were looking for from the ccNSO, and what sort of, you

know, items we wanted to glean from their experience with the change of control function.

Most of this is background and I think that our group is very familiar with. If you get down to the top of Page 3 I think you get to the heart of the purpose of meeting with the ccNSO, which is - are these specific - these five specific questions here.

So perhaps, you know, if you have a few minutes you could take a look at those in the next couple of days and please let Marika know let's say by - do we have a deadline for this Marika?

But if we could set a deadline in the near future to make any edits or changes to this or incorporate any feedback from this group. But I think the questions that you've listed here are fairly comprehensive and should prompt a good discussion and exchange of ideas with the ccNSO.

Any thoughts or comments on that or does anyone see a question right now that they'd like to change? Okay. Well take a look at that and then if you can get back to Marika as soon as possible, I think our goal is to get this over to the ccNSO for their review as soon as possible.

Okay thank you, and now moving to Question - or Item - Agenda Item Number 6 and that is the deliberations on Charter Question A. And if you recall we had a - I'm sorry, go ahead Marika.

Marika Konings: Yes this is Marika. I think you skipped over Item 5.

James Bladel: Okay. Yes I didn't - all right. Correct. We skipped Item 5 because we were just kind of covering that in the Item 3 as far as the review team. But if you want - and I would ask Michele and Mikey who seem to feel like the list of requirements or concepts that we were passing around was probably a little too early to share with the rest of the group.

But I would defer to them as if they feel that this is something that they would like to share now, or something they'd like to provide in a larger update during our next call. Mikey go ahead.

Mikey O'Connor: Thanks James, it's Mikey. I'd just as soon wait. I haven't even really read them because I'd assumed that it was being fed into our brainstorming session, and so I think it's a little premature. I don't have strong feelings either way but given my druthers I'd wait.

James Bladel: Okay thanks Mikey. And I think Simonetta probably hasn't had a chance to review them either, so I think Marika we would like to get one more opportunity to flesh those out a little bit before presenting those to the group.

Okay? Okay so then if we could pull up the mind map for Item Number 6, and this is Charter Question A. You know, this is - I think we agree this is going to be the - probably the bulk of our Working Group's effort.

So I think that by taking a methodical approach on Charter Question A and ensuring that we don't, you know, as Working Groups tend to circle issues without addressing them head on then perhaps that if we can avoid that we can maybe cut some of the time off of the end-to-end effort for this Working Group.

But here's the outline that we set up for Charter Question A, and I think we can start here at the beginning. Is Mikey - Mikey, you're driving right?

Mikey O'Connor: Aye aye sir.

James Bladel: Okay awesome. Fantastic. Thank you. So if we can take a look we have - there's one highlighted here that we are talking about this ideal process, and that's something that we identified I think earlier on that we wanted to develop

what an ideal process would look like, and then put that out there for folks to throw it - throw rocks at it, poke it with sticks.

But if we can start at the beginning and understand why we are even looking at this question and what problems we're trying to solve. I think that if I recall we kind of addressed early in Working Group B as well as in this Working Group that there is this absence of guidance.

And I think that this was abundantly clear in the presentation of the - in the use case subteam that was presented by Bob and some of the other folks is that Registries and Registrars have invented and innovated around this absence with some interesting and some might say confusing processes.

But the question on the table for this Working Group is should we fill this absence with a uniform policy that is handled consistently across all Registrars?

And I think that we - if memory serves we kind of put that question out to the group during a previous call that - whether or not we felt this was even appropriate for ICANN to make policy in this area.

And I think that the overwhelming consensus of this Working Group is that this is within the scope of ICANN's remit. So we've identified that there is a problem, that there is - that it's within ICANN's remit to solve the problem, and I guess then it just falls to this Working Group to see if any of the proposed solutions that we can come up with address the problem, while still maintaining a light touch or if a, you know, medicine is worse than the disease.

And I think that that's probably where we are in our discussion. So does anyone want to comment on just this kind of meta discussion of whether or not this problem exists, what it's impact is and whether or not this - they feel

that this Working Group and ICANN in general have a legitimate role here?
Simonetta go ahead.

Simonetta Batteiger: I think it would be nice to capture that one of the main issues with this is not necessarily with the Registrars or the Registrys, but with the people actually trying to move a domain name from A to B and maybe have no experience with it. And for them this process is really breaking down and broken.

James Bladel: Okay I think that's an excellent observation that we should capture is that the Registrants are the ones who are most adversely affected, and I think it's - it creates a - because it's more - most impactful for inexperienced Registrants that creates an asymmetrical marketplace advantage for those who are more experienced.

Simonetta Batteiger: And not just the inexperienced ones. I mean, I think it became clear also in our subteams that even people who have some experience with this stuff struggle.

James Bladel: So that's a good point and I see Mikey typing furiously, so it looks like he's capturing that. Okay, thank you Mikey. Thank you Simonetta. Bob is agreeing with that and I think that given Bob and Simonetta's closeness to the secondary market, I think that's important that they're, you know, contributing those experiences.

So okay, it looks like we're - higher RPM. I don't know what that means. Okay so can we then look at the next items then Mikey on the mind map here where we talk about background?

I don't know that we need to dive into here - this section as deeply as we have. We've covered this I think fairly extensively, most notably in the slide show that the subteam prepared for this group as we, you know, we

understand how - in the background and in the next item about how this is currently achieved.

I think we've fairly comprehensively showcased the situation as it exists today, which is not good. Does anyone have anything they want to add to the background or to the current implementation, because I think if you can kind of figure that with the sentences that Mikey is constructing here in this flow chart, we are sort of building an outline for our report and some of our findings as we're setting up the context for this report? Bob go ahead.

Bob Mountain: Yes thanks James. This is Bob. I guess it's more of a question, is it that there is no ICANN policy to address change of control or that the - or that it's ambiguous?

I wasn't sure which was the case but just wanted to see if I could get clarification on that.

James Bladel: You know, that's a good question Bob. I tend to think - and I'll just respond and then we'll throw it over to Staff. I tend to think that there is no specific mention of ICANN policy that the transfer was supposed to be for - to establish a competitive Registrar marketplace.

But yet I think that one thing that tells me I'm not completely correct in that is that when one of the options for implementing a UDRP decision is to transfer the domain name, so that almost implies that ICANN believes that the transfer policy is at least an acknowledgment of the de facto change of control.

So I'm not really quite sure how to answer that. I would say no, that there is no policy but yet there we have this one example where ICANN somewhat referenced it. Maybe Michele can help me out with that. Go ahead Michele.

Michele Neylon: I don't know if I can help you but, I mean, the - how do I word this? If there is a policy covering change of control, could somebody please tell me where the hell it is because I can't see it?

I don't know where it is. I - and it's not there. I mean, as far as - basically from, I mean, a simplistic view is that ICANN has policy for the transfer of a domain between accreditations.

It has policies with respect to a whole range of various things, but it doesn't have policies governing a change of Registrant or a change of control or a change of administration or anything like that.

The only kind of policies you can get at are things like the Registrar is obliged to allow the Registrant to make changes to WHOIS and those kind of things.

And I don't know if there's - I think there's other bits and pieces about, you know, enacting various decisions such as UDRPs, et cetera, et cetera, et cetera, which I suppose would have some kind of change of control.

But there is no actual policy whereas for ccTLDs there is a - there is - there are two concepts. There's a - and there's a clear demarcation between them. There are policies that cover the change of Registrar without any change to anything else, so if you want to move a domain for example from Registrar A to Registrar B to Registrar C or whatever, there's a policy and a process for doing this.

If you want to change the Registrant without changing the Registrar, there's a policy to do that and if you want to do both at the same time then there's a policy for that as well.

I mean, there's something there in a lot of the ccTLDs. So I'd say to answer Bob's question in a most long-winded manner possible, because Bob knows

what I'm like and once I start I can't stop. No there is no policy or if there is it's well hidden. Thanks.

James Bladel: Thanks Michele. Bob go ahead.

Bob Mountain: Yes this is Bob. So I guess there's a - there's an acknowledgment that this event actually occurs, but little or no guidance as to how it should occur so there's a - sort of a vacuum of sort of structure around this type of event.

So that - I think to me that would sort of support that we do need to, you know, kind of augment what's there and provide that structure. So that would be my sort of weigh in on that.

James Bladel: I think that's a very astute assessment Bob, and I think that's something we came up with in IRTP B as well when we asked Staff to go back and take a look at all of the policy documents and help us find, you know, where this is coming from.

And I think that, you know, they came back with pretty much what you just said. Michele, go ahead.

Michele Neylon: Well, I mean, the thing is this. Just kind of following on, I mean, there's certain - there's probably quite a few other areas where ICANN doesn't have policies or processes or whatever.

And some things - it probably never will have policies or processes because there's no need. There's no problem to be fixed. In the case of this particular area I would say that most Registrars have had some kind of issue involving a change of control, which has led to a headache.

Now it may not be a massive headache but the headache has far outweighed any value of the transaction. So for example if you're selling a Dot Com domain name just for argument's sake with a retail where the margin is let's

say 1 euro or 2 euro or let's just say less than 10 euro a year, I mean, how many headaches to use that term can you actually afford to sustain per year due to a lack of clear policy or guidance?

You know, that's what I would say. I mean, there's other areas where, you know, I don't think ICANN has a position and it shouldn't have a position because there's no need.

But there's other areas if you see what's happened with some of the New TLDs where the ICANN community has said, "Well hold on a second. This needs to be addressed."

It's not easy for them to retroactively address this with the existing TLDs, but there's a strong feeling that they need to be addressed with New TLDs. So if you look at some of the stuff that's in the DAG or whatever the hell it's called these days, you can see that but again I don't think there's anything about this particular thing. Thanks.

James Bladel: Thanks Michele. I just wanted to add one thing that, you know, I think Bob's correct. There's a pain in the marketplace. There's another sort of a hole or a loophole that a change of control function could address, and that is that we allow Registrants to update - we're required in fact to allow Registrants to update all of their WHOIS information.

But we've also established through a number of policies including the UDRP and others that the name and organization and contact data that is in the Registrant field is legally responsible for the domain name.

And I think that this is then upheld and it's generally understood to be true that whoever's, you know, listed there is the person or entity that's responsible.

Furthermore that Registrars are required to have a contract and agreement with that entity that is listed in the Registrant agreement. So where we get into a little bit of trouble is that a Registrant could come in and were doing something a little fishy or nefarious, if I was stealing cat phones from Michele against his copyright claim, I could say unilaterally and without her knowledge assign that to - if I can pick on Marika a little bit, make Marika responsible for that name.

And not only have I kind of confused the issue of who is responsible for this domain name, but the Registrar may not have any knowledge or awareness of Marika and has certainly not entered into a registration agreement with Marika so they're already - in some ways the Registrant has caused the Registrar to be in breach of that section of the RAA, because they have not had the person who - with whom they do not have a - an acknowledged registration agreement.

So I think that it's - in addition to the issues in the aftermarket, I mean, this is - which are numerous I think as we've identified, there's also this other loophole which is that the unilateral blind pushing of a domain name to a new Registrant without the Registrar's awareness and without that Registrant's awareness.

And I think a change of control process should address that as well and have some sort of an acknowledgment from the new Registrant that yes, they accept responsibility for that and they accept the Registrar's terms of service.

And I see Michele would like to weigh in on this subject, so go ahead Michele.

Michele Neylon: Well I think James, I mean, you having served on the WHOIS RT or whatever the hell it was called so, I mean, you probably have a certain amount of - you might be thinking subconsciously about some of these issues as well.

I mean, the - yes, they at the moment - well actually I'll give - I think I cited these but I don't know if it's in this Working Group or was it with - over beer with somebody or what, where we were practically taken to court here in Ireland over a domain name that we had no knowledge about.

It wasn't registered through us. It wasn't on our accreditation or anything, yet somebody had decided to put our contact details into the WHOIS without our knowledge or permission, and this kind of thing happens quite regularly.

It also goes to this entire, you know, a lot of things about WHOIS accuracy where, you know, you can say that the WHOIS is accurate and that it's an accurate address.

It's just you never - nobody ever gave anybody permission to use that address or those contact details. So I think, you know, that it is - there's an entire Segway there that's very, very interesting and I don't know, just thought I'd mention that in passing and sorry if I wasn't that clear.

James Bladel: No it's good Michele and it's always good to have some firsthand experience with these abstractions that we talk about in these meetings. But I, you know, I think the key point I was trying to make, not to take the discussions off topic, was to say that we really have a number of issues here or implications of lack of policy.

And that is that the receiving Registrant - I think that from the aftermarket or secondary perspective the receiving Registrant is aware if they want the name.

They paid for the name. They want someone to transfer it to them but there's a other case where there's a lack of awareness where a name is unilaterally pushed to someone who wasn't expecting it and didn't ask for it and didn't pay for it. So any other thoughts on this topic in particular or any other issues

associated with the lack of ICANN policy here? Okay. And I see Mikey is taking dubious notes.

Mikey if, you know, if you ever get to a area where you want to weigh in on a topic and, you know, please feel free to pause the notes. We'll definitely catch them up from the transcript. Don't want to feel like you're left out of the conversation, sir. Very nice.

Okay. So what is the next item, then, in our approach? (Unintelligible) go down here to - I think we've covered that pretty extensively. There is no existing policy.

We are - was not designed with the aftermarket and I think that the secondary market is something that has happily arisen as innovative industries tend to do. But, you know, just like - just like a number of things in this industry such as Whois, it has completely run past and outstripped its' - the original design. So, you know, so it's something that wasn't conceived of at the outset.

Cause confusion and frustration between registrars and registrants -- I think that that's more than demonstrated in the slideshow that we have. All the different combinations I think were also captured.

And let's see -- the Ad Hoc market-based solutions, you know, I would - I think it's - let's - as long as we're not using Ad Hoc in a pejorative here, because I think a lot of organizations -- and I'll pick on (unintelligible) and (unintelligible) Media here -- I think that they really created a lot of value in this space and that shouldn't be ignored.

But on the other hand, you know, I think that we should all acknowledge that a - it - a better policy environment, they wouldn't have had to work so hard to do all that. So I think that that's something to be aware of.

But (Kelly), there is a - this item in the chat. What is CVO? I don't - I don't see where that acronym is. It's possible I missed it. Ignore me. Okay, I can do that.

So any other thoughts here on the background? So we've identified the problem, we've identified the pain -- and I like Bob's characterization of that -- and that we've identified some of the - a significant amount of the backgrounds and what we would be attempting to solve.

So any other - any other thoughts on this? Okay. Thanks for capturing all that, Mikey. If we can close that and move on to our next section.

Investigating how this is currently achieved. I think that - and I want to just kind of draw the box around this and say that I think that we covered this fairly comprehensively with the Sub-team -- and all the different use cases and permutations of inter and intra-registrar transfers with and without change of control, but does anyone feel that this may be that we missed something or that that was not sufficiently explained?

How much - how much time should we establish to this? I want to give everyone a chance here if they feel like that wasn't enough. I see a clear queue here. I'm going to assume that that means that we are very happy with the work that was done by that Sub-team -- I know I was -- and that we accept that their findings are compelling that this is how this is currently achieved.

Mikey?

Mikey O'Connor: I got tied typing. This is Mikey.

I think the one thing we might want to do - I haven't taken a look at the slide deck when it was completed, but we might want to go back through that slide deck and summarize the process -- the document.

Because what we did as I recall -- I'm - I should say what the team did, because I wasn't on it -- was show slide-by-slide how the process works. And so it's in some cases 20-(unintelligible) slides long, it might be neat to take each slide and turn it into a flowchart that summarizes it.

And I don't know that it ever happened when the final version came out, but would be nice to have, you know, maybe a three or four page flowchart summary of the different processes that were documented so that people don't have to wade through 50 or 60 (unintelligible) to get the sense of the variation. That would be my only thought about that -- that (unintelligible) product of that team.

Bob, (unintelligible), did you all ever get back to doing that? Or does that seem like a useful suggestion?

Bob Mountain: Yes. This is Bob.

Sorry Marika, you were in the queue ahead of me. Did you want to jump in first off?

Marika Konings: Yes. This is Marika.

I was just going to suggest that if you look at the other (unintelligible) -- it's a ccNSO briefing document there. I already tried to start a list for the ccNSO -- like a kind of cable that, you know, tries to compare the main characteristics.

So indeed it might be helpful to extend the table looking at the use cases so, you know, the group gets a clear idea of distant characteristics and is able then as well to compare those and see, you know, what works, what doesn't work, you know, what are the advantages of, you know, one process over the other or whether a (unintelligible), you know, should be explored.

So I think it definitely would be useful to try to do that at some point. Maybe as well following the meeting with the ccNSO when we get -- hopefully -- some further input and feedback from other (unintelligible).

Bob Mountain: Yes. And Mikey, if I could jump in.

So yes, in the final, final version we did have a flowchart for each use case, so it is there. You know, we don't have a consolidated flowchart of all different ones, because I think they were so different that it probably - that probably wouldn't really be a viable approach.

But there is a summary of each kind of separate scenario, so...

Mikey O'Connor: Oh, that's perfect.

Again, combining them would be -- and this is Mikey (unintelligible) -- combining would be horrendous. I was just looking for that (unintelligible) one. That's terrific.

Thanks, Bob.

James Bladel: Thanks Bob and Mikey and Marika.

I think I do remember seeing something like that as well, or maybe it was an introductory slide that kind of - for each scenario. But I think, you know, my personal preference, Mikey, would be to keep the flowchart quick and dirty and emphasize on like a text-based outline, because I think that's ultimately what's going to form the seed of the language that goes into the report based on that effort, whereas a flowchart might be attached as an appendix or an annex.

So that's just - that's just my thought here. But maybe if -- excuse me -- maybe if you could - if we can get some folks to revisit that and just take a

look and make sure they're happy with that. That's probably a good - a good effort.

But I think it - as far as the meat and potatoes of the issue of all the, you know, all the different examples or specimens of all the different scenarios that we could think of, I think that the Sub-team did an excellent job of covering all of those bases. So now we're just kind of talking about what format we want their findings to take.

Okay. So if we can move down to the next section here. It looks like we've got about 20 minutes left on our call.

And this one unfortunately is going to be a little quick in that we say, "Identify if there are any applicable models in the ccTLD space that are best practice."

I don't think we can answer this question or really say much about it. Michele, I think, has some expertise, as well as some of our folks who are involved in the secondary market. And I know Mr. (Serlin)'s firm deals with these change of control issues, as well.

But while we might be able to introduce this subtopic today, I don't know that we can close it down until we've actually had our discussions with the ccNSO in Costa Rica and gotten - gathered their experience.

But if there's anyone that'd like to kick us off and get us started here, we'd certainly - would welcome the discussion. But I think that we're going to have to - in - regardless of what we say here today, we're going to have to circle back and revisit this after our chat with the ccNSO.

And I see that we're seeing at least one request from Mr. Neylon to weight in with his experience on some of the - some of the country codes. So let's put you on the spot a little bit, Michele.

I know that you're shy and don't like to talk, but if you could maybe (unintelligible)...

Michele Neylon: I'm a shy little flower that wilts...

((Crosstalk))

Michele Neylon: ...when put under a little bit of light.

James Bladel: Yes.

Michele Neylon: As you all know...

James Bladel: What's your favorite?

Do you have one that you are particularly - a ccTLD model that you particularly like? Or do you have one that you (unintelligible).

Michele Neylon: I can tell you the ones that I like and I can tell you the ones I don't like.

James Bladel: Excellent.

Michele Neylon: Okay.

First off -- bearing in mind this is my - me speaking in my personal capacity, not representing anybody other than myself and my own company, just so - just so we're clear, because I'm not representing any other position.

Yes. Thanks, Mikey, that does sum it up. But I just put it in there. Simple is always best. And it doesn't really matter whether the process is handled via the registrars, via EPP, via some extension of EPP through a Web interface or using smoke signals.

As long as it works in a simple, consistent manner. So a change of control, for example -- the way Nominet handles it is -- in my mind -- you know, has a certain flaw.

And the - it's a billable - it's a billable process that the registrant has to pay for and they pay Nominet directly for, but it is so, so incredibly simple and fast. I mean, you could literally update a single domain or thousands of domains -- in other words, changing registrant -- never mind registrar; just registrant -- in a single transaction that takes seconds. It's so, so incredibly fast it's amazing.

The .eu system -- it's not bad. The problem with .eu -- which is going to be resolved shortly -- is that they kind of cause confusion because they had multiple types of transfers and trades.

So you have transfer between registrars, transfer between registrars with a change of registrant, transfer between registrants -- in other words, a change of control without a transfer between registrars -- and then they also have the concept of a quarantine for domains that are pending delete.

So every single type of transfer also had the option of a transfer from quarantine. And trying to kind of manage that in terms of a Web form and everything else became another nightmare.

Man: (unintelligible).

Man: (unintelligible).

James Bladel: Okay.

Just a moment, Michele. We're getting some background noise, so if we could ask everyone to make sure that you're on mute or that you're not speaking.

Man: (unintelligible) presents an (unintelligible) of (unintelligible) because usually (unintelligible).

James Bladel: So if we could make sure everyone has their line on mute.

Go ahead, Michele.

Michele Neylon: Yes.

I mean the - like, the .ie one is possibly - it's possibly the worst in a number of ways, because they don't really have any EPP commands or anything like that for handling us. So it's all terribly manual and the entire thing is open to being gained.

I mean, there's nothing - the, you know, the way that they do it -- and come of the other smaller cc's do it -- is based on faxes and paper. But it's not - it's not a complete kind of - there's a - there's a lot of loopholes.

I mean, there's not - there's very little to stop you from fraudulently representing yourself as being the authorized agent of a company and to - and, you know, sending something in on, you know, plausible-looking headed paper and both changing the control of the domain and even transferring in between registrars (unintelligible) the same time or later.

And, you know, over - it's overly manual, it's overly complicated and it's incredibly subjective and so that doesn't work. But you need - but the - (unintelligible) would say the co.uk system -- you see - you've got a - quite a good balance there in that you have to be able...

((Crosstalk))

Michele Neylon: ...you have to have access to various different records in order to be able to do it.

And as it's conducted by the registry, it's not a case of any kind of weakness with a tiny registrar or whatever that, you know, could lead to other problems. But same with the URID thing.

URID as well also have another option, which is for making a minor update to a registrant, which they call a patrolled update or something like that, where basically they will - you ask them for authorization to modify the registrant and then they will give you like a window of 12 hours to make minor changes.

This wouldn't be for a complete change, but this might be for -- let's say for argument's sake that you went from being an LLC to being an INC. You know, it's the same...

((Crosstalk))

Michele Neylon: ...and I - you, you know, it's like - it's more - it's - I mean, I know that legally that's a - quite a big change, but just for illustrative purposes.

Maybe Chris and Matt might have something to - else to say on this matter. I've been blathering away for ages. I'll shut up now.

James Bladel: No, thanks. No. Thank you, Michele. I think that's really, really helpful.

So I think what we're hearing you say is that Nominet is probably at the top of the scale and .ie is at the bottom and then .eu is probably somewhere in the middle -- while effective, it's very confusing -- all the different options.

And I agree with you. They are changing that -- probably to look a little bit more closely - resemble what Nominet is doing. But Mr. Chaplow, please go ahead.

Chris Chaplow: Yes.

I was just going to throw the .es -- the Spanish one -- into the - into the pot. And of course that's a nightmare in paperwork and it's a while since I've done it now, because it's just - it's just a lot of trouble and we're far better keep away from them.

But as far as I know, you're looking at paperwork backup, we have copies of documentation -- you know, driving license and things like that -- and it takes about a month, if I tell you...

James Bladel: Ouch.

Chris Chaplow: I remember the Sedo Country manager talking about it at a - at a conference and talking about the aftermarket and saying that the aftermarket situation in Spain...

((Crosstalk))

Chris Chaplow: ...would be difficult to improve it, whilst it took so long to transfer a domain from one party to another.

So it might be an interesting one for us to follow up. And maybe I could try some experiments and get some up-to-date information, if we're not doing that anyway through the other working party.

James Bladel: Thank you, Chris.

And I agree. I think we've had some recent discussions internally about what's going on with .es and whether or not, you know, aftermarket transactions like this are still even possible with their new process. It's been very difficult -- very painful.

Go ahead, Matt.

Matt Serlin: Yes. Thanks, James. It's Matt.

Yes, I was just going to sort of pay back onto what Michele said twofold.
Number one, I think I agree with the TLD's that he...

((Crosstalk))

Matt Serlin: ...highlighted as being both on the sort of ease-of-use and then some of those that are a little more difficult.

Man: (unintelligible).

Matt Serlin: I'm sure there's more out there and I think I am - I will (unintelligible) my team to see if maybe they've got some examples to hold out.

But secondly -- and it's too bad that I don't think...

((Crosstalk))

Matt Serlin: ...on the phone - that, you know, it'd be my contention that any...

Chris Chaplow: Matt, somebody's got...

James Bladel: Matt, can we interrupt you for a second, because you're - it's very hard to hear you.

Can we ask everyone to please put their line on mute if you're not speaking, so we can hear Matt.

Man: Okay.

James Bladel: Thank you.

Mikey O'Connor: And Gisella can you jump in on the call and see which line is causing the trouble and mute it, please?

Matt Serlin: Oh, that's much better.

Gisella Gruber-White: (Unintelligible), Mikey. Sorry.

Matt Serlin: Thanks, guys.

Yes. No. So I was just saying twofold I -- I myself agreeing with Michele on the TLD's that he highlighted. And I would imagine that there are others out there that fall into the generally good ease of use and understanding.

But then secondly, you know, I do think that whatever process we come up with here, it's my contention and belief that it needs to actually be a registry-level process so that the ones that Michele highlighted -- both in the case of Nominet and the case of URID -- are run and managed by the registries.

So it would be my preference that when we talk about this stuff that we factor that into the conversation as well. Thanks, James.

James Bladel: Okay.

I'm being told that it's my line that has the interference, which is strange, because I'm in a...

Michele Neylon: You...

James Bladel: ...silent room with the door closed.

Michele Neylon: You sound - you sound fine.

Mikey O'Connor: (Unintelligible)...

James Bladel: Yes.

And I have been muting....

Mikey O'Connor: (Unintelligible) you're speaking French.

James Bladel: No.

And I have been muting when others are speaking, so I'm not really sure if that's - oh. Anyway, thank you Matt. That's good info. And I think - I think we need to discuss that registry-level process or this registrar process, because registrars have their own existing processes as well that currently don't involve the registry.

Or perhaps, you know, because it's ICANN, you know, we might see something along the lines of our existing transfer process wherein both the registry and registrar - both registrars and the registry are involved in the, you know, in the transaction.

But, you know, we want to balance that with this desire to keep it simple and keep it scalable and all the other concerns that I think that we've addressed. But I appreciate your offer to poll your team.

I think if -- for those of you who aren't familiar, Matt's registrar works with more country codes than I can imagine. Because of their particular business model and the clientele that they serve, they have a country code experience coverage that is probably unmatched in the industry.

So - but would - I think we would all really benefit from any advice or guidance that your team would provide on that.

Matt Serlin: Yes.

I will take the action item to circle back around and have something out to the list either later this week or early next.

James Bladel: All right. Thank you.

Chris, is that a new hand? If so, go ahead.

Chris Chaplow: No, sorry. I've left up from before. I'll take it down.

James Bladel: Oh, okay. Thank you.

And Michele, is that a new hand? It never is. Or it never - it never is an old hand with Michele. Go ahead.

Michele Neylon: No, it's a new one.

Quick couple things. I think it's great Matt's looking to do - is looking to poll his team and that's absolutely fantastic. I'd also ask Simonetta to do something on her end as well, because I know they deal with quite a few cc's.

It's a - the question, I suppose, is just simply if Simonetta could ask her colleagues, you know, which of - which of the cc's, you know, how can I word this diplomatically?

Which of the cc's make transfers and updates of two domain names easy, workable and secure, because I think this is another thing as well that we'd - that must be - must be emphasized at all times.

Ease of use -- yes. We obviously want that. Automation -- we want that. Yes. But you don't want to end up in a situation where we're pushing - we're

pushing something along and actually making it more insecure. You know, you need to get that balance right.

The other thing was - yes, the solutions I've mentioned have all been because most ccTLD's hand - are kind of managed like a Tripartite contract, where there is an - there is a contractual relationship of - at some level between the - between the registrar and the registry, between the registrar and the registrant and between the registrant and the registry.

God, that's a mouthful. But there's - but there's a - there's a multiple contract there, whereas in the case of a lot of gTLD's, the contract -- now, some lawyer can jump in and beat me over the head.

Do we have any lawyers on the call or is this a lawyer-free zone? I think it's actually a lawyer-free zone. Oh my god. Oh no, Phil Corwin's there.

You know, but the contracts are much flatter. The - there's a contractual relationship primarily between the registrar and the registrant and between the registry and the registrar.

There isn't - there isn't as much of a - of an -- I don't know what the word I'm looking for here is -- an overlap, a cross-filtration, whatever, between the registrant and the registry, except in the case of sponsored TLD's.

So that's an area which - of extra complication or lack of complication, depending on which way you look at it.

The other thing as well, of course, is that the biggest registries are both thin. So there's no point asking VeriSign at the moment to do - to deal with a change of control, because they don't have any of the data.

So that's an elephant. That's the huge, big, humungous elephant in the room, James -- who works for GoDaddy and I shouldn't talk to about elephants.

Thanks.

James Bladel: Yes. Thanks, Michele. And I appreciate how your humor is always cutting in my direction.

No, you're correct that change of control events right now are invisible to the largest registries. And I think that probably our secondary market representatives will tell you that that's also where a lot of the change of control activity is occurring.

So that's going to be one of the challenges to this.

Go ahead, Matt.

Matt Serlin: Yes, thanks James.

No, I was - I don't know that it's ever happened before, but I find myself in the second time in an hour wholeheartedly agreeing with Michele. So I just wanted to - I just wanted to say that that's an - actually a very good point.

And I think - well for those of you that don't know on the call, the issue of the Thick Whois has been - in common, that has been batted around and I understand it's now been delayed.

Is that right, Marika? The GNSO kicked the Thick Whois issues report down the road, if I recall correctly.

Marika Konings: Yes. This is Marika.

They're expected to take a decision on that in Costa Rica-- their next meeting.

Matt Serlin: All right. Cool.

But Michele brings up a very good point that should at least be one of the considerations we have as we - as we go through this process.

James Bladel: Thanks, Matt.

And I see that Mikey is lending his own sense of humor with all of the symbol functions in Mind Map. So hopefully we can capture that in the final report.

Well, we have just a minute left in our call. So maybe this is a good point to put - to pause and talk about our discussions here on our next call.

So I'll give Simonetta the last word here, but I just wanted to mention that we - I - we can't close this topic until we meet with the ccNSO. But we should at least look for some sort of a checkpoint where we can stop and then circle back to it after Costa Rica, because we certainly don't want to burn all of our meetings between then and there talking about these issues -- and I think we could. I mean, there's just so much variety out there.

But go ahead, Simonetta. And then we will close the call for today.

Simonetta Batteiger: Well, I was - my point was a question more than a statement. And I was on this topic of Thick versus Thin as a - from where - what you know about the - where the process is right now. Is there any reason to assume that this is going to change?

Or does the fact that it currently exists mean that whatever solution we come up with either really can only be something that only the registrars can do, because that would be the only way to design one policy that (unintelligible) with what the TLD is?

Or is it reasonable to assume that maybe this is going to change and that an ideal process can be designed that takes into account that each of the registries -- including the big ones that are currently Thin -- will be able to play a role in this?

James Bladel: I mean, that's a great observation.

My off-the-cuff response, Simonetta, would be that the fact that we have two very large, very active Thin registries means that we can't have an exclusively registry-led process here -- that the registrars will have to play some involvement if -- it may not be total, but I think they have to be involved through this process and that we can't completely just, you know, punt this over the wall and say, "This is a registry function," which some of the country codes, I think, would say that that's the best way to handle it.

Any other thoughts or comments or questions here? I think we will take up this discussion...

Michele Neylon: We have to mention that...

James Bladel: ...next week at this...

Michele Neylon: ...you're a - you're a - you're wonderful at chairing, James. And you're a very good sport.

James Bladel: Well, you know, you've got to - you got to get - find your fun somewhere. And for some of us, this is a - this is a hobby and a pastime. But let's pick up the conversation here next week, as well as some of the follow up items that we've identified. And certainly appreciate Matt's offer to poll his team. I think that he's probably got some expertise that we can tap into to help our discussion.

So thanks everyone and we'll talk to you next week.

Michele Neylon: Thanks, James.

Man: Thanks, James.

Matt Serlin: Thank you, James.

Woman: Thank you (unintelligible).

Mikey O'Connor: And thanks, James.

Man: Thanks.

Woman: Thank you, (Ricardo).

END